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Chair: Mr. Bob Bratina



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• (1110)

[English]

The Chair (Mr. Bob Bratina (Hamilton East—Stoney Creek, Lib.)): I call the meeting to order.

We have quorum. We are able to move ahead. We have witnesses ready.

I start, of course, by acknowledging that in Ottawa, we meet on the traditional unceded territory of the Algonquin people. All of us in our own territories will have other acknowledgements. In my case, I'm on the Haudenosaunee, Anishinabe and Chonnonton first nations' traditional territories.

Pursuant to Standing Order 108(2) and the motion adopted on April 29, 2021, the committee is continuing its study of enforcement on first nations reserves.

To ensure an orderly meeting, participants, speak and listen in the official language of your choice. Choose, with the globe icon at the bottom centre of your screen, the language that you want to use. You can have “Floor”, “English”, or “French”, so make that selection. Once you begin, if you do switch in speaking from English to French, there's no need to make any other adjustments; just continue on. Make sure that your video is turned on, and please speak slowly and clearly. When you are not speaking, your microphone should be on mute.

Pursuant to the motion adopted on March 9, 2021, I must inform the committee that Connie Lazore, Reginald Bellerose and Deborah Doss-Cody did not complete the technical pretest.

With that, we move now to the group of witnesses.

We have Brooks Arcand-Paul on behalf of the Indigenous Bar Association in Canada.

The Clerk of the Committee (Mr. Naaman Sugrue): Mr. Chair, I have to interrupt you. You've become muted, and I'm not able to unmute you right now.

The Chair: How does this sound? Antidisestablishmentarianism.

Did that work? How's that, Mr. Clerk?

The Clerk: Yes, I just heard that.

The Chair: For the interest of those participating, on the official parliamentary headsets that were distributed, there's a selector on the wire. If it falls underneath my arm and I land on it, it cuts off the microphone. You might be aware of that too, because it does happen occasionally, and I apologize for that happening just now.

Also with us is Chief Connie Lazore of the Mohawk Council of Akwesasne. Representing the Tla'amin Nation, we have Derek Yang, director of community services, and Murray Browne, lawyer. Also with us are Chief Reginald Bellerose and Leon McNab, justice coordinator, on behalf of the Touchwood Agency Tribal Council and its peacekeeping program.

Thank you all.

Chief Lazore, if you're ready, I'll ask you to begin with a six-minute presentation to our committee.

Chief Connie Lazore (Mohawk Council of Akwesasne): Thank you, Mr. Chair.

Good morning, everyone.

Shekon.

Hello.

My name is Connie Lazore. I am honoured to be a Tsi Snaihine District Chief of the Mohawk Council of Akwesasne.

Nia:wen for the opportunity to speak to you today on a topic that I have always been interested in: first nations enforcement. I have spent much of my political career—which is nearing six years, ending my second term—working to improve the enforcement within the Akwesasne Mohawk Territory. I'm currently completing my second three-year term and currently hold the justice and public safety files.

Akwesasne has a territory that straddles an international border divided into northern Canada and southern U.S. portions. We live in a multi-jurisdictional area. I am a representative of the northern portion, which has two provinces: Ontario and Quebec. Our community has three districts separated by the U.S. portion, which is not contiguous to the mainland Canada. We must provide services in triplicate to our community members efficiently within a community of 13,000 members.

While I'm sure you can appreciate that following the laws of one province can at times be challenging, we are expected to follow the laws of two provinces, which at times can be quite difficult.

Akwesasne needs to be able to enforce our community laws in a manner that is acceptable to the community and will honour their traditions of the past through meaningful restorative justice principles in order to bring a balance to our first nation community. We need to build our compliance program in order to meet that need.

Today I will speak to the enforcement of bylaws and community laws in my community.

Our police service has a complement of 39 officers and serves approximately 13,000 members within in the northern portion of our territory of Akwesasne. The police service enforces offences in Ontario and Quebec, including Criminal Code offences, highway traffic offences and Quebec highway traffic offences, as well as community laws and bylaws. While our service may enforce Canada's laws, we struggle with compliance to community laws because we lack personnel and funding. We need to establish a larger compliance program to complement our police services.

Akwesasne has its own Akwesasne Mohawk Police Service, a compliance program and its own Akwesasne Court. The police service was established in 1970. The compliance program was established in 2007 and was under the Akwesasne justice department to ensure the compliance of community laws. The court was established in 1965 and continues to this day by virtue of a community law that is the first of its kind.

When we talk about jurisdiction, Akwesasne has always exercised and will continue to exercise our inherent right to self-determination. We will continue to govern ourselves.

Indigenous Services Canada has had and continues a moratorium on the appointment of the Indian Act's section 107 justices of the peace. Akwesasne has appointed inherent right justices to the Akwesasne Court. We currently have 10 members of our community in training for justices. Funding was provided through the Department of Justice Canada to offer online justice of the peace training delivered by the Canadian Institute for the Administration of Justice.

Adjudication and enforcement of Indian Act offences in Akwesasne law is a responsibility to the community of Akwesasne under the jurisdiction of the Mohawk Council of Akwesasne. We take our responsibilities seriously. Our community does not want to go to outside courts, especially for hearings under our community laws. Akwesasne laws reflect community culture principles, which may not be within the same framework as the Canadian jurisprudence. Our laws are based on restorative justice principles, which restore balance back to the community for both the victim and the offender, versus the penal system of incarceration and punishment.

• (1115)

The Indian Act, section 107, allows jurisdiction for four Criminal Code offences in Akwesasne, and it must continue. They are common assault, cruelty to animals, vagrancy and break and enter. These offences have been heard in our courts by our section 107 justices in the past, yet we are negotiating the right to do this now. These four Criminal Code offences must continue to be part of our system.

Our court, the Akwesasne Court, was started in 1965 under section 107 of the Indian Act. In 2015, we developed the couples property law. It received federal recognition that all matters will go to the Akwesasne Court to be heard. That law came down as part of a response to Canada's law in giving us the opportunity to create one.

In 2016 we created, developed and passed the Akwesasne Court Law. That was approved by our community members under our inherent right.

In 2018 a technical working group made up of the Department of Justice Canada, the departments of justice and Indian affairs of Quebec, and MIRR and MAG of Ontario made a recommendation for a reasonable and incremental approach to recognize the jurisdiction of the Mohawk of Akwesasne and to enforce Akwesasne legal instruments through the Akwesasne Court and through a negotiated quadripartite stand-alone administration of justice agreement, which we are currently still working on.

The Akwesasne Court is fully functional, with 90% of staff being indigenous. Akwesasne has established a justice system that includes programs and services such as court services, Gladue services, restorative justice programs, community justice, native court workers, probation and parole services, law enactment processes, an appellate division with our Council of Elders, and youth probation and reintegration. There are native inmate liaison officers at the Ottawa-Carleton Detention Centre. There are a few more to add to that list.

This exists at the expense of the Mohawk Council, which is our community funding. It's time that sustainable funding be provided as a multi-year agreement.

Regarding the multi-jurisdictional table on the administration of justice, as mentioned earlier, in 2016 a technical working group on the administration of justice was given a mandate to submit a recommendation to recognize the Akwesasne Court. I mentioned earlier who those representatives are. The recommendation is for recognition through a stand-alone administration of justice agreement between the Mohawks of Akwesasne, Canada, Ontario, and Quebec, recognizing or agreeing upon specific substantive and geographic jurisdictions of the Mohawks of Akwesasne that would be enforced through the Akwesasne Court, based upon the existing legal regimes of each party.

The Chair: Chief, are you close? We have a six-minute suggestion, and we're up to eight.

Chief Connie Lazore: I'm sorry.

The Chair: That's okay.

Chief Connie Lazore: With support from Minister Lametti, that table will continue to work.

We have legislative development and we have four years to exercise our inherent right to develop, approve and implement our laws in our community. Those laws—like every law that is created—are based on a need. We are currently working to approve our cannabis law, an emergency management act, the fire code and amendments to the election law. We need laws such as a child welfare laws, landlord/tenant laws, and education and language laws. Those will be next on our list.

What we need—

• (1120)

The Chair: Chief, can you please wrap up? We're almost at nine minutes.

Chief Connie Lazore: Yes, I will do my closing remarks now.

For Akwesasne, we require additional funding for our compliance program to grow from two positions to eight.

Our concept is that we now have our compliance officers under the umbrella of our Mohawk police services. Our capacity development looks to be our compliance officers, who will work in that area of having community members comply with our laws. Eventually, if they feel like it, they will move into the area of policing. We're building the capacity of our members to understand law enforcement to be prepared to go into policing. The underfill will be back in our compliance program.

For years we've been looking for funding to do this. In my mind, the best way to enforce our laws is by our people. We are looking in that avenue to build and even strengthen what we have now to serve our people. That requires funding, because we do have the capacity within. We created a 12-week training program for compliance officers and offered that to first nations communities.

The Chair: Chief, we're at 10 minutes now, from a six-minute suggestion—

Chief Connie Lazore: Okay.

The Chair: —so I'm going to have to move on. It's essential that you get your points across, and we appreciate that, but we also need to go through our rounds of questioning—

Chief Connie Lazore: Okay.

The Chair: —so perhaps other points will come up through that conversation.

Chief Connie Lazore: Thank you, Mr. Chair.

The Chair: Thanks, Chief.

I'll go now to Derek Yang, director of community services, and Murray Browne with the Tla'amin Nation. I hope I said that right.

Please go ahead for six minutes.

Mr. Derek Yang (Director, Community Services, Tla'amin Nation): Good morning, Mr. Chair, MP Rachel Blaney and committee members. Thank you very much for having us here today.

I and my colleague Mr. Murray Browne, the legal counsel for Tla'amin Nation—

The Chair: Tla'amin.... Is that right?

Mr. Derek Yang: Tla'amin. That's correct, Mr. Chair.

The Chair: Okay, I'll try better. Thanks.

Go ahead.

Mr. Derek Yang: Thank you. Before you today on the crucial topic of first nation law enforcement, I bring greetings and appreciation from our *hegus*, our chief, John Hackett, and the Tla'amin legislature. "*Hegus*" is spelt h-e-g-u-s.

My name is Derek Yang, and I am the director of community services for Tla'amin Nation.

Tla'amin Nation is a self-governing treaty nation with over 4,000 years of culture, heritage and knowledge here in the upper Sunshine Coast of British Columbia. I'm honoured to be representing the Tla'amin Nation today, along with my colleague.

The short story that we want to present is that self-determination is virtually meaningless without the authority and capacity to pass and enforce laws. Many federal and provincial laws, negotiating mandates, funding decisions and approaches to enforcement undermine or weaken first nation law enforcement rather than supporting and strengthening it.

My colleague and I will be responding to questions in our areas of knowledge. I will be speaking to operational issues regarding law enforcement activities in the Tla'amin's territory, while Mr. Browne will be speaking to legal, treaty and land code issues.

With that, I'm going to turn it over to my colleague, who will continue our opening statement.

Mr. Murray Browne (Lawyer, Tla'amin Nation): Thank you, Derek.

[*Translation*]

Greetings from the west coast of Canada.

[*English*]

Good afternoon, eastern Canada. *Emote* from Tla'amin. Thank you for the opportunity.

