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# Standing Committee on Indigenous and Northern Affairs

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Chair: The Honourable Marc Garneau





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• (1100)

[Translation]

**The Chair (Hon. Marc Garneau (Notre-Dame-de-Grâce—Westmount, Lib.)):** I call the meeting to order.

Welcome to meeting number 37 of the Standing Committee on Indigenous and Northern Affairs.

[English]

We are gathered here today on the unceded territory of the Algonquin Anishinabe nation.

I'd now like to welcome our witnesses from the National Council for Reconciliation Transitional Committee, who have joined us all in person in the committee room this morning as we study Bill C-29. They will each have an opportunity to make a five-minute statement.

We have Mr. Mitch Case, Ms. Edith Cloutier, Ms. Rosemary Cooper and Mr. Michael DeGagné.

To ensure an orderly meeting, I'd like to outline the usual rules that we follow here.

Members or witnesses may speak in the language of their choice. Interpretation services are offered in English, French and Inuktitut. Please be patient with the interpretation. There may be a delay, especially since the Inuktitut has to be translated into English first before it can be translated into French and vice versa.

When speaking, please speak slowly and clearly. This will help our interpreters translate what you have to say. When you are not speaking, please put your microphone on mute. I remind everyone that all comments should be addressed through the chair.

Each of the witnesses today will be invited to make a five-minute statement, and that will be followed by questions for the remainder of the time.

[Translation]

Before we begin, I will give the floor to Mrs. Gill.

**Mrs. Marilène Gill (Manicouagan, BQ):** Thank you, Mr. Chair.

I know that all the witnesses are in the room, but I want to make sure that they know how things work, so that they can understand the questions and comments that will be made in French or in English.

**The Chair:** They do know how things work.

[English]

With that, I would like to begin the initial statements. I'll invite Ms. Cloutier to begin with her five-minute statement.

Ms. Cloutier, the microphone is yours.

[Translation]

**Ms. Edith Cloutier (Member, National Council for Reconciliation Transitional Committee):** *Kwe*, good morning.

I appreciate the opportunity to appear before you, on this traditional unceded territory of my people, the Anishinabe. Thank you, *meegwetch*, for the invitation.

It is a privilege to share this forum with my colleagues, Mitch Case, Mike DeGagné and Rosemary Cooper, of the National Council for Reconciliation Transitional Committee. Our committee was created on December 16, 2021, by the Minister of Crown-Indigenous Relations, Marc Miller.

We would like to take this opportunity to thank the minister for his confidence, as well as the invaluable support provided by members of his team throughout our mandate. We also wish to acknowledge the contribution of Chief Wilton Littlechild, former commissioner of the Truth and Reconciliation Commission of Canada, in the early stages of our committee's work.

To give a little background, I was also a member, along with my colleague Mike DeGagné, of the first interim board of directors established in December 2017, which also included Jean Taillet, a lawyer from the Métis nation, Max FineDay, representing the youth voice and referred by the Assembly of First Nations, Clint Davis from the Inuit nation and coming from the economic world, as well as Wilton Littlechild. At the time, our mandate was primarily to make recommendations to the then Minister of Crown-Indigenous Relations, Carolyn Bennett, in relation to the creating of the National Council for Reconciliation, specifically to see to the implementation of the Truth and Reconciliation Commission's calls to action number 53 and 54.

In June 2018, at the completion of our work, which included an engagement session that brought together nearly 30 participants from a variety of backgrounds in Canada's indigenous and non-indigenous worlds, we documented 25 recommendations in a final report, which was submitted to the minister. This report was also sent to national indigenous organizations and made available to the general public on the website of the Department of Crown-Indigenous Relations and Northern Affairs.

The members of the current transitional committee began work in January 2022. Our mandate was to provide advice and guidance on the co-development of the legislative framework, to engage with indigenous and non-indigenous groups on the establishment of the National Council for Reconciliation, and finally to help support the establishment of the council's permanent board of directors.

During the course of the mandate, we conducted targeted interviews with indigenous and non-indigenous experts, including legal experts, data processing specialists, as well as experts in finance, governance and reconciliation. The feedback and advice we received enriched our thinking and work. This included advice in areas such as law, data access, information sharing, governance and accountability.

It is important to note that the work of our transitional committee was done as a continuation of the work conducted by the National Council for Reconciliation's first interim board of directors, and aligned with the work of the Truth and Reconciliation Commission of Canada.

Today marks a significant milestone in our mandate, four years after the final report of the interim board of directors was submitted, and almost eight years after the final report of the Truth and Reconciliation Commission and its 94 calls to action. This is a pivotal, even historic, moment in this long journey to the creation of the National Council for Reconciliation.

• (1105)

Throughout our work on the co-development of the legislative framework for the establishment of the council, we have made it a point to keep at the heart of our process those who do not necessarily occupy the chairs around the big tables and discussion forums on reconciliation. As far as I am concerned, my daily work at the Val-d'Or Native Friendship Centre is to be at the side of those for whom reconciliation must make sense.

My experience of more than 30 years as executive director leads me to live in proximity and in relationship with the members of my community. Being in close contact with people on a daily basis, I get to know their stories and those of their families, to better understand their experiences, struggles, failures and successes. By being on the ground, I am able to understand what works—

• (1110)

**The Chair:** I'm sorry to interrupt you, Ms. Cloutier, but we want to allow people to ask a lot of questions today. Since your time is supposed to be five minutes, I would ask you to please wrap up.

**Ms. Edith Cloutier:** All right.

So I conclude by saying that the National Council for Reconciliation must reflect real life and not be disconnected from what makes reconciliation truly meaningful to our people.

Thank you. *Meegwetch. Merci.*

**The Chair:** Thank you, Ms. Cloutier.

Before I give the floor to anyone else, I would like to know if you had agreed on an order among the four of you today or if I can choose the next presenter myself.

**Ms. Edith Cloutier:** The next presenter should be Mr. Case, followed by Ms. Cooper, and then Mr. DeGagné could conclude.

**The Chair:** Great. Thank you.

[*English*]

Mr. Mitch Case, you have five minutes to make your opening statement. Please go ahead.

**Mr. Mitch Case (Member, National Council for Reconciliation Transitional Committee):** Thank you, Mr. Chair and members of the committee, for inviting my colleagues and me to present some of our thoughts on the work we've been undertaking together for a year, and with a few of our colleagues for much longer than that.

I want to set the context for the discussion using what is proposed in the bill related to the role and mandate of the national council for reconciliation.

That section outlines that the national council for reconciliation is to establish a broad, flexible definition of reconciliation that is reflective of the changing needs of indigenous communities and the incredibly complex task that is before this country if reconciliation is going to be achieved. That means reconciliation on social issues, rights issues, economic issues and everything else beyond that.

It's also very clear in the proposed legislation that we're not establishing the national council for reconciliation to do reconciliation. It is not set up so that reconciliation will be accomplished because this council is established. The Truth and Reconciliation Commission, in their calls to action, was incredibly clear that this is an issue for all of Canadian society. It is all levels of government and all levels of Canadian society that have to be a part of this conversation.

With the way we wrote our recommendations that went into the legislation, the goal is to establish a national council to be the body that watches and keeps an eye on things to make sure that where they are falling behind, they are pointed out. Equally importantly, where things are working and where progress is being made, this should be highlighted, celebrated and championed.

On the proposed mandate and the reason for having the national council for reconciliation, I think we have to keep our eye on.... I think sometimes in our honest and true desire to see change in this country, we try to add too many things all at once. In our proposal for what this should look like, it is a body mandated to observe, watch, recommend, guide, advise, caution, chastise—all of those things. However, It's not like the rest of Canada and all governments will then sit back and say that the national council will reconcile everything; they'll take care of that work. We believe we've given a very clear path forward for this, and as simple a process as possible for something that is incredibly unsimple and complex.

One thing I want to caution you on, again, is that we don't try to add too many things to that. I've been watching some of the other testimony that has come before the committee, and I think there are some incredibly helpful thoughts there for the council once it is established. What is listed as the first action for the council is establishing the national action plan. All of those things should go into that.