My name is Murray Browne. I'm legal counsel for Tla'amin.

Thank you for the opportunity. My name is Murray Browne. I'm legal counsel for Tla'amin.

Twenty-five years ago I began my reconciliation journey working for INAC in Les Terrasses de la Chaudière. Then I went to work for the BC Treaty Commission, and for the last 20 years I've worked exclusively with first nations. I've been on a 20-year journey with the Tla'amin to negotiate and implement their treaty. I also work with four other nations in advanced treaty negotiations and with over 30 first nations in the development and implementation of their land codes. I was also on the legal team for the Tsilhqot'in title case.

What we want to do this morning is to jump straight to our recommendations. I also want to acknowledge our MP, Rachel Blaney, who's been very supportive and very proactive in reconciliation efforts.

I want to determine whether the committee members have our written submissions. We were hoping to refer to them. I'll proceed regardless, but I want to say that in our written submission, we have a summary of recommendations. There are 14 of them, and if we have time afterward, we'll highlight some issues.

I'll go through them quickly.

First of all, there's a lack of stable funding. You've probably heard that from everyone.

Second, in our view treaties should require orders from the chief justice of all courts to confirm court enforcement of first nation laws. You shouldn't have to spend \$100,000 like K'ómoks did to just get simple confirmation that your laws are enforceable.

Treaties should confirm, upon request, that arrangements will be made with the Public Prosecution Service of Canada or the BC Prosecution Service to prosecute. We have the unfortunate situation that the Public Prosecution Service of Canada has said that it can only enforce COVID bylaws under the Indian Act. That's a nice step under the Indian Act, but it's problematic otherwise.

We need changes to the federal offence act and the BC Offence Act. They need to be amended to refer specifically to the authority of treaty first nations.

We need to confirm that treaty nation enforcement officers are peace officers without having to go to court to get this confirmation, provided they have the training.

We need to retain all of the authorities under the Indian Act as well as under the land code. One of the unfortunate aspects of treaty in British Columbia is that it's about taking away things from first nations. It's the opposite of what it should be. The minute Tla'amin walked through the treaty door, they lost their property transfer tax authority, FNLM jurisdiction to appoint their own justices of the peace, property tax authority to enforce issues by adding them to property taxes, etc. That's not the way that it should be.

I was really happy to hear the chief of the Akwesasne speak about appointing their own justices of the peace. Tla'amin had that authority under the land code. They do not have it under treaty, and we need to get that back so that they can appoint culturally appropriate justices of the peace.

We need to confirm the authority to evict drug dealers. It's a huge problem in first nation communities. Under land code, FNMLA, we pass a community protection law and we evict drug dealers. I've been involved in a number of those. The nation passes a law. We ask the RCMP to enforce. If they do not enforce, we hire private security and we pass a council resolution. We designate someone as a dangerous individual and we evict them. We also have other measures, for restraining orders and so on. They're hard to enforce, because the federal system thinks that you need a criminal conviction and court orders, and we can't get those. There has to be respect for first nations dealing with their community safety and protection issues.

We also need to think that enforcement is not only about prosecution. Much of enforcement is education, but it is also ticketing. Right now, first nations in B.C. do not have access to municipal

ticketing the way municipalities do. I don't know about other provinces, but we have to have ticketing enforcement, because it works. One of the things that really work in British Columbia and other provinces is that if I, as a non-aboriginal citizen, don't pay my traffic fines, I don't get my driver's licence renewed. That's a powerful and effective technique. Why don't first nations have that? If I don't pay my fines for illegal dumping, the municipality tags them onto my property taxes and sells my home. That's a good enforcement mechanism. First nations don't have that.

We also need to sort out issues with DFO. DFO is resisting efforts of Tla'amin to enforce their laws and protect their marine resources. Historically, the Tla'amin had traditional laws for protecting and managing their territory. They had bountiful resources until DFO came along and started mismanaging them. Right now, DFO is resisting Tla'amin's efforts.

I'll finish here. I know time is going to be running out shortly, but Tla'amin is an amazing, beautiful place where oysters grow in abundance. It's one of the few places in the world where you can drive through the park at Okeover and harvest a bucket of clams right from the beach. Tla'amin guardians try to protect that area. Unfortunately, DFO resists them. We have buses of tourists coming in, four busloads of 50 people each, tourists from Vancouver on a day trip, all overharvesting, taking all the oysters so Tla'amin can't get them. DFO will not support Tla'amin, and they in fact tell people that Tla'amin guardians have no enforcement powers.

I'll finish there. We have a number of other items that we could highlight, but those are some of our top 10.

● (1125)

Thank you.

● (1130)

The Chair: Thanks so much.

My sincere apologies for the pronunciations. In my particular area of the country, they're a little simpler—Seneca, Huron, Algonquin. For some of the west coast ones, I will really need to spend some time with Ms. Blaney to get them correct.

My apologies for that, and thank you for your presentation.

Chief Bellerose and coordinator Leon McNab, please go ahead for six minutes.

Chief Reginald Bellerose (Muskowekwan First Nation, Touchwood Agency Tribal Council): Leon, you can start.

The Chair: Mr. McNab, can you open your mike?

Your mike is still on mute.

Chief Bellerose, do you want to jump in, or—?

Chief Reginald Bellerose: Yes, and we'll get Leon going here.

Greetings from Treaty 4 territory.

I had an elder lift the pipe this morning for all of our work, and I usually say thank you for the prayer. In your system, you don't acknowledge that, but we did that on our own behalf in our area.

I thank all the speakers, and I greet the chief, the leadership, the MPs who are there, the committee.

Community enforcement is a big challenge right now in our area. There are a lot of poor RCMP relations. The community is dealing with an influx of crystal meth, so drug dealing—drug selling and drug buying—is basically at an all-time high. There are so many new things that communities, elders and people are not used to dealing with. Young children are walking around and waving their arms in the air, basically in a zombie state. They have scabs all over their faces. We try to walk around to go visit, but in our situation, we have shootings in broad daylight. It's not been a good situation.

In terms of enforcement, there's a gap right now between the community and law enforcement. One of the biggest problems we're dealing with in terms of law enforcement is high turnover. The community just gets adjusted to some officers, and then, boom, they're gone. They're always re-establishing relationships with the RCMP.

In some cases, there's poor response time and poor community relations.

The prosecution piece in the Indian Act is a big challenge. The BCRs from chief and council of the four communities are being laughed at because the people know that nothing can be done.

We're working hard to come up with our own solutions. We're not here to point fingers and say that you need to do this or you need to do that. What we ask for is respect and understanding of what our solutions are, because there's not one solution for all 600-and-some first nations in the country.

There's flexibility. There needs to be adaptability, flexibility, and understanding and recognition of who we are as first nations and first peoples of this land. We need to design, control and operate the enforcement function.

It's 2021. We don't need people coming into Muskowekwan, Kawacatoose, Day Star and Gordon and telling us how to run our affairs. The solutions are with us. On our end, we're working on getting well, getting healthy, getting back to culture and language and back to tradition.

These are some comments from me.

Thank you.

Leon, I'll turn it to you.

The Chair: Go ahead, Mr. McNab. I see that your mike is okay.

Mr. Leon McNab (Justice Co-ordinator, Touchwood Agency Tribal Council): Thank you.

Good morning to the people in the west. To people in the east, I guess it's good afternoon.

I want to, as part of this conversation, reiterate that we have a partnership we've worked on for many years. We work under a restorative justice program that started in 1997, and we came on board full time as a tribal council in 1999. We have tried to work closely with the RCMP creating partnerships. When we come to law enforcement, we need that involvement, and by “involvement”, I mean first nations committees and police management boards. They're very important. These are the people from the communities who relay issues and concerns to our local RCMP detachments. It creates a little bit of a closer working relationship.

I'm saying that in all parts of these developments, we need first nations involvement, close participation from our people. We know what's needed in the communities, as outlined by Chief Bellerose. Those partnerships are very important to us. We can address a lot of the issues that are there in jurisdiction, enforcement, prosecution and law development. Our communities are on the path of developing laws, but when it comes to the enforcement part of the first nation laws, we run into some problems with the prosecution. Again, work needs to be done there on developing a process that's going to benefit the work that's being done in first nations communities. For us, with targeted funding for enforcement, we need to look at self-administered policing, security programs, and community safety officers whereby we can have that involvement and promote safety in our communities.

The First Nations Land Management Act enables us to enact the laws that we have developed and enables us to work more closely in fulfilling the needs of our people in our communities.

I want to jump a little forward to the prosecution of first nations violations and tickets. We feel that when that time comes, it will enable us to enhance our programming financially, but I'll leave it there.

If we're going to be brought back on to be given an opportunity to speak again, a recommendation from us, the Touchwood Tribal Council, is the possibility.... We've been working and submitting proposals in the area of first nations self-administered policing. It's very important that we be able to fulfill wholly the safety needs in our communities through community safety officers working hand in hand with the RCMP. These are the programs, the things that we request funding for, and we have been doing it, in our case, for many years.

• (1135)

The Chair: Okay, Mr. McNab.

I'm sure that these matters will continue to be discussed as we go through our next hour or more of questioning, but I'll ask you to sign off at that point. Is that okay? Then we can get back to the questions in a moment.

Mr. Leon McNab: Yes, I'm fine with that.

The Chair: Thank you so much. I appreciate that.

Finally, we have Brooks Arcand-Paul on behalf of the Indigenous Bar Association in Canada.

Please go ahead, sir.

Mr. Brooks Arcand-Paul (Lawyer, Indigenous Bar Association in Canada): [*Witness spoke in Nêhiyawêwin and provided the following text:*]

Ahâw nitotemtik kiatamiskâtinawâw kâhkîyaw, nitikawin sipîyisis, kipohtakaw ohciniya.

[*Witness provided the following translation:*]

Dear friends, I am greeting all of you in a good way, my name is sipîyisis, and I am from the Alexander First Nation.

[*English*]

Thank you, Mr. Chair. My name is Brooks Arcand-Paul. My traditional name is Sipîyisis, which means "little river" in nêhiyawewin, my people's language.

[*Translation*]

I'm the vice-president of the Indigenous Bar Association of Canada. I'm also an in-house counsel for the Alexander First Nation. I'm here today to represent the Indigenous Bar Association and to discuss the important topic of law enforcement on first nations reserves.

• (1140)

[*English*]

As a practitioner on reserve, and having primarily first nations in Alberta as clients while in private practice, I am intimately aware of the issues that exist within the framework of enforcement on reserve in Alberta and certainly on the Prairies. I've been dealing with this issue regularly in my practice. The same problems are highlighted time and time again.

[*Translation*]

First, we must acknowledge that self-government and self-determination won't happen if we fail to address the elephant in the room. That elephant is Canada's ongoing paternalism towards its indigenous partners in Confederation.

[*English*]

Our treaties have given this country the authority to exist. Before those treaties were concluded, this very country recognized that my ancestors, and those of other indigenous groups who entered into similar relationships with the Crown, had decision-making capacities, including the application and use of our own legal systems that were never subordinate to any government in Canada.

Further, Canadian courts have repeated since Confederation that indigenous peoples continue to have the right to use their laws for

areas including, but not limited to, family law, adoption, and marriage, and have given deference to nations that enact their own laws and customs. For a piece of legislation such as the Indian Act or FNLMA to continue to exert paternalism is discriminatory. It is shameful for Canada to treat its partner in Confederation as incapable of making legal decisions outside the confines of legislation.

If we are truly intent on getting back to the relationship that was intended under our treaties and modern agreements, or as required on unceded territories, we have to reconceptualize what it means to recognize indigenous legal rights. If we're not doing a wholesale removal of the acts, we need to get creative in how we move forward together in a good way, as was intended when our ancestors both became beneficiaries of our continued sharing of the territories currently called Canada.

I will move to the next issue that first nations experience when it comes to the limited law-making rights afforded to them under the act. When a bylaw is *intra vires* a band council's authority, the most common and pressing issue remains enforcement—that police forces and the public prosecution services of Canada will not enforce these fully legal instruments under federal jurisdiction.

[*Translation*]

In terms of law enforcement, the first issue is the capacity of a first nation to draft, implement and enforce bylaws under existing regimes. It's expensive to draft bylaws. Many first nations don't have in-house counsel to assist them in drafting exercises to cover the many different layers that these bylaws must adhere to in order to be legally binding.

The issues may include, but aren't limited to, procedural fairness, privacy laws, human rights, charter rights and overall constitutionality.

[*English*]

Most recently, an RCMP detachment local to one of my clients stated that they are not able to enforce band bylaws on the reserve, with perhaps the exception of trespass bylaws, and that it was incumbent on first nations themselves to go through the onerous process of hiring an officer to enforce such bylaws. Additionally, the RCMP agent went on further to mention that some officers are not educated on how they could enforce such bylaws. However, I do want to highlight that there was an interest by the RCMP to assist in enforcement.

If they were given the tools to do so, first nations may be better suited to exercise the law-making capacities with the assistance of their neighbouring police detachments or through their own officers where applicable. This latter option obviously comes at the nation's own cost to draft bylaws; apply to become an authorized employer of an officer; purchase equipment, including appropriate vehicles, uniforms, firearms, etc.; and hire a fair complement of officers to ensure coverage to the nation. Many nations do not have spare funds to even consider engaging in these activities, as they have other pressing issues to deal with, including the ongoing demands of the pandemic.

[Translation]

Over the course of my work on these issues, I've been stonewalled by the Public Prosecution Service of Canada with regard to the enforcement of bylaws for first nations.

Mr. Richstone raised this issue before the committee the other day.

[English]

The public prosecutions office is not seized with the ability to prosecute these bylaws, which Mr. Richstone affectionately referred to as "community laws".

I would argue that such bylaws, formed under the act, are within the ambit of federal laws, given the first nations' stature within the federation. However, I would go one step further and recognize that Mr. Richstone was correct in his statement that laws passed by first nations should be attracted with the appropriate enforcement by all levels of law enforcement in Canada. Many of your agents are offering their willingness to do so, and I would further argue that they are trying to be good treaty partners in extending their willingness to enforce our laws. It is now your turn.

In sum, I make three major recommendations: a review of the bylaw-making capacities of first nations to amend the act to reflect that first nations have the authority to enact laws, not just bylaws; that such laws be adequately funded for first nations to develop and/or enforce; and finally, that such laws be enforced by those charged to do so, akin to the laws of other law-making jurisdictions in the federation, including your own.

Kinanâskomitin.

• (1145)

[Translation]

Thank you, Mr. Chair.

[English]

The Chair: Thank you so much for the presentation.

Mr. Clerk, I understand that Tribal Chief Officer Deborah Doss-Cody is with us. We'll have the presentation by Tribal Chief Doss-Cody, and then we'll continue right through for the entirety of our committee time with questions.

Ms. Doss-Cody, please go ahead with your presentation, for up to six minutes.

Ms. Deborah Doss-Cody (Chief Officer, Stl'atlimx Tribal Police Service): [Witness spoke in St'at'imcets and provided the following text:]

K'alhwá7al'ap nsek'wnúk'w7a. Dee Doss-Cody nskwátsitsa. St'at'imc, xaxli?i'pmeckan xaxli'p.

[Witness provided the following translation:]

Hello, friends and relatives. My name is Dee Doss-Cody. I am St'at'imc, from Fountain, crest of the hill.

[English]

Good morning, everyone.

My name is Dee Doss-Cody. I'm from the St'at'imc Nation and the Xaxli'p Fountain reserve.

I am the chief officer of the Stl'atlimx Tribal Police Service. We were established in 1988. We are a program-funded, stand-alone police service, the only stand-alone police service in the province of British Columbia.

Stl'atlimx nation consists of 11 communities, and the Stl'atlimx Tribal Police Service provides policing to 10 of the 11 communities in the Stl'atlimx nation.

The Stl'atlimx Tribal Police Service falls within two different RCMP policing jurisdictions in the Stl'atlimx territory. We are part of the Sea to Sky RCMP district as well as the Kelowna district, which is a southeast district. Our traditional territory spans both those districts. As you will note, communicating with two different entities and two different Crown options creates some challenges for the Stl'atlimx Tribal Police Service.

We are governed by the provincial Police Act in the province of British Columbia. We have an MOU with the IIO, the Independent Investigations Office.

Our police officers are trained at the Justice Institute of British Columbia. Our training is the same as the Vancouver city police service or any other municipal police service in the province of British Columbia. Our officers can apply to other agencies if they wish to go forward and resume their career with another police agency. We have the exact same training in the province, and we adhere to the same police standards in British Columbia.

We have entered into a 10-year funding agreement, which is a tripartite agreement with the 10 Stl'atlimx nation communities, the Province of British Columbia and Canada. The chiefs of the Stl'atlimx have signed that agreement, and that is how we came to be.

We do have a culture component to our policing. The Stl'atlimx nation has a declaration day, which was just a couple of days ago. In 1911, a declaration of the Lillooet tribes was signed. Every year, that day is recognized, much like Canada Day, if you will. Each time a new officer joins our police service, they are sworn in. The nation has created their own swearing-in ceremony. When we have a new officer, they are drummed in and welcomed in by the nation, and they then come and dance in. They are welcomed in by the nation as an acknowledgement of their choosing to join the Stl'atlimx Tribal Police Service. That is one of the things that we do.

The Stl'atlimx Tribal Police Service, as you have heard from the FNCPA, is not legislated. We are a program. We are funded as a supplemental service. We are not a supplemental police service; we are the police service for the Stl'atlimx nation, but we are funded with program dollars, and programs can be cut, so there's no sustainability. There's fear that if it's decided, we will no longer exist.

The St'at'l'imx Tribal Police Service has one of the highest Criminal Code stats in the province of British Columbia. We are second to the Victoria police service. We investigate everything from domestic assault and sexual assaults to serious motor vehicle accidents. We get assistance from specialized police services in the RCMP. If there's a fatal accident, we have them come in, or we have IHIT, the integrated homicide investigation team, come in if we have a homicide that occurs in our community. We do rely on the RCMP and we partner with them. We have a good working relationship. We are currently working on a new MOU with the RCMP so that it's clear to everyone what our roles are in our policing jurisdictions.

• (1150)

We do have restorative justice in our nation. We have utilized it. It is effective. Currently with COVID, it is challenged, due to the fact that people can't get together. That creates some issues.

Currently there are 12 police officers. We did receive extra funding to recruit four more officers, so we will be up to a total of 14. We did receive \$2.5 million in funding for a new building. There is a new building in the Mount Currie area. Another one is being built in the Lil'wat area.

We do not have cells. We utilize the RCMP cells when we arrest someone and bring them before a JP to attend court. Our travel police territory is 2.2 million hectares—that is 8,494 square miles or 22,000 kilometres. That is how big our territorial jurisdiction is. It is huge. We actually did an experiment where we patrolled the area to see if we could fit that in within one of our shifts. It took one of my officers a whole eight hours to go from one end of the territory to the other. And that's not stopping to go to the washroom, to eat, or anything like that. That is just driving through and being that body that the people see from here up, the police officer with no legs, if you will.

The Chair: Chief, we're just about at time.

Ms. Deborah Doss-Cody: Okay.

The Chair: Do you have a concluding remark or should we go to the questions?

Ms. Deborah Doss-Cody: We can go to the questions.

The Chair: I think you've not only given us—

Ms. Deborah Doss-Cody: Thank you.

The Chair: —food for thought, witnesses, you've given us a feast. I'm looking forward to the next hour as we go to our committee members.

For the first series of questions, Mr. Schmale, Ms. Damoff, Madam Bérubé and Ms. Blaney have six minutes each.

Jamie, please go ahead.

• (1155)

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brook, CPC): Thank you, Chair, and wow, what great testimony today. That is absolutely amazing, and somehow my camera has failed. I'm getting a failure notice. I don't know what happened.

Anyway, I'll continue. Sorry about that. I'm getting a failure notice on my Zoom.

I'm loving the conversation around potential solutions to some of the problems. If I'm hearing correctly, the government has been slow to respond to a lot of the problems. A lot of solutions could be found on the ground or at the community level if government—whether it be Ottawa or your provincial government—just gets out of the way and lets these communities solve things. Getting rid of drug dealers and other methods were mentioned.

I don't even know to whom I should address this question. I'll open it up. How would that work, in terms of the mechanics, if Ottawa or the provinces backed away and said, “Okay, we want to give communities the tools and the funding they need to either run their own police service or enact their own laws,” and then gave them the enforcement power to do that? How would that work with existing Canadian laws?

Again, I don't know who to open it up to, but I'm willing to listen to anyone who wants to answer.

The Chair: We have some lawyers here.

Mr. Jamie Schmale: Yes.

The Chair: Who would like to go ahead?

Go ahead, Murray.

[*Translation*]

Mr. Murray Browne: Thank you, Mr. Chair.

[*English*]

Thank you, and thank you to the honourable member for the question. I know the chiefs and representatives will have many suggestions. It's an interesting question.

The first part is the funding. If we had the funding and if the government stepped out of the way, that would get us a large percentage of the way there. However, we also need the legal authority.

In terms of the legal authority, we either need to find it under the Indian Act, the First Nations Land Management Act, a treaty or other arrangements. We have proposed, and probably Mr. Arcand-Paul and his group have proposed amendments to legislation. The federal offence acts could be amended to include all first nations as governments able to pass and enforce laws. We could get directives to the courts from the chief justices to enforce those laws. There are some technical steps, but as you say, most of what is needed is to provide the funding and step out of the way.

I'll stop there. Thank you for the question.

The Chair: Is there anything further?

Chief Reginald Bellerose: Yes. It's Reg Bellerose of the Muskowekwan First Nation speaking. Thank you for the question.

I think what we all have to realize is that this has been going on for us since treaty-making in 1874, so if this control comes back to us, it's not going to be perfect on day one. There needs to be a strategy not to say, "Okay, Indians, you have this now, and you've failed in the first day." There has to be some patience. There has to be a timeline put forward and an understanding that we're not going to be perfect right out of the gate.

Thank you.

[*Translation*]

The Chair: Mr. Arcand-Paul,

[*English*]

did you have your hand up?

Mr. Brooks Arcand-Paul: Yes. Thank you, Mr. Chair.