I want to conclude by saying that this legislation is long overdue, assuming that it goes forward and the national council is established. We've heard from everyone that this was supposed to happen six to eight years ago. It hasn't happened yet, but we're hoping that it will happen now. The caution here is that this doesn't mean we take our eye off the work ahead of us, because now this body will be watching to see if we actually do anything.

I think I'll leave it there. It's never happened that I was done before the time allotted.

• (1115)

**The Chair:** Thank you, Mr. Case.

We'll now go to Ms. Rosemary Cooper for the next five minutes.

**Ms. Rosemary Cooper (Member, National Council for Reconciliation Transitional Committee):** [*Witness spoke in Inuktitut*]—

**Mr. Marcus Powlowski (Thunder Bay—Rainy River, Lib.):** On a point of order, Mr. Chair, there is no interpretation.

**The Chair:** I'm sorry, Ms. Cooper, but we'll just hold off for a second while we check on interpretation.

**The Clerk of the Committee (Ms. Vanessa Davies):** I'm sorry, Mr. Chair. I was not made aware that Ms. Cooper needed interpretation, and the Inuktitut interpreter is late. She went to the wrong building because we had a room change this morning.

**The Chair:** That's understood.

Perhaps, if it's all right, we'll gain an extra five minutes if Mr. Michael DeGagné speaks, and then hopefully, Ms. Cooper, you will be able to start over with your five-minute statement.

Mr. DeGagné, are you ready to speak at this point? We'll give you five minutes.

Please go ahead.

**Mr. Michael DeGagné (Member, National Council for Reconciliation Transitional Committee):** Thank you, Mr. Chairman. I appreciate the opportunity today to both present a few ideas and answer questions with respect to this bill.

I have only a few points to make.

First of all, following from what I think Mitch was saying earlier, reconciliation is not something that we derived just from the Truth and Reconciliation Commission. I think it's safe to say that we've been actively engaged with some form of reconciliation in this country for 50 years, going back to maybe the Hawthorn report of 1966 and the policy work done by the National Indian Brotherhood and a variety of different parliamentary committees. There was also the Royal Commission on Aboriginal Peoples in 1996 and, more lately, the Truth and Reconciliation Commission. This is not a new

idea and it's not a new process, but it has not to this point had a structure.

Most of the time when we establish a program or project to help indigenous people, it doesn't come with a structure. The programs and projects are time limited. Investments are made and objectives are set, but they often sunset quickly and there is no lasting legacy for a structure that drives this forward. This is not the way it is with the rest of Canadian society, and you will find, for that reason, that there is very little in the way of indigenous-specific civil society in Canada. Structures are critically important.

We should also note that reconciliation is not a political process. Certainly it involves politics, but it is not solely a political process. It's a way to engage both indigenous and non-indigenous Canadians in a dialogue around going forward in a good way.

The final thing I'd like to say is that there's a sense this organization, this structure, would be established for the purpose of an audit function, whether that's for government or whatever else is happening with respect to reconciliation more broadly in Canadian society. We're not auditors. We are champions. We are people who are looking to find organizations, entities, individuals and corporations that are doing excellent work on reconciliation—and there are lots of them—and to point out what is going well and why it is going well so that all of us can benefit from that.

Those are the points I'd like to make.

I'll close with saying that the Aboriginal Healing Foundation, of which I was a part, was established in 1998, and there are great similarities between this establishment and the establishment of the foundation some 20-odd years ago. It should be noted that most of the heavy lifting, most of the engagement with Canadians and indigenous communities, was done after the organization was established, so we are asking here today for the solid establishment of an organization that has staying power, that will last and that will allow us to do reconciliation and honour reconciliation into the future.

Thank you.

• (1120)

**The Chair:** Thank you, Mr. DeGagné.

We have to make a decision at this point. If the Inuktitut interpreter is not here, we have one of two choices. We can start with questions now, and when the interpreter comes we'll put five minutes in place for Ms. Cooper.

I see that Ms. Cooper has her hand up.

**Ms. Rosemary Cooper:** I can speak English.

**The Chair:** We do apologize for this. A room change occurred at the last minute and the message didn't get out. We very much appreciate it, Ms. Cooper.

If you are ready, we will start the clock for five minutes.

**Ms. Rosemary Cooper:** I won't take the whole five minutes. I'm being mindful of the time.

I would like to thank the chair and committee members for welcoming us here today, and I acknowledge MP Lori Idlout from my jurisdiction in Nunavut.

I'm really pleased to be with the transitional committee members here. We've worked quite extensively since we were established. What was critical for us as a transitional committee was the composition of the members of the board that was forthcoming and ensuring we had men, Canadian gender-diverse people and a mix that was not political in nature. It was very important for us and how this board would be functioning.

I want to leave it there and keep within the time you have for today. *Qujannamiik*.

**The Chair:** Thank you very much, Ms. Cooper.

We will now go over to questions. We will start with six-minute rounds, and the first speaker will be Mr. Vidal.

Mr. Vidal, you have six minutes.

**Mr. Gary Vidal (Desnethé—Missinippi—Churchill River, CPC):** Thank you, Mr. Chair.

I want to thank all of you, not only for being here today but for the work some of you have done over the last year, as Mr. Case said, and for some of you over several years, in being part of both the interim board and now the transitional committee.

There has been some really good conversation today around a number of items. I'm going to try to get to a couple of those things in my brief six minutes here.

First of all, when I read through this draft legislation, I saw that clause 3 talks about the sending in of the articles. It's the process of creating the entity, and your committee is responsible for that. If I interpret the legislation correctly, one of you, on behalf of the group, will be responsible to file the articles of incorporation.

My understanding from my accounting background is that in that filing of articles of incorporation, there's going to be a requirement to define membership and define some processes through the structure that's created. Nowhere in all of our conversations so far have I been able to determine or find out what the intent of the membership of this non-profit corporation will look like.

Are you aware of what you're going to proceed with regarding the articles of incorporation in the context of membership for this non-profit entity?

**Mr. Michael DeGagné:** Having been elected to respond, I'll note that the transitional committee has agreed to be a part of the establishment of a permanent board, one that's ongoing. Our focus will not be on political representation from a variety of different political organizations or even representation from the broad range of stakeholders that are involved with reconciliation in Canada. At least we won't as a snapshot.

• (1125)

**Mr. Gary Vidal:** I'm sorry. I'm so limited in time. I don't mean to be rude, but I'm going to get to the board composition later on.

I'm talking about the actual membership of the entity. In most non-profit corporations, you define a membership. If you follow through on the legislation down the road, it is that membership that ultimately elects the future board of directors based on a process.

I'm talking specifically about the membership of the organization itself, not the board of directors, if you don't mind, just for clarity.

**Mr. Michael DeGagné:** I don't know that the organization as it goes forward will be a member organization. I think that at first the members will be the directors, and we will establish it in that way. We're not looking for an organization that has, for example, something like a hospital board, with a broad range of people who are members.

**Mr. Gary Vidal:** You're suggesting that the established board of directors going forward will ultimately also be the membership. That will be defined as the membership. Is that what I'm hearing?

**Mr. Michael DeGagné:** Initially, yes, as it is with most non-profits, I would say.

**Mr. Gary Vidal:** No. Sorry. Most non-profits actually have a membership that elects a board of directors.

**Mr. Michael DeGagné:** That's right.

**Mr. Gary Vidal:** They are not necessarily the same group.

**Mr. Michael DeGagné:** They may not necessarily be the same group, but they can be the same group.

**Mr. Gary Vidal:** They can be, but the way this is defined it could go either way. You've provided clarity for me that your intent is for the board of directors to ultimately be the membership.

**Mr. Michael DeGagné:** Initially, yes.

**Mr. Gary Vidal:** Thank you. That's fair.

Now let's move on to the board of directors, as you started, which we have now identified as maybe the same group of people.

In the legislation, there's a provision that talks about how beginning the fifth year after the day of incorporation, we must have a broad definition of people on the board of directors. There's an application process from the first board.

Can you identify to me why there's a five-year delay on that requirement? Why would we not just do that right up front?

**Mr. Michael DeGagné:** I think initially, if we envision this organization as having a longer arc than just a few years, we would want to get established. It would give the organization an opportunity to engage with stakeholders. The stakeholders will have something to say about who they would like to see on the board.

**Mr. Gary Vidal:** In all fairness, sir, this first board of directors is ultimately selected by the Minister of Crown-Indigenous Relations. I get the “in collaboration” language, but I would rather see that language be a little stronger to say “jointly” so you folks have more say, to be honest with you. Ultimately, he still has the final say in the process. Then the board of directors sets the process for the selection and election of future boards by themselves, as you just told me, because the membership is the actual board of directors. There's a bit of a process here that's self-perpetuating.

Then, after five years, we're required to have a broad base of representation, including women, youth, gender-diverse people and all these other groups. Why not right away? Why not right up front? Why do we not remove that and have the requirement to elect or select a first board with a broad base of representation from across the country and from different regions and spaces in our society, so to speak? Why is it five years?

**Mr. Michael DeGagné:** I think what we're used to doing is looking at a representational type of board. Let's face it. This is the way we're being driven in Canadian society generally with boards when we look at these things as a snapshot, so every group has to be represented at the same time on the first day. The problem is that there are so many different stakeholders in reconciliation that you would have a vastly larger board than the one we have now.

What we're saying is to be patient. There will be representatives from a broad cross-section of Canadian society at the beginning, but it's going to be done over an arc of time—every 10 years, let's say.

**Mr. Gary Vidal:** I'm sorry, but I'm almost out of time.

You're saying there will be, but in essence you're saying to the rest of Canadians to trust the minister, because he's going to select the board. Ultimately we've agreed that—

**Mr. Michael DeGagné:** No, [*Inaudible—Editor*] the board.

**Mr. Gary Vidal:** —the minister has the say. He's going to select this first board, and now you're telling me it will have a broad base. However, that's not required until five years from now, so what's the assurance that this will be the case?

**Mr. Michael DeGagné:** You're trusting the board, essentially, once it's established.

**Mr. Gary Vidal:** No, I'm trusting the minister to select the board.

**Mr. Michael DeGagné:** Yes, with us, with our consultation.

**Mr. Gary Vidal:** That's right, but we just agreed that he ultimately has the final say.

• (1130)

**Mr. Michael DeGagné:** I think what we're looking at is that we cannot establish a broad-based board on the first day. Then, if we look over the course of time, you will find that eventually everybody and every stakeholder will have a seat at that table.

**Mr. Gary Vidal:** Thank you. I think the chair is going to stop me there.

**The Chair:** Thank you, Mr. Vidal.

We'll now go to Mr. Battiste for six minutes.

**Mr. Jaime Battiste (Sydney—Victoria, Lib.):** I would like to start off by thanking you for the work you've done over the last few years in getting us to where we are today. Looking at your description of the membership on the transitional committee, we have people from the friendship centres, people from the Métis nation and people representing the north. We're hearing English, French and indigenous languages. It's important to have that kind of diversity at a committee taking on this role.

My first question is about the relationship with the minister. Would you say you've had a good working relationship with the minister? Some people have tried to frame this as paternal, as if the minister is doing this big oversight. Can you give us a description of how the working relationship has been over the past few years with the minister?

**Mr. Mitch Case:** I'll respond very briefly, and then others can jump in.

In the work we've done, I think we've only seen the minister once, and then we were left to do our work. We were certainly supported by his office in coordinating things and all the work that needed to happen, and the staff behind the scenes were incredibly helpful, but there—

**Mr. Jaime Battiste:** Would you say they were very supportive and hands off, allowing the committee to do the important work that was necessary?

**Mr. Mitch Case:** That's my view of things, yes. Certainly others can contradict me if they want to.

**Mr. Jaime Battiste:** I guess the other part, if that's what the transitional committee's thoughts are.... I'm looking at the \$126.5 million as well as the \$1.5 million for the starting year. Do you feel that amount gives the committee a long range to conduct the work of reconciliation? Reconciliation is not going to be done in a year; it may take a generation. Can you tell us a bit about how you foresee using that money? Is that an adequate amount of money for reconciliation over a number of years?

**Mr. Michael DeGagné:** I think it's clear among this group that it will not be an adequate amount of money over the course of time, but it is initially sufficient to get the organization going and to get it doing its work. It also puts some pressure on the organization in, let's say, five years to demonstrate some results and demonstrate that the reconciliation movement is being pushed forward by this organization.

I think it accomplishes enough to get us initially started. It is not by any stretch of the imagination the kind of first commitment that will last forever, and certainly not with all the first nations, Métis and non-indigenous interests in Canada. It's enough to get us going and will put pressure on us to demonstrate results.

**Mr. Jaime Battiste:** Within the makeup of the committee, the recommendation is to have one seat from the MNC, one seat from AFN and one seat from the ITK.

Can you give us an explanation as to how you came up with those three groups and those numbers for the makeup of the committee?

[Translation]

**Ms. Edith Cloutier:** Thank you for your question.

It is indeed important to seek out the greatest plurality of voices that make up indigenous peoples and have a council where it will be possible to work and move forward. A large council can be burdensome in terms of administration and governance.

Representation from the Assembly of First Nations, Inuit representation and Métis representation allow us to have, initially, this representativeness of indigenous peoples. Then it's a matter of, through appointments or calls for nominations, going after that diversity that you mentioned at the beginning of your comment, which would include women, members of the LGBTQ+ community, people from urban and rural areas, youth and seniors. I think we have an opportunity to open the door to different people who want to be involved with the council.

• (1135)

[English]

**Mr. Jaime Battiste:** The last question I have is on the calls to action. A lot of them are in the federal jurisdiction and some of them, like health and education, are in the provincial jurisdiction. Some of them are calling on law schools or universities. How do we envision this council being able to effect change with all the stakeholders?

As you said, Michael DeGagné, there are so many stakeholders involved in reconciliation; it's not just the federal government. How do we feel a national committee could help sway or push provinces or universities to do more on the calls to action?

**Mr. Michael DeGagné:** I'll speak to the university perspective, as an example. Having worked in that sector and spoken to some universities, I generally get the same questions. How can we better reach the indigenous community in our schools? How can we begin the process of reconciliation not just inside the schools but with our community? What they're largely unaware of, although there are efforts in this regard, is what everyone else is doing.

I think that's going to be a big part of what this reconciliation organization will do. It will be to say that they don't have to recreate everything from scratch every time. There are corporate initiatives that are exemplary and other corporations can emulate them. There are university initiatives that are exemplary and other universities can emulate them.

I think there will be a lot of information sharing, getting into the data and making sure that where commitments are made around reconciliation, people honour them.

**Mr. Mitch Case:** Can I add to that very briefly, Mr. Chair?

**The Chair:** Please go ahead.

**Mr. Mitch Case:** It also comes down to the first point in the mandate, which is to establish that broad definition of reconciliation.

With respect to your question, you only mentioned the TRC calls to action, but RCAP had hundreds of recommendations as well. The courts have outlined reconciliation in a legal framework. Reconciliation means a lot of different things.

To Mike's point, I think the council can have the role of convening these conversations to help organizations, entities and schools—whatever it might be—that want to do something and don't know where to start. It can be that convenor to pull TRC, RCAP, MMIWG and all of those things into one place to help convene these conversations.

**Ms. Rosemary Cooper:** Perhaps I can supplement that very briefly, Chair.

**The Chair:** Yes, please go ahead.

**Ms. Rosemary Cooper:** This is also tied to education, a broader Canadian education. How do we reconcile? What are the promising practices? Those are essential to the board in the work it will be working on.

**The Chair:** Thank you, Ms. Cooper and Mr. Battiste.

[Translation]

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

**Mrs. Marilène Gill:** Thank you, Mr. Chair. I also thank all the witnesses for their presentations today.

I have several questions for them. However, as we know, our time is limited. So I'm going to follow up on what Mr. Vidal was talking about earlier, the issue of the fifth anniversary. I have not heard a full answer on that.