Thank you for the question, MP Schmale.

What we're looking at is that the Criminal Code isn't disappearing either. The Criminal Code has equal application on first nations reserves. What we're looking for is getting the ability to deal with our band resources, which are our homes, to be able to try to deal with and curb this activity. Chief Bellerose has the same situation as some of my clients, and certainly my client now has the same issue. It is a concern about having individuals who are effectively breaking the law but are not able to be dealt with appropriately on the nation.

When we're looking at solutions, we have to empower first nations to be able to do these types of things and to recognize that we have our resources, our inventories of band housing, that we have to deal with as well. It's not just that there is absence of the law on first nations; we just need to be empowered to be able to exercise it.

Mr. Jamie Schmale: Clearly, the enforcement....

I know that someone else has their hand up, but I just don't want to lose that thought about the enforcement.

I'm sorry that my camera is not on.

Would it potentially work better if more first nations communities investigated and had the funding to do it and the legal authority of potentially having their own police service...? Can you build on that?

Then I'll get to the witnesses who have their hands up on the other question.

• (1200)

The Chair: We have Ms. Lazore, Mr. Browne and Mr. Yang.

Ms. Lazore, did you want to respond?

Mr. Jamie Schmale: That's fine, Chair.

I wish my camera were on. It would.... I'll restart anyway. I'm sorry.

Chief Connie Lazore: Thank you, Mr. Chair.

I could probably comment on both questions.

I agree that we all need the funding, but it was stated earlier that all first nations are not at the same level of capacity in their communities and in their districts.

Here in Akwesasne, we've had a police force. We've had a compliance program. We have our own court. We develop our own laws. I don't see Canada as being able to hear and decide on our laws when they're not developed for them to hear. They're developed for our community. They should be heard by our justices in our court and adjudicated in the area that the law was developed for.

In my mind, funding is always going to be an issue until it starts to come to us. For us, we have a plan in place. We want to develop the compliance program—much as the safety officer title that was used earlier—to serve our community. When we can build trust within, these services will go a lot more smoothly, but right now Canada pushes their laws and Canada tells us in our self-government agreement that we must negotiate self-government. That's not the best place to do that.

The Chair: Thanks, Chief Lazore.

I think this is going to be picked up along the way by the other witnesses with their hands up.

I'm going to go to Ms. Damoff right now for six minutes.

Mr. Jamie Schmale: Chair, just quickly, before you switch to Ms. Damoff, I'm just going to restart my computer. I'm going to jump off and then you'll see me jump back on, because I can't seem to get my camera to work.

Thank you.

The Chair: Okay.

Pam Damoff, you have six minutes.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thanks, Chair.

Thank you to all our witnesses. It's rare that at committee you have all of your witnesses come to committee and provide recommendations. It has actually been really helpful to all of us, I think. I wish I had time to ask all of you questions, but I don't.

Chief Bellerose, we've spoken before. I know that the Touchwood tribal agency is working on or trying to get funding for a policing proposal. When we spoke, it was Chief Buffalo who talked about three people who died because of the lack of a peacekeeping program and how that would have allowed the community to do surveillance and liaise with community members.

I'm wondering if you could talk a bit about the peacekeeping program that you would like to run, but also, tying into that, how would the work that those peacekeepers are doing be enforced?

Chief Reginald Bellerose: Thank you, Pam. It's nice to see you.

If it's okay, I'll let Leon start. He's our lead.

Ms. Pam Damoff: Sure.

Chief Reginald Bellerose: If Leon can't, then I'll start and he can jump in.

Lives are at stake here. With a lot of situations, if it's not addressed properly, we get a bad day; in hours, people are going into the grave. The gap I was talking about from the community to the RCMP in our area is wide. What can we do to bring that closer and closer? Peacekeepers are one solution for us.

Ms. Pam Damoff: Could you touch, though, on how the work they're doing would be enforced? They go out and say there's an issue with a house party. The peacekeeper arrives and says, "We need to break this up", but then the people ignore the comment. How do you enforce the work that's being done?

Chief Reginald Bellerose: The enforcement piece is our challenge right now, and the court of competence. If there need to be tickets, right now they would have to be done through the RCMP. I'm very happy to hear that some of the first nations are actually into policing and can issue the tickets and are making arrangements with provincial courts. The solution is not one piece. It's enforcement, judicial, courts, parole—the whole system.

Leon can supplement.

Mr. Leon McNab: As a supplement, we've worked closely with our RCMP and created positive working relationships. In the case of community safety officers handling some of the issues and concerns in our communities, it has to be through partnership and working hand in hand with the RCMP. If it's self-administered, then we need to cover a lot of these issues and concerns. Through our police management boards, our people are self-administered police officers who address and know how to handle a lot of the situations, issues and concerns that are ongoing in our communities.

• (1205)

Ms. Pam Damoff: Thank you.

As you know, Public Safety Canada and Indigenous Services are actually doing consultation. Both ministers have in their mandate letter to work in partnership with first nations communities to designate policing as an essential service.

I'm really impressed, Chief Lazore, at just how advanced you are in terms of your criminal justice system, from policing to courts—all of it—and for some time.

Chief Doss-Cody from B.C., thank you for your testimony. You're obviously in a different place, and Chief Bellerose, you're in a different place.

I guess my question to the three of you is this: Do you think the government should be providing funding to build capacity in communities?

I think, Chief Lazore, you could be providing a lot of advice to other communities, but you need the time and resources to be able to do it. Everyone is at a different place.

To your point, Chief Bellerose, you want to put yourself in a position to succeed. I'm wondering what you think about providing funding for that capacity building.

Chief Reginald Bellerose: I think one of the first things we need is community engagement.

I've been a chief for about 830 weeks. That's a little more than 16 years. It comes from the people. I can't come here and say, "This is what to do." That capacity is definitely needed, but what we need to do is go back to the root, to the power, which is the people. The people have the power in treaty territories and Indian country.

What we need to know is how to go and talk to them. Right now I will tell you, because of the colonial system and what's imposed, there's a lack of trust, especially toward first nation leadership. For us, we need to also regain that trust, because we're the ones answering for you guys. It's not government—

Ms. Pam Damoff: I'm going to stop you, Chief.

I only have about 30 seconds left and I would love to hear from Chief Lazore, if I could, Chair.

The Chair: Yes. Go ahead, Ms. Lazore.

Chief Connie Lazore: Thank you, Chair.

As part of capacity building, Akwesasne has put proposals forward to increase our compliance program. Instead of receiving funding to do that, Indigenous Services Canada gave us funding to develop and host a 12-week compliance training program for other first nations. We did that. We still saw no funding for our program.

We also created and delivered a justice conference for law development. We had other first nations come to Akwesasne to do that, so we have been sharing our resources and our knowledge with other first nations and we will continue to do that when asked. We always—always—will help, but funding, again, is the issue.

The Chair: Thank you, Chief.

Chief Connie Lazore: Thank you, Chair.

The Chair: Ms. Bérubé, you have six minutes. Please go ahead.

[*Translation*]

Ms. Sylvie Bérubé (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Thank you, Mr. Chair.

I want to thank all the witnesses today for their participation, their good recommendations and their testimonies.

I'm on the traditional territory of the Anishinabe Cree people of Abitibi—Baie-James—Nunavik—Eeyou.

Chief Lazore, could you finish your presentation, please?

[*English*]

Chief Connie Lazore: Was that on my first answer? When I spoke earlier, I believe I was speaking about the enforcement of our laws and the restrictions of Canada.

As mentioned, we have to deal with two provinces when we talk about Canada laws. When we're talking about the jurisdiction of our court, we have to sit and negotiate with the province. I don't think we should be negotiating with the province.

I find it difficult when you talk about a self-government agreement for us to govern ourselves. With every issue we have, the provinces come in to negotiate, not the federal, yet it's the federal department that is responsible to us. We struggle with trying to get our self-government agreement, because there are so many mechanisms in there. Even education became the province. Justice is the province, and it's two provinces, not one.

We're fortunate that the ministries have come together to talk about an agreement that sees us coming together and recognizing our court. We talked earlier about the reciprocity of our orders. Just the way the provinces respect the orders of each other, our indigenous courts' orders should also be respected and allowed to happen.

Community development laws are for our community, not for the rest of Canada, so they should be heard in our courts, and Canada should not have any authority over how we develop them, if we develop them, and if they are sanctioned and approved. It belongs to each community to do that and to enforce them as well.

Today we look for the funding to pull all this justice system together to work for us—not for Canada but for us, for each respective community.

Thank you. I hope that answers the question you wanted me to elaborate on.

• (1210)

[Translation]

Ms. Sylvie Bérubé: Would you like to add anything else, Chief Lazore?

[English]

Chief Connie Lazore: Thank you for asking.

I would like to acknowledge that we are all different. While we are all indigenous, we are all at different levels of trying to protect our communities and keep them safe. That's our responsibility as leadership.

What we need from Canada and the province is to work with us to do that, not to become the barrier. We're all at a level where we can appreciate, respect and honour each other, and that's what we need to do so that when we talk about recommendations, they're heard fully. That is my recommendation. We need to exist in this world together, in these provinces and this country. Allowing us to govern ourselves in a more respectful way, especially when it comes to justice and the way we deal with our community members, needs to be at the forefront of decision-making.

The Chair: Thank you.

[Translation]

Ms. Sylvie Bérubé: My question is for Chief Doss-Cody.

Are you having trouble recruiting new police officers?

[English]

Ms. Deborah Doss-Cody: Yes, we do. We are competing with the likes of Surrey, which, as you're aware, has created a new police service. We're competing with the Surrey police service and we're competing with the Vancouver police service. We are the second-lowest-paid police service in Canada, and in British Columbia, we are the lowest-paid municipal police service.

We have tried numerous things to attract recruits. We have joined the municipal pension plan. We are going to be having our grand opening. We'll be inviting APTN out so that they can do a video clip and we can put a plug in there to recruit. It is very difficult when you're competing with agencies that are paying their first-class constables \$107,000 annually and you're providing \$86,101 for a first-class constable. As well, we're a program. We're program-funded versus being essential, for which funding is sustained and it's there.

It definitely creates challenges for recruiting when you have someone who is looking to enter policing as a career and they don't know whether, at the end of the 10-year agreement, their career will continue.

Those are the challenges we're faced with.

The Chair: I think that's time, Madam Bérubé.

Ms. Blaney, you're next. I'm going to ask Mr. Vidal to take the chair. Mr. Schmale's camera hasn't come back on again. He's our vice-chair.

There you are, Jamie. It's good to have you back again.

Mr. Jamie Schmale: Thank you. I don't know what happened.

The Chair: I'm going to have to Zoom out and Zoom back in again to correct a technical problem. The translation is troubling in my headset because it's equal volume and the only way to solve it is to go out and come back again.

Ms. Blaney, you have six minutes, and Mr. Schmale, please take over as vice-chair.

The Vice-Chair (Mr. Jamie Schmale): Thank you, Chair.

• (1215)

Ms. Rachel Blaney (North Island—Powell River, NDP): Thank you, Vice-Chair. It's nice to see you in that seat; it's a little bit different.

First of all, I want to thank all of the witnesses. I appreciate your testimony.