I am also wondering why it is taking so long to put together a board of directors that is ideally representative of all indigenous peoples or the indigenous reality.

I don't know who would like to answer the question. So I will leave it to the people on the transitional committee to identify that person.

**Ms. Edith Cloutier:** Thank you for your question, Mrs. Gill.

As was mentioned, the transitional committee will be part of the first permanent board of directors. You have, with the four of us, an example of that representative diversity of indigenous peoples.

Of course, we are not going to be the only ones on the board, as we will be joined by three representatives from national institutions. So there will be a call for nominations, and it is after those nominations have been considered that the permanent board of directors will be created. I agree that this will have to be done in conjunction with the minister and that he should not be left to make these decisions alone.



So, as you will understand, there is a lot of work ahead of us over the next year. We'll have to incorporate the nonprofit organization, draft the bylaws, and so on. So we have a lot of work to do, but we feel that, in five years, and maybe even three years or two years, this diverse board will be complete.

That said, the proposed legislation was designed to give the board the powers and the ability to conduct its own engagements, to decide on its own actions, and to work toward a board of directors that is representative of the beautiful and diverse peoples in Canada. So we need that time to do this.

• (1140)

**Mrs. Marilène Gill:** Okay.

I'm going to ask you my next question completely candidly.

Five years to get to the point where there is representativeness is a very long time, in my opinion. What's more, I think the interim board had already consulted with a number of stakeholders, some organizations, as well as you and the commission itself.

So I would imagine that already having knowledge of the field and the reality would have made the task of establishing a more representative board relatively easy. That said, I understand all the challenges you face.

I am not sure who said earlier that the Inuit Tapiriit Kanatami, the Assembly of First Nations and the Métis National Council represented all indigenous people in Canada. I'm also not sure all the witnesses would agree with that statement.

So you really think it will take five years and that's why all this time is being requested. Couldn't it be done more quickly?

**Ms. Edith Cloutier:** Yes, there may be a way to do it more quickly.

**Mrs. Marilène Gill:** Would it be difficult?

**Ms. Edith Cloutier:** A five-year time frame has been established. However, it is certain that we will invest the energy required to put in place a board of directors that is representative of the reality of indigenous peoples in Canada.

**Mrs. Marilène Gill:** Yes, I understand.

You gave the example of the bylaws. I would imagine that, to draft the bylaws, you would prefer to have more people involved, without making it too complex either. As you said earlier, the more people around the table, the harder it becomes to work.

Thank you. That answers my first question.

I obviously won't be able to ask all the questions I had prepared, but I have another one, again candid, about clause 12 of the bill, which talks about representativeness. In subclause 12(a), it talks about "First Nations, Inuit and Métis", which makes sense. Subclause 12(b), on the other hand, refers to "other peoples in Canada". I was wondering what exactly this meant, as this element is not defined after the preamble.

Could any of you answer my question?

**Ms. Edith Cloutier:** We're talking about non-indigenous Canadian representation.

Reconciliation is not just built among indigenous people; it requires working with all Canadians.

**Mrs. Marilène Gill:** I notice that "peoples" is plural. Are you referring to the Quebec nation versus the rest of Canada, for example?

It's okay if you don't have the answer. You can send it to us later. I'm just wondering what it means in terms of representativeness.

**The Chair:** Thank you, Mrs. Gill.

Ms. Idlout, you now have the floor for six minutes.

[*English*]

**Ms. Lori Idlout (Nunavut, NDP):** [*Member spoke in Inuktitut*]—

**The Clerk:** I'm so sorry to interrupt, Mr. Chair, but there's no Inuktitut interpretation this morning, unfortunately.

**Ms. Lori Idlout:** [*Member spoke in Inuktitut*]

[*English*]

I'll translate what I just said in Inuktitut.

First of all, welcome to all of you. I really appreciate what you've shared with us today. Your testimony is very important to this study, and I know it is going to be a momentous moment when we do finally have Bill C-29 passed in the House. The guiding work that this council will bring forward will give a lot of hope to indigenous peoples for generations.

I also mentioned in Inuktitut that I normally speak in Inuktitut but that today, because of our lack of interpretation, you have the unique honour of hearing me directly in English.

**Voices:** Oh, oh!

**Ms. Lori Idlout:** I thank Rosemary for speaking in Inuktitut. I love our language, and it's wonderful to hear it from other people.

I want to very briefly ask a question about the work you did in preparation for Bill C-29. Were there discussions about whether indigenous rights should also be monitored and reported upon?

• (1145)

**Mr. Mitch Case:** I think that's why we see that very first bullet point about establishing a broad definition of reconciliation. There's reconciliation in terms of what we think of in our popular imagination of it, which stems from the Truth and Reconciliation Commission and is more about relationships and those things, but the Supreme Court was talking about reconciliation 20 years before the TRC. That was about reconciling indigenous law and Canadian law as expressed through institutions like this.

I think when the council gets to a point of establishing that broad definition, it has to take into account legal reconciliation, which is the rights protection piece that I know matters to you—I've been watching the committee—and matters to me. That's what I do when I'm not hanging out with these guys. I understand where that question comes from, and I think it's addressed by that broad definition. What does economic reconciliation mean? What does reconciliation mean in terms of the residential school question? That's only one piece of it. The theft of land and all those other things are huge issues that were facilitated and made possible by residential schools but are separate issues.

When it says to develop a broad definition, I think they're talking about developing a dozen definitions: economic reconciliation, land-based reconciliation, culture-based reconciliation—all of those different things. I think that gets to the question.

**Ms. Lori Idlout:** I am glad to hear that there have been discussions about ensuring that indigenous rights are protected, because I think as we all know, we are frequently deprived of our rights. Frequently we experience the violation of our indigenous rights, so I'm glad to hear that there has been a discussion and that there was at least some effort to make sure that in the preamble we have this council guided by UNDRIP. One of the amendments I will be suggesting is to make sure that it's also in the legislation so that there's a signal to the council that promoting and protecting indigenous people's rights must be a form of the work the council does, in addition to monitoring and reporting on policies and programs.

I have a couple of quick questions. These are more for guidance for legal drafters.

A couple of gaps exist in the bill: the lack of a definition for “elder” and the lack of a definition for “survivor”. I think we'll need to get a better sense of how to ensure we're reflecting important indigenous people's views, especially when it comes to identifying who elders might be and how to make sure we're identifying survivors who need to be heard by this council.

I wonder if you could provide some guidance as to what the legislative drafters will consider for elders and survivors.

**Mr. Michael DeGagné:** I've dealt with this question in the past in the establishment of other organizations. There is a desire for these organizations to establish how an elder is defined, how a survivor is defined and these sorts of things.

Where we wound up was that it's best to have communities define these terms. You're an elder if you're identified and defined by your own community as an elder. It would not be for this organization to establish for all sorts of cultural groups who their elders and survivors are.

I don't anticipate that there will be an attempt in the legislation to try to define that in advance. It may come out more in engagement later on down the line.

• (1150)

**The Chair:** Thank you very much, Ms. Idlout.

We'll now proceed with the second round of questions. We'll start with Mr. Schmale for five minutes.

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

Thank you, witnesses, for being here today. I appreciate your testimony.

I will open the floor to this question, and I have a very small amount of time. I would like to get your thoughts on the Prime Minister not being named in this legislation to respond to the progress of the government on an annual basis. Is that something you're okay with? At this point, the minister would be doing it rather than the Prime Minister.

[*Translation*]

**Ms. Edith Cloutier:** In the first report submitted by the interim board in 2018, we recommended that the Prime Minister be the person responsible for submitting the report to Parliament. We reiterated this recommendation in our work on the transitional committee. Changes were submitted and made, but we still believe that the Prime Minister should be the one mandated to submit the report to Parliament. In fact, this is also part of the recommendations of the Truth and Reconciliation Commission.

[*English*]

**Mr. Jamie Schmale:** I want to talk to you about measurable targets.

I'm getting severe feedback from my headset. I don't know if anyone else is.

**The Chair:** I think it's okay now. Whoever has their microphone unmuted, please mute it.

Go ahead, Mr. Schmale.

**Mr. Jamie Schmale:** Regarding the measurables, a lot of legislation focuses on “efforts” to get things done. Should we be looking at some stronger wording in this legislation to ensure that proper benchmarks are there and that it's not just about efforts, but about getting things done and hitting targets?

**Mr. Michael DeGagné:** Efforts are probably as far as you can take this. I don't know that reconciliation is the type of thing where you can have clear and measurable outcomes. As you know, reconciliation is being adopted by more organizations, whether or not it has become a part of the social discourse and whether or not corporations, individuals and governments are developing plans and these sorts of things.

I think you'll have a lot of proxy measures based on the other activities people are undertaking, but as for the idea to, for example, move from efforts at reconciliation to—I think it was mentioned before—ensuring reconciliation, ensuring is very, very difficult. You'd need an organization that has the teeth to police it and make sure that commitments are put in place. I don't think you can get much farther than the efforts that can be made around achieving reconciliation.

**Mr. Jamie Schmale:** Regarding the measurables, would you be concerned that using just effort is not giving the government the full incentive to get this done? We've seen it in a number of reports. We've seen it in departmental plans. We've even seen shortfalls in the department meeting its set targets.

If we're just using the language of "effort", my fear is that it just becomes a repeat of history, and we just keep pushing the line down the road. We'll get to it, we're hitting targets and we're making best efforts, but we're not actually achieving anything.

**Mr. Michael DeGagné:** I think it's fair to have organizations, individuals and all of our engagements directed towards defining what a reconciled Canada would look like, and I think that will take a long time. We have to have some sense not of when we're done reconciling, but of what a reconciled Canada would look like. I think it's fair to define that.

On measurable targets, maybe financial targets and investments in reconciliation would be reasonable to put in place, but otherwise, I think it's going to be about the objectives in the plans and how individuals, organizations and governments are achieving those objectives. I don't think measurables lend themselves easily to reconciliation.

• (1155)

**The Chair:** Thank you, Mr. Schmale.

We'll go to Mr. Weiler for five minutes.

[*Translation*]

**Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.):** Thank you very much, Mr. Chair.

I thank the witnesses for joining us today. I also thank them for all the work they are doing on the transitional committee.

[*English*]

My first question relates to something Madame Cloutier mentioned earlier. She said that the transitional committee heard from experts from all different walks of life, including law, data access and information sharing.

I think a really critical point of this legislation is ensuring that the council has access to information that will allow them to do their work. I'm curious about that. I hope you can tell the committee what you heard from those experts on data and information sharing. Are you're confident that with the way the legislation is written right now, it will ensure the council has access to the information it will need to effectively carry out its mandate?

**Mr. Michael DeGagné:** Could you just give me a quick précis of that? I'm sorry if I'm wasting your time.

**Mr. Patrick Weiler:** That's quite all right.

Clause 16 talks about a "protocol" being developed by the minister "in collaboration with the Council". My question to the witnesses here is this: Are you confident this language will ensure that the protocol that is developed will be sufficient to give the council the information it needs to do its work?

**Mr. Michael DeGagné:** I don't think any of these requests for information are seamless. I think it's positive that we set out right from the outset that we want to work with the people who are providing the information so that it can be used in a form that's understandable to Canadians and other people this organization would report to.

This is a harvesting operation. All of the departments are doing reconciliation in some form or another, and all of that stuff will be brought to the centre. There has to be some efforts on the other end to make sure that it's all something we can digest and share with others.

I think this is enough. Obviously this is negotiated and discussed at some length, and I think it is a good place to start.

**Mr. Mitch Case:** Very briefly, I think this goes about as far as we can expect it to, and it's not necessarily the federal government I'm concerned about with regard to the data-sharing agreement.

Call to action 55 lists some of the proposed types of data that would go into the national council when doing its assessment. When you look at that, you see that a lot of it is provincial jurisdiction because of Canada's constitutional framework. My concern is more that they won't get information from the provinces on key indicators and on whether or not we're actually moving things forward. I'm less concerned about the federal government, as there's no ability or power here, unless someone has a new section of the Canadian Constitution that I don't know about, to mandate the provinces to hand over that information. It's going to be very much based on goodwill with other levels of government outside the federal government.

[*Translation*]

**Ms. Edith Cloutier:** I would like to quickly add that there are other groups gathering data and information. I am thinking in particular of working groups related to missing and murdered indigenous women and girls, such as the one Ms. Cooper is involved with.

In my opinion, collaboration and information sharing at these various levels should be encouraged. That could be part of these protocols.

• (1200)

[*English*]

**Mr. Patrick Weiler:** Thank you very much for that.

I have a last question here, because I know my time is running out.

A key part of reconciliation is working with indigenous groups on self-determination and advancing it right across the country. There are, I think, 634 different indigenous groups across the country, so this is a major challenge, as they all have different governance systems.

I'm wondering what role the witnesses see for the council in helping to advance some of the discussions on treaty negotiations for some nations where there are still no treaties—many of which are in my province—and treaty implementation across the country?

**Mr. Michael DeGagné:** It's similar to Madam Idlout's comments. I think there's an interest in rights and making sure that rights are considered. There's an interest in making sure that UN-DRIP is considered and that treaties and land are considered. All of those things are parallel processes in reconciliation.

I think this organization, this structure, wants to push forward on reconciliation so that somebody can't say that until all rights are recognized in this country, we can't move forward, or that until all of the land questions are settled, we can't move forward. Having a structure gives an imperative to move forward on reconciliation where it's occurring, but not to ignore those other very critical questions.

**Ms. Rosemary Cooper:** I'd like to add that in reconciliation efforts, self-determination and a distinctions-based indigenous lens are critical in Canada. The gender-based analysis the federal government has committed to is equally important while we make efforts to address the diverse people who are challenged, whether they're gender-diverse people, youth or the whole sector we're trying to engage with. In the effort to recognize Inuit, first nations and Métis in Canada and their rights, I think we're at a milestone with some leverage going on for self-determination.

[Translation]

**The Chair:** Thank you. Mr. Weiler.

I now give the floor to Mrs. Gill for two and a half minutes.

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

To conclude, I would like to return to subclause 12(b) of the bill. The witnesses did not have time to answer my question about the interpretation of that provision, but I would like them to send a written response to the committee. We know what the form is, but we don't know what the reference is. Now, if we are going to do this seriously, we need to understand what it is.

I also wanted to talk about elders and survivors. My colleague Lori Idlout talked to you about that, and we will take note of your answers.

On the third page of the bill, right after the definitions section, the act's primacy is mentioned. It says that, "In the event of any inconsistency between this Act and the Canada Not-for-profit Corporations Act...this Act prevails to the extent of the inconsistency".

I am not sure what this refers to. In the context of our committee's study, why is this provision needed and what does it mean? Could someone give me a concrete example to help me understand better?

[English]

**Mr. Michael DeGagné:** I think that's the legal process. It's part of the work that this transitional committee has agreed to do. Once the legislation winds its way through here, it will take on the task of legally establishing the organization itself. Someone has to file the documents. I don't think there's anything more to that than a mechanical effort.

• (1205)

[Translation]

**Mrs. Marilène Gill:** So you could say that it's just a matter of constitution. Thank you, that's exactly what I wanted to know.

I have 10 seconds left for one last point.

This may be because I am a member of the Bloc Québécois and we defend the French fact, but at the last committee meeting, I was surprised to hear two witnesses from the Innu nation say that they sometimes felt like they were far away.

The situation is not the same in all the communities of the nation, but their first language is Innu. With French being their second language, these witnesses wondered if there would be better representation of the French fact on the board of directors, since subclause 12(e) of the bill talks about various regions of Canada, including urban, rural and remote regions.

**The Chair:** Could the witness respond briefly, as Ms. Gill's last comment was over 10 seconds by far.

**Ms. Edith Cloutier:** Ms. Gill, I live in Quebec, I speak two languages and I have been on the National Council for Reconciliation Transitional Committee since 2017. I can confirm that we will ensure that both official languages are well represented on the council. This has always been a priority, and it still is today.