Today my questions will be directed towards Mr. Yang and Mr. Browne. I want to assure you both that your written submissions are most likely going through translation right now, since they have to be delivered in both English and French, and I'm sure we will all have them very soon. I hope that you will pass on my thanks to the *hegus* and the legislators for sharing your valuable time with us today.

My first question, and I leave it to both of you to decide who is the best to answer, is this: Could you please explain why federal negotiations haven't supported Tla'amin's requests to negotiate an enforcement agreement as set out in the treaty process, and of course in the treaty itself?

Mr. Murray Browne: Thank you very much, honourable member.

I work with Tla'amin on treaty negotiations. The problem is implementation. We sit down and we negotiate something at a treaty; it's not perfect, but it's constitutionally protected. Then we try to activate it, and we look around and see that the negotiators have gone on to another file. We have a real problem with implementation.

On the provincial side, they have appointed implementation managers; we can pick up the phone and call them. The federal government sort of has that, but not to the same strength.

Mr. Yang may want to talk about a provincial side. We're having detailed discussions with the province on having highways authority to deal with speeders racing through the community. We just haven't had that level of engagement yet on the federal side. I'm hoping that we will.

I hope that answers your question.

Ms. Rachel Blaney: Thank you. That is extremely helpful.

I of course heard testimony about the overharvesting of shellfish, and that is definitely a significant concern. Could I get some more thoughts on what you think needs to be done to encourage DFO to co-operate with Tla'amin on enforcement? That is key. We hear again and again from constituents across the whole riding that there are not enough DFO folks on the ground doing the work. We see guardian programs starting across many nations, but of course the level of enforcement is simply not there.

Could you talk about what next steps need to be done to encourage DFO to understand these roles and how important they are?

Mr. Murray Browne: I'll make a few comments and see if Mr. Yang wishes to add to them.

First of all, there's no treaty funding for enforcement. It's a blank. It's a gap in the treaty. Tla'amin is consistently rejected for guardian funding. We apply under the guardian program and we don't get it, so Tla'amin has to take money that could be used for urgent housing, education, health, and social needs and hire its own guardians with money it doesn't have. That's problem number one.

Problem number two is there are many fine folks at DFO, but as an entity, I'm sorry to say, it's trapped in the colonial history. It's racist, it's arrogant, it's defensive. It does not work with first nations. It's anti-reconciliation. I can give you many examples of that. DFO consistently breaks the law. They do not follow the treaty;

they do not follow the basic law set out by the Supreme Court of Canada to put conservation first, followed by aboriginal and treaty rights. They think it's their job to provide opportunities for sport and commercial fisheries, and the resources be damned.

I'll give just one quick example. The name for the Tla'amin village is Teeshosum. That means "waters that are milky white from herring spawn". That is because, for thousands of years, Tla'amin managed that herring fishery and kept it sustainable to feed their people. DFO came into the picture and wiped out that stock because they, in their arrogance, decided that it was part of an aggregate stock, not a local stock, and that they could authorize commercial harvests on it. Tla'amin stopped fishing, but the stock is gone. That's part of the many issues with DFO.

Going back to the enforcement aspect, what I see is that DFO, as a culture and as an entity, thinks that they can do it better and they don't want anyone else to do it.

I'll ask Mr. Yang if he has comments.

Mr. Derek Yang: Thank you to my colleague, Mr. Chair.

Thank you, Ms. Blaney, for that question.

I think one of the biggest challenges, as pointed out by my colleague, is the lack of willingness by DFO to engage in a productive and progressive manner with indigenous communities, such as Tla'amin, to enforce natural resource protection laws.

The other challenge, it seems, is the lack of willingness by DFO to cross-designate our enforcement officers to take some of those initiatives off their plate. If there's one thing we can speak confidently on, it's that DFO fisheries officers are an under-resourced federal enforcement body.

For our region, the qathet Region, there are only two or three officers at any given time, and they have a large area to patrol. That's the same in a lot of other parts of Canada. They do not have the physical ability to patrol and enforce their mandate, let alone serve the desires of Tla'amin Nation or other indigenous communities to protect their resources and their traditional practices.

I think if there were clear direction by the government to DFO for them to start engaging with and working with nations to enforce and protect natural resources, that would be a very good start. As well, the push from the government to the ministry to start cross-designating and funding indigenous guardian programs that are well within the act, as well as treaty sections within the Fisheries Act itself, would will be very good starts.

• (1220)

The Chair: Thank you very much.

We're going now to a five-minute round of questions. Mr. Viersen, you're up first.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Thank you, Mr. Chair.

I want to thank the witnesses for being here today.

I want to start with Chief Lazore. She talked in her opening remarks about section 107 and how the experience had changed over time. I was wondering if she could expand on that a little bit more.

Chief Connie Lazore: Thank you, honourable MP.

What happened was that Indigenous Services had decided they were no longer going to appoint justices of the peace. With that moratorium put in place, we did have, I believe, four. We were down to two, and we have one left. We required justices to sit in our court. We decided to take the inherent right component, as we did with the development and approval of our laws, because, again, Indigenous Services stopped approving bylaws. We needed laws to govern ourselves.

With that said, we decided to appoint justices of the peace. We put them through the training that, at the time, was available for them. We've had two sitting inherent right justices since then who have been hearing cases in our court. Today we have 10 in training to be justices of the peace.

We have been continually moving forward. We've been continually exercising our self-government and our inherent right.

We have heard in our court the four offences in the Indian Act that I identified earlier, but today we sit and negotiate that with part of our self-government agreement, because it's in the Indian Act.

If we have to negotiate that, to my mind that doesn't make sense, because we already have it. We're doing it. The provinces turn around and tell us we can't do that either, but it's in the Indian Act. Are we not working to be more independent of the Indian Act?

For us, we have been hearing it. We want to continue hearing it. We've had some cases very recently that probably should have gone to our court, but we sit here negotiating that, and it becomes very difficult.

We have to keep moving forward. We have justices in training and we have justices sitting in our court. As everyone else has said today, we require the funding. We've been carrying this court and all the needs of it for almost 60 years. For 57 or 58 years we've been carrying that.

Mr. Arnold Viersen: Is that court in northern Alberta? I'm not familiar with any first nations courts. Is that court unique in Canada in your situation?

Chief Connie Lazore: Here in eastern Ontario and western Quebec, it is, yes. I believe that the Mohawks of Kahnawake also have a court. However, ours is all indigenous, except for one person. I believe our prosecutor is not indigenous.

Mr. Arnold Viersen: Brooks, have you come across anything similar to an indigenous court of any sort in Alberta?

• (1225)

Mr. Brooks Arcand-Paul: No, there is no similar kind of court in Alberta yet. I know that there is some discussion about getting that off the ground. However, to date, those are the only ones—those ones on the east coast—that we know of that do practise that full jurisdiction and that inherent jurisdiction. There are other nations that are looking to do that. I think the court you're talking about is specifically just in the Cree language. It still uses the same framework as the provincial court system.

Mr. Arnold Viersen: In Alberta, we have a pretty robust police force—self-policing—but not necessarily court jurisdiction. Would you agree with that?

Mr. Brooks Arcand-Paul: Yes, although with those situations, it's mostly in southern Alberta, where there are a lot of police forces that first nations have put in place themselves. In central and northern Alberta, there aren't as many. It's mostly the RCMP that occupy the field, particularly if they have policing on their first nations. They have the actual RCMP detachments located within their nations.

However, when it comes to judicial prosecutions, we're running into that issue. That's been a constant issue even for those that do have their police forces in place, but it's less so there because they do have those agreements with the province.

Mr. Arnold Viersen: What you're saying is that they're able to act on most of the band laws in provincial court.

Mr. Brooks Arcand-Paul: Yes.

Mr. Arnold Viersen: That's extremely interesting.

The Chair: You're just about there, Mr. Viersen.

Mr. Arnold Viersen: All right. I will leave it there.

The Chair: Thank you.

Mr. van Koeverden, you have five minutes.

Mr. Adam van Koeverden (Milton, Lib.): Thank you very much, Mr. Chair.

Thanks so much to all of the witnesses today. I know that everybody has already said this, but it's been extraordinarily insightful and helpful today, so we appreciate your testimony.

My name is Adam, and I'm joining you today from the traditional territory of the Haudenosaunee, the Huron-Wendat, the Attawandaron, the Anishinabe and, most recently, the Mississaugas of the Credit First Nation.

I just want to reiterate how helpful and insightful your testimonies and insights have been today.

In looking through budget 2021, I see that there's an extraordinary amount of money being invested over the coming five years in first nations policing. I would love some reflections from you, as experts and people in this field, on how this \$861 million over five years, beginning this year, including \$145 million per year ongoing, will respond to and contribute to supporting culturally responsive policing and community safety services. I hear loud and clear that funding is one part, that getting out of the way is important, and that providing space for deeper self-governing law-making and legislation are all very important.

I would love to hear from anybody.

I see, Mr. Yang, that your hand's up already, so perhaps you'd like to go first, and Mr. Browne can follow.

Mr. Derek Yang: Thank you, Mr. Chair; and thank you to the member for that question. I think one of the key phrases that you have used is that it's funding for policing services.

There's traditionally a direct link. When indigenous communities or even the general public mention law enforcement, a lot of policy-makers and lawmakers think directly into policing. That's not necessarily the case for indigenous communities.

For example, there are communities that do not want a policing service. They do not want a self-administered policing service at all under the first nations policing program. What some of them would like is better investment into infrastructure and appointment of enforcement officers, whether it be peacekeepers or community safety officers or whatever we want to call them. The reason for that is that some of these communities have good service or a good relationship with the police of jurisdiction, and with that, a lot of the times the police jurisdictions simply do not have the resources to provide adequate service for the communities or be able to enforce the laws, such as the treaty laws or the bylaws under the Indian Act or the laws under the First Nations Land Management Act.

What we would like to see is a divestment, a move away from funding strictly guided towards policing and a broader approach to community safety or public safety and enforcement on indigenous territories. This is by no means advocating a decrease in funding for

our self-administered policing partners, when in truth there are many who are in desperate need of a funding infusion. However, we do also need to see funding as well for—for lack of a better term—a tiered law enforcement program in which officers are not police but still deal with administrative regulatory enforcement and quasi-criminal enforcement in support of the police of jurisdiction.

• (1230)

Mr. Adam van Koeverden: Thank you, Mr. Yang.

Before I ask for further reflections, I want to highlight that there is also \$103 million over five years for a new “pathways to safe indigenous communities” initiative, which I think is a more holistic community-based safety and wellness model that you're talking about. As well, on the side of infrastructure that you mentioned, there's \$108 million over five years to repair, renovate and replace policing facilities in first nations.

I think the budget is comprehensive, but I would love to hear from Mr. Browne, and Ms. Lazore as well.

The Chair: You have just about a minute. Go ahead.

Mr. Murray Browne: Thank you very much. I'll keep this brief.

We were very pleased to see the funding. It's a major commitment. It shows a commitment to reconciliation. It's much needed. We just hope that first nations will co-develop it in how it's spent.

Just to follow up on Mr. Yang's comments, Tla'amin is not seeking its own policing board, which is too expensive to set up and administer, but they do want the authority and funding to create solutions.