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

[English]

Ms. Idlout, we'll go to you now for two and a half minutes.

**Ms. Lori Idlout:** *Qujannamiik.*

I think it's pretty obvious from my year here that indigenous languages are very important to me. I've introduced a bill to make amendments to the Elections Act so that indigenous language speakers can access election materials in their languages. I think this council will also need to be able to hear from indigenous people in their languages.

Do you think it will be important—whatever the indigenous language is—that Parliament provide the council the resources it needs, regardless of how many indigenous languages there are or how many indigenous language speakers there are in a language, so that indigenous language speakers are heard in the language they wish to be heard in?

**Mr. Michael DeGagné:** An organization I worked with previously was the Aboriginal Healing Foundation. After we were established and had operated for a few years, we conducted 36 regional consultations, from north to south and from east to west. We're speaking about an organization that dealt with indigenous residential and boarding schools. It was surprising to us that the number one issue most people had in those institutions was the loss of their language. It was surprising, because we were not set up to deal with language.

Even though we were not a language organization, there were questions raised about how we could do our part, at least, in making sure to support indigenous languages. We did so mainly with six language groups—to the extent we could—through print publications and that sort of thing.

I do not see the resources present in this organization to make it a language institution, but I would certainly see it as critical to ensure that we do what we can to support indigenous languages in print translation and in making our materials available in languages for children. I think efforts can be made there. As for whether or not they will be comprehensive enough, I don't think so, but efforts can certainly be made, when the organization is established, to honour as many indigenous languages as we can.

**Ms. Rosemary Cooper:** If I might, I'll supplement that point.

You raise a relevant point, MP Idlout. It's not only about the language of communication. The format of communication is also critical. I just came from Iqaluit yesterday, and the connectivity there was really slow compared to the main part of Canada. Using the different platforms for ways of communicating will also be critical given the formats that will be going forward.

• (1210)

**The Chair:** Thank you, Ms. Idlout.

We'll go to Mr. Zimmer for five minutes. That's who I have on my list.

**Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC):** Thank you, Mr. Chair. I'll pass my time to Mr. Vidal.

**The Chair:** Go ahead, Mr. Vidal.

**Mr. Gary Vidal:** Thank you, Mr. Chair.

I want to qualify my first round. If I appeared to come off a bit aggressively, it was not my purpose. I serve a riding that represents the second- and third-largest populations of indigenous people in the country by numbers and percentage, so I can sometimes get a bit passionate in my desire to make improvements to something I feel is lacking and could be made better. That's my purpose when I sit at this table.

I want to follow up a bit with Mr. DeGagné on the “efforts” conversation.

On the public record, one of your colleagues on the transitional committee and interim board of directors, Chief Littlechild, talked about the word “efforts” needing deletion. He said it should not say “efforts for reconciliation” but simply “advance reconciliation” because that would be more appropriate. We're on this journey, and we should be seeking to advance it.

Do you disagree with him given your comment about efforts being good? I'm sorry. I'm not trying to pit you against him; that's not my point. I think we're at a place where we need to seek to advance reconciliation, not just seem to be, or be seen to be, making efforts. That's where I'm coming from.

**Mr. Michael DeGagné:** I appreciate that, because whenever we see the phrase “best efforts”, it's letting you off the hook.

We want to keep the momentum going, and I think Wilton Littlechild's comments about advancing reconciliation are spot on. I wouldn't want to see something like “uphold reconciliation” or “ensure reconciliation”. I don't think we'd want to see that with any other issue in Canada, as if suddenly we had unlimited resources to make sure or be absolutely certain this happened.

Certainly, we want to make sure we advance things and that the momentum we have behind us so far can carry us forward. I'm in agreement with that kind of language.

**Mr. Gary Vidal:** I appreciate that. I wanted to bring a little clarity to that and set my framework a bit clearer, if I didn't before.

I'm going to come to you with a question, Mr. Case, and you can add to others, if you want.

You talked about call to action 55 being provincial. I quickly went to look at it because I wanted to refresh my memory. I believe that out of seven points in call to action 55, five have a pretty significant federal component. In the legislation, we see a brief mention of call to action 55 in the preamble, but there's nothing in the “Purpose and Functions” section.

My colleague Mr. Schmale was talking about measurables. Some of my language around this has been.... Call to action 55 has some very clear and identifiable measures, so we can quantify and measure our success. There's the old adage that says what gets measured gets done. I would like to see some language that includes the items from call to action 55, but language that is not limited to just those. There are many more we could measure.

Would you agree that it's important we still measure some very quantifiable things to see whether we're achieving success on the journey to reconciliation?

**Mr. Mitch Case:** Yes, and I would absolutely agree that what gets measured gets done, but I would take issue with your analysis of the list in call to action 55. Those are in the federal jurisdiction and apply to on-reserve questions, but there are multiple issues where Métis communities are still left out of that despite it being many years since the Daniels decision. We're still trapped under provincial jurisdiction in places where Métis communities exist.

If you're only going to look at the federal component where there is a long-standing legacy of the federal government taking its responsibility for these issues seriously, then that will immediately start to leave out Métis communities, so—

**Mr. Gary Vidal:** I guess I would qualify it. I think I made it very clear that there are some very measurable items there. Yes, they do apply to federal jurisdiction regarding first nations, but I'll also open the door to say that there are some other things we could do to very clearly measure success as well.

I think we're saying the same thing, at the end of the day.

**Mr. Mitch Case:** The only caution I would add is that if you strengthen what you're asking of the national council, then you should strengthen its budget also.

**Mr. Gary Vidal:** That's fair enough.

I'm running out of time, and I want to ask one more quick question.

A number of you made comments about economic reconciliation. It's something we've heard a lot about at this table, if you've been following.

Would you agree that in clause 12, where we talk about the group of representatives, there might be room to add somebody who brings to the table the concept of achieving economic reconciliation?

• (1215)

**Mr. Michael DeGagné:** I think that would certainly be contemplated. I mean, there are all sorts of different sectors where reconciliation is possible. I don't know that it's essential to list economic reconciliation as if to say that it's a special one, but it's certainly critical to reconciliation, just as rights and all of these other elements are.

I don't see it as having to be intentionally included. As I read it, it's already there.

**Mr. Gary Vidal:** Thank you.

**The Chair:** Thank you, Mr. Vidal.

We'll now go to Ms. Atwin for five minutes.

**Mrs. Jenica Atwin (Fredericton, Lib.):** Thank you so much, Mr. Chair.

Thank you to our witnesses today. This has been particularly helpful for our committee's work.

I'd like to go back to something Ms. Cloutier mentioned, specifically about her experience with friendship centres and the lived experience of the people who we want to be most impacted by this legislation. For reconciliation to be meaningful, it needs to have a positive impact on communities that are on reserve, off reserve, urban and rural. We need to know if the steps we're taking are making a difference. I'm wondering how we do that.

Do you have any thoughts on how the board can best report on this, especially for, say, remote communities?

[*Translation*]

**Ms. Edith Cloutier:** What we have learned in our work is that it is necessary and important for the National Council for Reconciliation to be broad in scope and focus specifically on reconciliation.

How do we measure success and achievement?

I would say that not having defined this measure too precisely in the bill is also what we want. Indeed, it is important that the National Council for Reconciliation, in its final version, have the power to carry out its own commitments, set its priorities and draw up its action plan to be able to develop organically as an independent organization.

So we need to continue to provide this space for the coming exercises, to stay connected to our reality and to the lives of the people for whom the council will need to matter, and to be able to act.

[*English*]

**Mr. Michael DeGagné:** If I might, I'll add a point.

Just as an example, when I started in this particular industry 40 years ago, I would have said, "Wouldn't it be great if we could open

every meeting as a corporation, government or non-profit with some acknowledgement that indigenous people were here first for thousands of years?" I would never have pictured 40 years ago that it would become as ubiquitous as it has become. Plenty of people will say that land acknowledgement is not really reconciliation; it's performative, but it's an element of reconciliation. It's a small step that's easily defined and measurable. People can see when it happens and when it doesn't. Now we see it in national broadcasts and at hockey games, meetings and critical events.