I just want to mention liability protection. If we only apply funding, first nations are at high risk of liability for operating policing and enforcement without liability protection. The RCMP recently charged an individual on a reserve for trying to evict a trespasser. They charged the first nation representative, not the trespasser, for nuisance, because they thought the first nation rep didn't have the authority.

I think of examples like the First Nations Land Management Act, in which there's a federal framework and legislation that sets out the legal authority and liability protection for the first nations, and then sets the first nation up for success in a legal framework with funding. We also have similar examples on child and family issues. I just want to mention that.

Thank you for the question.

The Chair: Thanks. We're at time there, so perhaps Ms. Lazore can pick that up later.

Right now we'll go to Madame Bérubé for two and half minutes, please.

[*Translation*]

Ms. Sylvie Bérubé: Thank you, Mr. Chair.

My question is for Mr. Arcand-Paul, who is a lawyer.

Your not-for-profit association is geared towards first nations, Inuit and Métis lawyers. What are some of your major issues in terms of your work in assisting first nations with legislation and law enforcement?

Mr. Brooks Arcand-Paul: Thank you for your question, Ms. Bérubé.

If I may, I'll respond in English.

[*English*]

What we never purport to do is to speak for nations. Nations have their own inherent right and sovereignty, which we try to protect. When we're looking at being able to provide nations with their ability to make these decisions, we always go back to the community. It has been brought up many times before this committee to listen to the grassroots. Chief Bellerose raised it. The power comes from the people. It's not a hierarchy that is similar to what we have with this House of Commons. We have to recognize that and respect it.

When we're looking at nations that want to pass laws, we have to go back to the groundwork. We have to go back to the grassroots folks to see what kinds of laws they want implemented. It's giving them the empowerment and allowing the nations to make that determination themselves, not by committee and not by making legislation to do so.

[*Translation*]

Ms. Sylvie Bérubé: Do you have any recommendations to help us?

[*English*]

Mr. Brooks Arcand-Paul: Listen to your first nation counterparts. Listen to the people on the ground. Open up those dialogues. Really, get out of the business of Indian management. We can do it. We have the ability to do it.

[*Translation*]

The Chair: That's all.

[*English*]

That's about it for time.

Ms. Blaney, you have two and a half minutes.

Ms. Rachel Blaney: Thank you, Mr. Chair.

Mr. Yang and Mr. Browne, could you talk about what you believe the federal government needs to do to amend legislation, policies or negotiating mandates? Are there other solutions that we could recommend in this report?

• (1235)

Mr. Murray Browne: Thank you to the honourable member and to the whole committee. These are very helpful and important discussions.

I'll mention briefly the treaty side.

We would really hope for government negotiators to be mandated to open up the space. Rather than forcing the imposition of federal and provincial laws on first nations, perhaps we could start negotiating treaties whereby we recognize the three founding jurisdictions and give federal negotiators the power to say that you don't actually have to follow our laws; let's meet the basic standards and you can have your own laws with your own authority.

That's on the treaty side. Maybe Mr. Yang wants to follow up on the cross-delegation, because we need to figure out a way to do that.

Mr. Derek Yang: Thank you.

There are federal enactments currently regarding enforcement that permit cross-delegation or special appointments, even under the RCMP Act, for officers to work in a different capacity. Perhaps that is something the government can explore and provide guidance to the ministries on when it comes to exercising those authorities so that they are more holistic.

The RCMP is a great example of how they used to appoint special constables in indigenous and Inuit communities to help them in the enforcement of the laws. It's not a stretch of the imagination that those cross-delegation appointments now could help strengthen community safety and enforcement in the indigenous communities, with partnership and arm's-length oversight at times from the RCMP.

Ms. Rachel Blaney: I heard what Mr. Browne said about meeting the basic standards and then letting the laws be created. I think that point is so important.

We heard from the RCMP in the last testimony that they have the ability to enforce the peace but often let the nations themselves deal with the process. Could you talk about what that does in the community and the legal concerns that you have?

Mr. Murray Browne: That's a really, really important question. Going back to the drug dealer eviction I mentioned, the RCMP wouldn't come at first. They're good folks, but I think they're confused about what their mandate is and whether first nation laws are just municipal bylaws or real laws. We keep trying to educate them. It would help if they received direction that they're real laws and that they should help enforce them. There's no reason that first nations should be having to evict drug dealers.

We did it. We took steps to protect. We said that if you won't come, we'll call 911 when we get there, and hopefully you'll show up. We shouldn't have to do that.

I'll pass it over to my colleague.

The Chair: We're at time right there.

Mr. Murray Browne: Okay. Thank you, Mr. Chair.

The Chair: It's a great topic. Perhaps it will come up again, though, because Mr. Melillo has his five minutes.

Mr. Eric Melillo (Kenora, CPC): Thank you, Mr. Chair.

I thank all the witnesses for joining us today and for being part of this great discussion.

I'd like to come back to Mr. Arcand-Paul. If anyone else wants to jump in on this question, please do. Bear with me as I try to figure out the best way to ask it.

We've been hearing, and it's been touched on a bit today, that it's not just a lack of resources for enforcement, necessarily. There are a lot of barriers to accessing appropriate resources for many indigenous peoples throughout the process or throughout the entire justice system as a whole, if I can frame it that way.

Mr. Arcand-Paul, I'm wondering if you want to comment. Do you agree with that interpretation? Do you have any comments or any solutions to that?

Then I'd open it up to comments from anybody else.

Mr. Brooks Arcand-Paul: I'm sorry. To reframe the question, is it whether first nations or indigenous groups have difficulties accessing the justice system generally for lack of funding?

Yes, that's a theme that has been reiterated many times at this committee today. I'm sure that you hear it at the other meetings on this topic. It is a problem. It is a problem for first nations and it's a problem for other indigenous groups in Canada to be able to exercise their inherent sovereignty.

The other issue is recognizing the legalities of it and recognizing their inherent jurisdiction. If you go to any community, you will know that they understand where they stand. Particularly the treaty nations and the ones on the Prairies have never given up that ability to exercise their jurisdiction.

How can you exercise your jurisdiction if you don't have the funds to do so? We see that Akwesasne and Kahnawake have the ability to establish courts and establish legal mechanisms internally so that they don't have to turn to courts in the provinces or at the federal level. Funding is a very important aspect, and we're not go-

ing to achieve that ability to exercise our inherent jurisdiction if dollars are not attached.

I want to make a comment for MP van Koeverden. Yes, those monies are a good start, but at this point, we need more. That's over five years. That's not enough money to be able to establish legal systems and establish inherent jurisdiction.

● (1240)

Mr. Eric Melillo: Thanks for those comments.

I'll look to see if anyone else wanted to jump in on that before I move on.

Okay. Do I have another couple of minutes, Mr. Chair?

The Chair: You have two minutes.

Mr. Eric Melillo: Thank you.

I'll go to you, Chief Bellerose. You've touched a couple of times on the gap between the community and the law enforcement. I'm wondering if you could talk more about that as well.

Also, I understand from some of the reading and from some of the comments you've made today that your nation really seems to prioritize a lot of restorative justice and alternative crime prevention responses, if I'm not mistaken, and I'm wondering if you can touch on that as well.

Chief Reginald Bellerose: Yes. Thank you.

Just to frame this up a little bit, my mom's grandfather was chief in Muskowekwan from 1910 to 1952. Back then, under the Indian agent, our people needed passes to leave the reserve. The laws of Canada stopped our way to worship. It's called a rain dance. Ours was the big lodge. People went to jail if they left the reserve without a pass, if they went to worship without permission. Our people stood up to that. Later on, I had an uncle who was chief for 20 years in the next reserve. It was all about liquor violations. If our people made their own mash or their own wine and the Indian agent came and found out, they went to jail.

You know, in 2021, MP—thanks for the question—we're still dealing with those past laws, those violations against who we are as first peoples of this land. The corrective way is that we need to control the process. We are native people. We're not going to change. We're reviving our language. We're reviving our culture, and our young people are becoming empowered. Our young people are encouraged to stay away from drugs and alcohol. Our young people are encouraged to stay in school. It's not all gloomy. There is a part of our reality that is gloomy, that is somewhat of a nightmare, but it's with our young people that the hope is.

As MPs, I hope you'll continue to support and listen. I met a lawyer here from Alexander, a very intelligent guy. I hope you can listen to individuals like that. As elected leaders, we get heck for everything. If they wake up on the wrong side of the bed, it's the chief's fault, right?

We don't have time, but anyway, thank you very much.

The Chair: Thank you.

By the way, Chief, I had relatives in the same predicament as some of your friends, but that's another story.

Before I go to Marcus Powlowski, I think it's really important that we extend the meeting. I'm going to ask for a motion to allow the subsequent round of questioning to occur, which will take place past the one o'clock deadline.

Do I have a motion to extend?

Mr. Jaime Battiste (Sydney—Victoria, Lib.): I'll make that motion, Mr. Chair.

The Chair: Thanks, Mr. Battiste.

(Motion agreed to)

The Chair: Mr. Powlowski, you have five minutes.

Mr. Marcus Powlowski (Thunder Bay—Rainy River, Lib.): I got up on the right side of the bed, I'll have you know, this morning.

My question is to all of you. I think there's been pretty well unanimous interest and desire to have more power to develop and enforce your own laws on your own territories. We certainly heard that.

Now, the devil's always in the details. To what extent? There are obviously very many different layers of societal rules. What about the big crimes? I mean things like murder, sexual assaults, drug offences. Do you want to also be making and enforcing laws related to these and if necessary prosecuting them and if necessary even incarcerating people?

I'd like to hear an answer from all of you, if possible.

• (1245)

The Chair: Who wants to start?

Go ahead, Mr. Browne.

Mr. Murray Browne: Thank you for the excellent question.

Tla'amin Nation and many other nations I work with have not expressed interest in taking over criminal prosecutions, but we do separate land jurisdiction from criminal action. The nations I work

with are willing to support and work with the RCMP under the Criminal Code and with Canadian courts on serious offences. Sentencing, community justice, is another matter.

We have to have authority over lands. If there's a drug dealer or a violent sexual offender living in the middle of the community, yes, they need to be dealt with under the Criminal Code, but the nation has to have land jurisdiction to restrain or move that person out.

I'll say that. Thanks for the question.

The Chair: Chief Lazore, did you want to weigh in on this?

Chief Connie Lazore: Yes, I do. As mentioned earlier, we have our own court. We have our community laws and bylaws there, and we've also heard common assault cases, B and E, vagrants, and cruelty to animals. We're not looking to take everything right away because, as you know, none of it is funded. We have a police force that does have holding cells, but that's just a holding cell. That type of Criminal Code offence will still belong with Canada. Canada has those laws for that. We're not looking to take that on, but we are looking to govern ourselves and to have our community laws. We don't want to step on other people's toes, so we'd appreciate if they'd get off ours.

Thank you.

The Chair: Go ahead, Mr. Arcand-Paul.

Mr. Brooks Arcand-Paul: Thank you, Mr. Chair. It's a really good question.

I want to echo Chief Lazore's sentiments. Ultimately, the Criminal Code isn't going anywhere. I think the way Chief Justice Lamer put it was quite great in the Delgamuukw decision: "Let us face it, we are all here to stay." We're not going anywhere. We have to recognize how we work together to be able to move forward together, like the treaty intended.