I think for those types of things, we can say we had none of this before, it seems to have caught on and it's present now, and we can at least describe the advancements we've made in reconciliation in this regard.

**Mrs. Jenica Atwin:** That's excellent. Thank you very much.

Continuing in that same vein, I'm thinking about non-indigenous people across the country and wanting them to feel the responsibility and wanting them to engage in this process as well.

I know the legislation states that the national council must be two-thirds indigenous and that non-indigenous peoples living in Canada must also participate. What do you envision is the role of non-indigenous people on the board and the perspective they can bring? How can their work advance reconciliation in an indigenous-led institution?

**Mr. Michael DeGagné:** Well, it takes two hands to clap. We may define reconciliation in a dozen different ways, but usually it means there's some sort of interaction, relationship or conversation between two groups to try to arrive at some kind of mutual understanding.

The presence of non-indigenous people on this council is absolutely critical. They bring a perspective that is obviously different from an indigenous one. The kinds of people and the affiliations they have when they come to the table can really help advance reconciliation purposefully and meaningfully.

I think the non-indigenous presence is absolutely clear. We've been saying this since the very beginning, and I think Mitch said it again today: Reconciliation is for everyone; it's not just an indigenous issue.

• (1220)

**Mrs. Jenica Atwin:** Thank you, Mr. Chair.

**Ms. Rosemary Cooper:** Coming from a women's national perspective, I'll add that to make a difference in Canada, you need, as Michael said, both hands. We are all Canadians, and we have to address this reconciliation effort to change the patterns we've seen in Canada.

**Mr. Mitch Case:** As Mike said earlier, we've been essentially engaged in a 40-year discussion about reconciliation. In so many ways, nothing about what indigenous people have been calling for in 40 years has changed. We've been saying the exact same things. The things said by someone in a position like I have today are the same things that I heard our leaders say when I was a kid, and before that.

The role for non-indigenous Canadians is not just limited to this council. The reality is that it's not indigenous Canadians who have the electoral power to hold governments accountable and to make sure things actually get done. The numbers just don't work out that indigenous people are going to make or break a government in this country.

In many ways, it's your government, so hold them accountable. That's the message I say to Canadians all the time: It's your government, so hold them accountable. If reconciliation matters to you, make them do it.

[*Translation*]

**The Chair:** Thank you, Mr. Case.

I want to inform the witnesses and members of the committee that there will be no vote at 1 p.m. So you will not hear the call bell and we can continue the meeting until 1 p.m.

We are starting the third round of questions.

Mr. Melillo, you have the floor for five minutes.

[*English*]

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

Thank you to all of our witnesses for the incredible testimony so far, and to my fellow members for their great questions. To that end, much of what I wanted to ask has already been asked, and I appreciate all members for doing that work.

I want to zero in on two topics, and specifically delve into, as in the first round, efforts versus ensuring that we find measurable outcomes.

Mr. DeGagné, we've heard a number of times in committee that there should be more measurable outcomes included in this proposal. I heard your comments earlier about some of the challenges around the specific wording. I'm curious as to whether you can elaborate a bit more on the specific measurable outcomes that you think could potentially be included in Bill C-29 to make it stronger. This would allow us to continue to advance efforts in or ensure reconciliation—whatever terminology you want to use—to make sure we can get it done.

**Mr. Michael DeGagné:** This is the age-old discussion in research about quantitative or qualitative research. Quantitative tends to have a certain harder quality. If we can quantify something, we can set a measurable target and we know whether we've reached it or not. We can compare it to other similar circumstances.

However, I think lately, certainly around things like healing, reconciliation or self-determination, we may not be able to measure but we know it when we see it. I think there is a meaningful and impactful way to qualitatively assess what kind of reconciliation we've actually accomplished.

The indigenous community puts a very high value on stories and storytelling. Qualitative assessment lends itself to saying, "Tell me how it went; tell me the story."

Once started, our organization will have its role to quantify where we can, but also largely to gather and collect stories. That's

something the TRC did very well. It's to grab those stories and ensure that we're advancing our cause.

• (1225)

**Mr. Eric Melillo:** I appreciate that. Thank you.

Did anyone else want to comment? Okay.

I have one more question, and if any time is remaining, I'll turn it over to Mr. Vidal because I know he has a lot of questions.

Mr. DeGagné and Mr. Case, you both mentioned the different pieces of reconciliation. I believe "different sectors" were the words you used, Mr. DeGagné. This was in terms of economic reconciliation, land and rights. To the point that was raised earlier—I won't belabour it—we have heard folks mention in the committee that there should be a seat at the table for or a specific focus around economic reconciliation.

To the point that was mentioned about the different sections of reconciliation, do you believe there could potentially be a benefit to having more specific seats, not just for economic reconciliation but for rights as well, and some of those other sectors you mentioned?

I'll open this up to anyone who has a comment.

**Mr. Michael DeGagné:** I think the most impactful thing we saw this past summer for reconciliation was the Pope's visit. How would we classify what the Pope managed to accomplish while he was here? Maybe it's spiritual reconciliation or religious reconciliation or something like that.

As many types of reconciliation as you can imagine are there, and we have a sector that supports or represents those different tranches of reconciliation. We're looking here for a general statement that says we understand that we need people who represent all of these different sectors, whether it's spiritual, economic, rights-based or self-determining. I think we have general enough language here to capture it.

I wouldn't want to start to put stickers on individual types of reconciliation because I think we may not have enough seats at the table.

**Mr. Mitch Case:** Yes, that's my concern also. If we go into that representation issue for all of those different issues, now we're talking about a national council of about 147 people. I think we start to run into problems if that's the way we're going.

That's where the council gets into defining reconciliation. There's the board, and they can establish whatever advisory tables they want. They can bring in all the different voices they need to. I would imagine that this makes sense. You can have a panel of experts who advise on where we are with—to Ms. Idlout's question—a rights-based reconciliation agreement, with social determinants of health in reconciliation, with GBA+ in reconciliation or with economic reconciliation.

Each of you represents all kinds of diverse interests in your constituencies. We don't have to have 18 members from Kenora because we have you, Mr. Melillo. Multiple perspectives can be represented by different individuals at that table. There can be ways for more information and more voices to be brought into that process without either putting labels on things or having a massive board that would be ungovernable.

**Ms. Rosemary Cooper:** I'd just like to supplement that point.

For example, with missing and murdered indigenous women, the inquiry found that the data or the statistics weren't there. Where are the other institutions—federal, provincial, territorial and indigenous rights holders—that are monitoring that data? There are existing institutions that can provide that raw data for us as well.

• (1230)

**The Chair:** Thank you, Ms. Cooper and Mr. Melillo.

We'll now go to Mr. McLeod for five minutes.

**Mr. Michael McLeod (Northwest Territories, Lib.):** Thank you, Mr. Chair.

I want to thank our presenters today. It's a very interesting discussion and a very important one.

I attended residential school. My whole family attended residential school. My wife's family attended residential school too. I got involved in politics at a very young age because I could see the poverty. I could see the struggles our people were facing. A lot of our elders always spoke about the agreements that were in place through the treaties and through the Métis scrip so we could coexist. I think they're the reasons I stayed in politics, because for the longest time it seemed like nobody was listening.

I want to ask the committee a question about the council and how the elders and survivors fit into the council. When the transitional committee was doing their work, did they envision that there would be seats set aside for elders and survivors, or did they see a separate body set up for the elders to advise and support the NCR?

**Mr. Michael DeGagné:** From up in Sioux Lookout, a good friend of mine, Garnet Angeconeb, always tells me, "Don't forget the voices of survivors." You got into politics because, as you said, nobody was listening to those voices anymore.

I think any council like this has an ongoing obligation to listen to survivors. Whether they're survivors of residential schools, the sixties scoop or the child welfare system, we have that obligation because their voices will be critical in reconciliation.

I think what we see in other organizations.... For example, the National Centre for Truth and Reconciliation has gone the route of establishing an elders' council. Certainly a lot of universities have. I don't know if you want to tie the hands of whatever board comes in, but I think any board that moves forward with this organization will be thinking about the voices of survivors and making sure that they're captured meaningfully and in an ongoing way in the work of this council.