The Chair: You have two minutes.

Mr. Marcus Powlowski: Thank you.

Maybe I can ask Chief Lazore about this. She was the only one so far to have mentioned section 107 and justices of the peace appointed under section 107.

My understanding is that in 2004 the Harper government stopped the funding, and you've appointed your own justices of the peace. What do you think about beginning to fund section 107 courts to prosecute bylaw offences under the Indian Act? Are you in favour of that? I'll ask you and then I'll open it to anyone else.

Chief Connie Lazore: Thank you, honourable MP, for that question. It is a good question.

The truth is that we're not looking to do anything under the Indian Act. I would prefer that we pull that section right away and that we govern ourselves and our courts, our enforcement, our adjudication—all of it—under us, under Mohawks of Akwesasne.

As mentioned, we're working on that self-government agreement to pull away certain particulars of the Indian Act, and that would be one of them. No, I'm not interested in having our court being an Indian Act court. As the chief mentioned earlier, we get in trouble for everything. That one would really get me in trouble.

The Chair: Mr. Yang, you have your hand up.

Mr. Derek Yang: Thank you, Mr. Chair.

I will echo what my colleague mentioned earlier. These are the issues that we're facing as treaty nations. Under provisions under the Indian Act as well as the First Nations Land Management Act, we do not have powers to continue or to adopt. We currently don't have the ability to be able to enforce our own laws and have court oversight. To simply re-fund that option would leave a lot of nations and bands out of that option.

The Chair: Thank you for that.

We're going to our next round. It's not often that we get this far into our rounds of questioning, but we're able to today.

Gary Vidal, you are next, followed by Mr. Battiste, Madame Bérubé, Ms. Blaney and so on.

Gary Vidal, you have five minutes.

• (1250)

Mr. Gary Vidal (Desnethé—Missinippi—Churchill River, CPC): Actually, Mr. Chair, I'm going to cede my time to Mr. Schmale so that he can follow up on some of the questions he had in the first round, if that's all right with you.

The Chair: Sure.

Mr. Jamie Schmale: Thank you very much, Mr. Chair.

I want to pick up where we left off. A lot of the conversation does involve funding. In previous studies, this committee touched on precursors for such things as self-government, financial stability through the potential ability for taxation, revenue generation, and those types of things.

We have heard from witnesses who have mentioned that indigenous policing is—as we heard from testimony here today—rooted in self-determination, greater autonomy, self-governance and that kind of thing.

Again, I will open up the floor, which seems to be a common theme here, and a good one, because we hear from everyone who wants to provide feedback.

I guess there are two parts to this question. First, what consultation, if any, has been done with indigenous communities in the last seven months to move that potential forward? Second, in your opinion, what steps are needed and what more needs to be done in order to implement the legal framework to recognize indigenous policing as an essential service?

Chief Reginald Bellerose: We have had community meetings. People have come in. I will best answer it this way: There's a high level of fear.

In our community, people never even used to lock their doors. The keys were in the cars. After the shootings and these activities, now people are taking their keys out. They are locking their doors. That's a big shift at the community level. The people who give direction have to do something better.

That consultation.... But it's not specific. I will best answer that by saying, "We want to feel safer."

The Chair: Are there any comments?

Go ahead, Ms. Doss-Cody.

Ms. Deborah Doss-Cody: It's legislation. With regard to taxation and regeneration, a lot of communities in the province of British Columbia are non-treaty, so the communities are very small. They don't have resources like a municipality, which can draw on taxation funds to sustain and contribute to their police agencies. The indigenous communities don't have that.

We're reliant on the 52-48 funding. It's 52% from the federal government and 48% from the provincial government. The indigenous communities should have a choice as to whether they want to have indigenous policing or to enter into tripartite agreements with the RCMP, with the existing police services.

Legislation is key, and becoming an essential service is key so that we can sustain our police services so that we can provide the safety if the communities choose. We do have communities knocking on our door and asking, "How do we get you and police services like you in our communities? How did you do it?" Those are the questions that we're being presented with by outside communities in the province of B.C.

The Chair: Mr. Browne also had his hand up, Jamie. Is that okay?

Mr. Jamie Schmale: Absolutely, yes.

Mr. Murray Browne: I have two quick comments.

On the resource side, Canada's mandate in treaty is to take away funding from first nations. It might be a surprise to you, but it takes away tax exemptions. It allows B.C. to remove property transfer tax. Canada imposes a 50% own-source revenue penalty on first nations that generate revenue. There's a real problem on the treaty side with regard to allowing first nations to generate revenues. That's part of the issue, but just on treaty.

Definitely, we need funding. Definitely, we need essential services to be built into legislation and tripartite agreements. Right now, the RCMP tell me that they cannot write enforcement of first nations treaty or land code laws into tripartite policing agreements. I'm hoping that we can get to legislation and also to encouragement and direction to the RCMP on those.

The Chair: You have another minute, Jamie.

Mr. Jamie Schmale: Can I just build on that for a second? Let's talk about the ability for first nations communities, especially those under treaty, that have to, I guess, see revenue sources leave for other jurisdictions, specifically Ottawa.

Have there been any ongoing conversations with the government to fix that? It seems like that would be a big piece to solving some—not all, but some—of these funding issues.

• (1255)

The Chair: Does anyone have a quick answer to that?

Mr. Jamie Schmale: I think that was Mr. Browne.

Mr. Murray Browne: Yes. Thank you.

Yes, there have been discussions, but unfortunately the Department of Finance is right up there with DFO in terms of being anti-reconciliation.

There has been some movement. We have tables across the country on the section 87 tax exemption. The OSR, own-source revenue, policy is on hold, but we still have major problems with modern treaties in B.C. taking away from revenues. Putting those back won't resolve all the issues, but it would sure help.

Just as an example, B.C., with Canada's support, took away property transfer tax. That's a million dollars a year for many communities. That money could have gone to services.

The Chair: Thanks very much.

Mr. Battiste, you have five minutes.

Mr. Jaime Battiste: Thank you, Mr. Chair.

My question is for Mr. Arcand-Paul.

It's always good to see a member of the Indigenous Bar Association here. It's a great organization.

Before I was a member of Parliament, at one point I was a senior adviser for the Eskasoni First Nation community, which I live in today. I saw numerous levels of bylaws on everything from dogs to removal of junk to removal of drug dealers and banning them from the reserve.

When we're talking about enforcing bylaws, is there more clarity on which laws should be enforced by the local enforcement, whether it be RCMP, provincial police or local police?

The Chair: Who would like that?

Mr. Brooks Arcand-Paul: Was the question directed to me?

The Chair: Yes, you can have it.

Mr. Jaime Battiste: Yes.

Mr. Brooks Arcand-Paul: Okay.

Thank you, Mr. Chair.

As you can appreciate, the bylaw-making powers within the Indian Act are pretty narrow. There are about 22 abilities for a nation to make those decisions. When we're looking at enforcement, it's going to be at a myriad of levels. Those nations that are close to municipalities will need to work with the municipal police force. There are nations out in northern Alberta that may need to work with the RCMP detachment. Also, it may be up to their own policing or peace officer program as to whichever system is applied.

When it comes to enforcement, we're asking all levels to be able to enforce. We will need to work with not just federal or provincial levels but with all levels of government. We're finding on the ground that this is a lot easier to do with our neighbours, because they understand the realities and they understand what exactly we need. In those cases that you heard about today, there are issues with drug problems and with folks who are not leaving their nation. It means working on those items, like the banishment that you talked about, MP Battiste.

We really do need to get to the bottom of being able to enforce it. What mechanism that is will depend on each nation. We have a very big country with a lot of different experiences and a lot of different communities that are at different levels. We need to address each one individually as it comes about.

Mr. Jaime Battiste: Yes, and I agree with you, Brooks, on that.

One of the things I'm hearing about from the chiefs is the inadequacy of expanding powers within the Indian Act. With all the treaties and all of the different jurisdictions, I have heard Indigenous Bar Association members in presentations talk about having a treaty or inherent right attorney general to help guide the current Attorney General to navigate some of these to ensure....

The bottom line is that people on reserve in indigenous communities want to feel safe and they want to know that their laws to keep themselves safe will not only be enforced but will be prosecuted. What kind of mechanism do we need on this?

You have about two minutes. Can you expand on what you see as being needed for us to be able to find solutions to this challenge?

Mr. Brooks Arcand-Paul: Yes. Thank you again for the question, MP Battiste.

That is one good recommendation. It is one start to it. What we do recognize is that we have the framework. We have the Public Prosecution Service to be able to do so. We need to make those amendments to legislation. They're willing partners. You heard from Mr. Richstone a few days ago. He recommended that they be given the ability to do so. Having a treaty or an indigenous attorney general who would help advise would be a really good implementation.

What we also need to look at is getting justices onto the bench. Our top bench is currently without one. If we're going to be implementing indigenous laws and allowing these mechanisms to be exercised in our federation, we need to have those people represented on these benches. It's very important that we also look at that. It does reflect the society in which we live. Let's work on that.

It was a great suggestion to move forward. We also already have frameworks that we can use to move forward. The legislation just needs to be amended to reflect that ability to do so.

• (1300)

Mr. Jaime Battiste: I only have 30 seconds, so as a final piece, there is also \$24 million in the recent budget to develop legislation and initiatives to address systemic racism and barriers to the criminal justice system. Do you think the Indigenous Bar Association would be one of the organizations that would help create recommendations on legislation and on how we can do better in this area?

Mr. Brooks Arcand-Paul: We would be more than happy to help.

The Chair: Thank you for that. That is a succinct but profound answer.

That takes us to Madam Bérubé for two and a half minutes.

[*Translation*]

Ms. Sylvie Bérubé: Thank you, Mr. Chair.

My question is for Mr. Arcand-Paul.

Public Safety Canada and the Minister of Indigenous Services Canada are talking about co-developing a legislative framework to recognize first nations policing as an essential service.

Can you tell me why a legislative framework is needed to ensure that first nations policing has the essential service status?

[*English*]

Mr. Brooks Arcand-Paul: Thank you for the question, MP Bérubé.

I advocate very strongly the removal of paternalistic legislation. We don't need more legislation; we need more ability to do what we

need to do on the ground. You see programs like those in Akwesasne. You see the Tsuut'ina down south here in Alberta, where we have indigenous policing on the ground. We don't need further legislative befoulment to be able to do so. We have the ability to put our own legislation in place.

We are the third level of government in this country. We are partners in Confederation. We have just as much ability to make decisions on our own. When we hear that the minister is looking to make more legislation, similar to what's happening with other areas of authority, I'm just going to say very broadly that we aren't asking for this to happen.

On the ground and in the community, no one is asking for the federal government to continue wading into our inherent right to govern ourselves. The mechanism for government to be able to fund it or make those changes is within your channels. You shouldn't be coming down to the level of the grassroots community to implement these measures. We just need the dollars to do it, and we can do it.

The Chair: That's just about time, Madam Bérubé.

We'll go to Ms. Blaney now. You have two and a half minutes, please.

Ms. Rachel Blaney: Thank you, Chair.

I am coming probably to you, Mr. Browne, but of course, Mr. Yang, always....

One of the things I find so fascinating about this conversation is that I would love to see a government that saw this as an opportunity for decolonization. When we hit systemic racism, the reaction is, "Oh, there it is. Let's peel that back and figure it out. It's not personal." This is not about people personally being bad. It's about a system that has been here for a long time. When a nation's leadership is calling 911 and hoping for the best, all of us should see that it is systemic racism.

I know that the Public Prosecution Service of Canada only enforced COVID bylaws under the Indian Act, not laws under the land code or treaty. You guys used the K'ómoks case as an example.

I'm just wondering if you could talk about what it means for a nation trying to do its work. I remember that Hegus Rempel said in her testimony that she was having another case like this in K'ómoks. The person she was dealing with was laughing at her as she was trying to enforce this in her community.

Can you talk about what this does to leadership and what it does for community building when this systemic racism is continuing through this process?

• (1305)

Mr. Murray Browne: Thank you. That's a really important question. I apologize that I have to leave shortly for another meeting, but I really appreciate this opportunity.

In terms of that question on what it does to the leadership, it creates doubt in their minds when there should be no doubt. There should be confidence that they are the leaders. They have been elected by their communities and they are often from long lines of hereditary chiefs who have been trained by elders on how to do what's right for their community by their culture. They should not be in doubt when they go to remove a drug dealer or a dangerous sexual offender or someone who is wrongfully taking the resources from their land that they need to feed their families. They should be able to pick up the phone and send the enforcement officer or go together and enforce it.

You're absolutely right that there is institutional resistance. There is, unfortunately, still colonialism and racism, and we really need to all work together to confront that, but not in terms of people. We always say, "Let's be hard on the issues and soft on the people." If someone needs some help and education, we can bring them into the community. We can educate them about the culture, the laws, the history, and how and why nations have done things in the past that have worked before the settlers, like me, arrived.

What we need is the education and training and the support from the government to have somewhere to go. There is no accountability right now. A DFO officer can do and say whatever they want, and they'll be promoted. If we complain to the minister, the staff member writes a letter for the minister, and around and around we go. We don't have an Auditor General of reconciliation. We don't have anywhere to go.

What you say is exactly right. Thank you.

The Chair: Thanks, Mr. Browne.

I have Ms. Zann, who is the final questioner for the Liberal Party.

Jamie, I'm not sure who would like to take the final five minutes for the Conservatives.

Mr. Gary Vidal: I'm going to take that, Mr. Chair, if that's all right with you.

The Chair: Okay, great.

Mr. Vidal, please go ahead.

Mr. Gary Vidal: Sorry for our changing our order on you. Thank you so much.

I want to thank all the witnesses. This has been tremendous today, and there has been a lot of valuable information provided for us to consider in our recommendations.

I want to go down a very specific path and I want to open it up to any of you who want to jump in here.

One of the things we've heard over the times we've met on this matter over the last couple of weeks—and I think we've heard it over and over again today—is this concept of a jurisdictional quagmire that seems to be inherently in the system.

We've also heard of the concept of some really good partnerships that are working, and that there is willingness of the law enforcement agencies—whoever they are, whether it's RCMP or your own individual enforcement agencies—to enforce, but the prosecution and the process beyond that seems to be a challenge in what I would call this jurisdictional quagmire.

I want to open up with a really simple question. Instead of a five-year legislative development of this framework and many of those kinds of things, are there some really simple things that you would say...? If you could offer one piece of advice today that would make a difference tomorrow to get rid of some of the jurisdictional issues that you find yourselves facing every day, what would that be?

I'll open it up to whoever wants to go first, and I'd like to hear from as many of you as possible in the short time I have.

The Chair: Ms. Lazore's hand is up.

Please go ahead.

Chief Connie Lazore: Thank you, Chair.

For me, we need to be recognized at the same level as the federal government. For years I've heard "nation to nation" and I've constantly asked someone to define what that meant.

As I see us now, you have the federal, provincial, municipal, and eventually first nation governments. We are the first people of this country, Canada, everything. We are just literally the first people. We should be sitting eye to eye with the federal government, and there I see "nation to nation". We should not be working with the provinces. We are being pushed down and held under their thumbs at the provincial level. We need to be eye to eye with the federal government.

I have a very difficult time waiting for Canada to decide that policing on first nations reserves is essential. It's the same thing with my fire department. They're not paid. I go across the river and they're all paid, right there in Cornwall, Ontario.

Why are we treated to a level that is a fourth-level government when you claim "nation to nation"? My one opinion, comment, recommendation, is treat us as your equal, and with respect.

Thank you, Chair.

• (1310)

Mr. Gary Vidal: Thank you, Chief.

Does somebody else want to jump in?

Chief Reginald Bellerose: This is Reg Bellerose.

The Chair: Hi, Reg.

Chief Reginald Bellerose: Thanks, Gary.

It's very simple. Everyone needs to understand who the chiefs in Canada are. It's very, very simple. I look at it a little differently because of what I've been through. I don't see us as third level; I see the chiefs as the first level in this country. Just recognize that.

Thank you.

Mr. Gary Vidal: Is there anybody else?

The Chair: Go ahead, Mr. Arcand-Paul.

Mr. Brooks Arcand-Paul: I really like the brevity of Chief Bellerose.

Just listen, also. It's really difficult, and we can sometimes get it into our heads that we have all the answers, but you have to listen to the people to know what those answers are and what the people want. That's what our chiefs are busy working on. That's what I am busy working on. I listen. Instead of talking and talking, we need to listen to be able to find concrete solutions.

Mr. Gary Vidal: Mr. McNab, are you looking to jump in there?

Mr. Leon McNab: Yes. I have a couple of comments. I'd like to make a suggestion.

Across Canada, we need to be comparable. Some of our communities are ahead, while some are left behind. We need to develop at a rate that's acceptable to everyone. A lot of our communities are not prepared in the areas of policing and fire safety. On fire safety, there are communities without fire trucks. I can go on and on, but I think that we need to recognize that first nations people need to develop, and if there is going to be a plan, it is important to have the involvement of our leaders, our chiefs and our people at those tables, where we can all develop at an even pace.

The Chair: Thank you very much, Mr. McNab.

Now, Ms. Zann, you're going to conclude a remarkable afternoon with five minutes.

Ms. Lenore Zann (Cumberland—Colchester, Lib.): Thank you very much, Chair.

Good afternoon, everybody.

I come to you from the unceded territory of the Mi'kmaq here in Nova Scotia.

First of all, I have to say that I completely agree with the witnesses who have been saying that we need indigenous self-government. The time has come; in fact, it has long since passed, but we need to do the right thing and get on that course.

As far as I'm concerned, we do speak nation to nation. I think that is a very important thing for all Canadians to learn to recognize, and [*Technical difficulty—Editor*] to that.

Also in that respect, I have to say that a great deal of systemic racism has existed in policing and in justice. I believe that because of that, there is, unfortunately, a distrust of law enforcement and an over-incarceration of indigenous people. I believe that is due directly to systemic racism and the impoverishment and abuse of first nations people, generation after generation after generation.

How do first nation policing services foster trust within their own community? Is there any best practice that can be followed in this regard, and how can we help make that happen?

Thank you.

The Chair: Who would like to try that?

Ms. Doss-Cody, go ahead, please.

Ms. Deborah Doss-Cody: Thank you for your question.

The Stl'at'imx Tribal Police Service has a board that has self-governance. They are trained to oversee the Stl'at'imx Tribal Police Service through the recommendations put forward by the chiefs, so the communities are engaged in how they want their police service and how they want us to engage with the communities. We are overseen and we are accountable to all levels of government—provincial, federal and community. All are recognized, but the one that we acknowledge and we want to adhere to is the community level, the nation level that we work within.

What the challenge is, though, is the funding. We're program funded, so we're competing. We have to provide core policing with program funding. We're doing all of it, core policing and community policing, and it is extremely challenging. The communities are the ones that provide those answers. Each individual community, each indigenous community, is unique unto its own, and they're the ones that answer the question.

• (1315)

Ms. Lenore Zann: I appreciate that.

Ms. Deborah Doss-Cody: Thank you.

Ms. Lenore Zann: Thank you so much.

Could Chief Lazore—

The Chair: For Chief Lazore and Mr. Yang, I think we'll let them both make their points.

Ms. Lenore Zann: Thank you.

The Chair: That will bring us to a conclusion.

We'll have Mr. Yang and then Chief Lazore.

Mr. Derek Yang: Thank you, Chair, and thank you for the member's question.

To partly answer that question with regard to the distrust and issues with regard to law enforcement and policing specifically, historically we have had contracted policing in indigenous communities. You have people who are not from the community providing services to that community, which is why in 1992 the federal government enacted the first nations policing program and, along with that, the self-administered police service agreements, I believe.

As Chief Doss-Cody can attest, it's the success of having people who are from that community or people who are working with a service that is dedicated to the service of that specific community, and not an overarching agency like a provincial or municipal service, or even having the RCMP contracted in to provide that essential core and community policing. When you have that, you have a lot of rotational issues with RCMP officers or other officers being rotated out.

I believe Chief Bellerose spoke earlier with regard to consistently having re-engage with and re-meet new officers, and that is definitely an issue that's related to law enforcement and policing.

Having your own law enforcement services provides that essential culturally appropriate professional service, which a lot of times is not being met by contract services. That's not a blanket statement. There are some contract services that are doing great, but this underpins the importance of providing indigenous governments with the ability to have their own control and their own accountability measures for the service that's being provided.

The Chair: Thank you.

Ms. Lenore Zann: Thank you.

The Chair: Chief Lazore—briefly, if you could—you get the last word.

Chief Connie Lazore: Thank you, Chair.

I see it as being for us in Akwesasne. We have a police commission that's the operational component of the oversight of the policing services, and they are all community members, so there's a connection to our community at that level. We employ a community engagement officer who works directly with the community. He attends the schools, he goes to the events and he's in contact with our local social and health programs to ensure that policing is part of those events that are coming up. In our recruitment, our priority is indigenous members, some from our community and some from surrounding communities, but they are indigenous to us.

Then we have our capacity development component. As we mentioned earlier, we have a compliance office, and those officers have moved into policing. Then we filled the compliance officer program, but now that we have them under one umbrella, there's a connection for all of them. When we're employing our own people here, people from our community, the trust can be built and established with our members. I feel that when we're developing the laws that they will enforce, we then will have a stronger component to respecting the laws and those enforcing it. I'd like to see that our community laws are more of a compliance than an enforcement mechanism.

Thank you.

• (1320)

The Chair: Those are great words to finish by. Thanks so much.

That was a great question, Ms. Zann.

To all of our witnesses, you were just remarkable. Thank you so much. Everyone played an important part in a very serious report that we will have to put together.

Before adjournment, may I remind everybody that we will continue the meeting this evening?

I'm not sure whether we adjourn the meeting or suspend the meeting, Mr. Clerk. What does the big green book say about that?

The Clerk: We are adjourning this meeting. It will be a new meeting this evening.

The Chair: Can I have a motion to adjourn, please? Thank you, Mr. Battiste.

(Motion agreed to)

The meeting is adjourned.

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