**Mr. Michael McLeod:** I'm not sure if you answered my question, but I have other questions regarding the body and makeup of this council, and providing oversight.

I've been looking at UNDRIP for a long time, and I always expected there to be an oversight body, a watchdog, because indigenous people don't trust governments. I'm not sure if that would be a separate body or if it would fall under the responsibility of this council, but it seems that a lot of oversight needs to happen. There are truth and reconciliation recommendations, possibly UNDRIP, the sixties scoop and murdered and missing indigenous women and girls. That's a lot of oversight to be responsible for, and if there are nine, 10, 12 or 14 members—whatever the number—it's going to mean a lot of research, it's going to mean a lot of discussions and it's going to mean a lot of updates. That's going to be overwhelming for one body to look at, and I'm not sure if the board is big enough or what the structure will end up looking like.

What is the team? How many staff will be there to provide support? I'm sure you guys have looked at something like that. Are you able to tell me? Just give me a general picture of how that would work.

• (1235)

**Mr. Michael DeGagné:** I'll start. I wouldn't expect that an organization like this, as tempting as it is, would take on all of the oversight of UNDRIP, the sixties scoop, child welfare reform and all of those things. Certainly the sixties scoop has its own organization. I know day students are setting up their own.

There should be organizations with some advisory or governance relationship with every one of these issues, especially UNDRIP. I think this is an organization that will focus on reconciliation in all its forms, economic and otherwise, so I don't think you'd need all sorts of staff. You'd be focusing on one particular issue.

**The Chair:** Thank you, Mr. McLeod.

[*Translation*]

Now it's Ms. Gill's turn, for two and a half minutes.

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

I would like to ask a question regarding clause 13, which deals with the knowledge and experience of directors. It says that each of them "must have knowledge and experience with respect to matters related ...."

Is it also left to the directors to define what is meant by "with respect to matters related"? I understand that the council is not yet formed, but we can see that there is still a vagueness in clause 13.

Could one of the four witnesses provide an answer?

**Ms. Edith Cloutier:** In fact, the process of calling for nominations does just that, opening up to a wide range of complementary skills and expertise on a board with a mandate like the National Council for Reconciliation.



I think it is also a form of good governance to gather a diversity of views, expertise, skills, and knowledge. As we have seen, the council will have to put the people themselves at the heart of its approach. So I think it is very healthy in terms of good governance to be able to ensure that.

It is proposed that we go out and seek nominations to build a board of directors that can carry this mandate.

**Mrs. Marilène Gill:** Thank you, Ms. Cloutier. You are answering my question. On the other hand, I don't know if there are things that could have been added, because you went further.

If I understood correctly, this is the idea behind the clause concerned: you talked about diversity, knowledge and experience, both in governance and in indigenous concerns. We want allies on the council and you are signalling to me that I have understood correctly.

I have another question, which is really—

**The Chair:** Unfortunately, your time is up.

**Mrs. Marilène Gill:** Are my two and a half minutes really up already, Mr. Chair?

**The Chair:** Time flies, Ms. Gill.

[*English*]

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

**Ms. Lori Idlout:** Thank you.

Thank you to Mitch Case for talking about what life was like before the settlers arrived. That's something that I always try to mention in our reports. I always ask the analysts to say that indigenous peoples had thrived before colonialism. I think we need to add that in our preamble. That's just a quick hint to the whole committee that we should probably add that as well.

I want to ask a quick question about the creation of advisory councils to help support the work of the national reconciliation council, because we all know there is going to be a daunting task to ensure that indigenous people feel heard in different areas, especially the elders and survivors. It would seem that this a good way to set the framework for this council to do its work.

Would you agree that maybe the creation of advisory councils or committees under the council would be a good way to ensure that some of these voices are heard in a direct way?

• (1240)

**Mr. Mitch Case:** Yes, I do, but I don't think it needs to be in the legislation. I think that would be up to the council. I wouldn't want to tie their hands and say, "You have to have these five" and then they realize they need seven. I would just leave it. That's part of their setting up of the bylaws and all the other things in the organization once it's set up. However, I do agree that it kind of needs to happen.

**Ms. Lori Idlout:** As a follow-up question to that, would you be concerned that the council would not have the resources it needs to make sure it could hear from these kinds of groups because it's not identified in the legislation?

**Mr. Mitch Case:** To speak very candidly, my concern is that the budget won't be big enough to do all of the things it's being asked to do. It's not that they won't know that they need to do that work. It's just that they won't have the resources to do it. Speaking very frankly and very candidly, that's my concern. It's not so much about whether it needs to be prescribed that they will talk to elders. It's about whether they have the resources to do it, or whether they have the resources to do the language component and all those other things.

**Ms. Lori Idlout:** My interest is to make sure the council gets as many resources as it needs. Maybe a way to ensure that is to say that at least some committees will need to be created to give advice to the council, such as those with elders and those with survivors, because we know that these are very important groups that this council will need to hear from and get advice from throughout this work.

Maybe we could make sure that the legislation is drafted in such a way as to not restrict who these committees might be, but to ensure resources are provided so that advice can be provided from as broad a range as possible.

**The Chair:** Thank you, Ms. Idlout.

We'll now go to Mr. Vidal for five minutes.

**Mr. Jamie Schmale:** Mr. Chair, Gary and I just quickly switched. I'm sorry about that.

**The Chair:** Go ahead, Mr. Schmale.

**Mr. Jamie Schmale:** Thank you again, witnesses.

I want to continue on the path regarding the composition of the board.

We've heard from a number of different groups, and I know this question has come up a few times today. We've heard questions and comments from other groups, such as the Native Women's Association of Canada. We've heard from groups talking about reconciliation—specifically economic and fiscal.

I am still concerned about the composition, especially at the beginning. Probably some of the most important stages are being left out, especially on the Native Women's Association side. I feel they have a very legitimate grievance that they are being left out of this. I'd like your comments on that.

Maybe, Mr. DeGagné, we can start with you and then go along the table if we need to.

**Mr. Michael DeGagné:** First of all, I think it will be clear that this is not a representative board. The board is there to govern this particular council. That means regardless of where you come from, whether you're formerly a member of the Native Women's Association or you're affiliated with the Métis National Council, you come to this board, you take your hat off, you sit as a member of the board and you act in the best interests of the organization collectively. That certainly has been my experience with other boards. We set aside our particular needs to advocate on behalf of an organization.

Whether or not there's a formal seat for the Native Women's Association does not speak to whether or not native women will be accounted for in the work of the council. Certainly, as Rosemary has pointed out before, we're looking at this through a gender lens. There will be native women on this council. They will speak for themselves and about their experiences. Besides that, if we're operating as a governing board, and someone comes there and only wants to advocate for one particular organization, then they are in conflict with the goals and objectives of the organization. They'll have to set their voice aside for that purpose.

We cannot have an organization that represents everyone. It would be a cast of thousands. But we can have an organization that attempts to speak through their own experiences on behalf of everyone. That's what we're looking for.

I think we can set aside the notion of representation and stick with things like what accounts for good governance here and how people can act in the best interests of reconciliation.

• (1245)

**Mr. Jamie Schmale:** That's correct, but if a group like this is representing 50% of the population, I'm sure you can understand their concerns.

**Mr. Michael DeGagné:** I don't know who they claim to represent. I don't know who any of the political organizations...whether or not everyone is affiliated with them just because they fall under that umbrella.

I would say that if 50% of this board winds up being native women, they will do a more than adequate job of not just speaking for the interests of native women, but speaking through the lens they bring in that regard.

**Mr. Jamie Schmale:** You said "speaking for" the larger group. If, for example, we're talking about first nations, the majority of the population lives off reserve in urban centres. It would make sense if we're talking about that, so why would we close this off?

When you talk about 50% of the population, you say roughly 50% is male and 50% is female, give or take. There are groups that say they represent or engage with different segments of the indigenous population, whether they are off reserve in urban centres or not. We're talking about governance issues too. They might want a seat or even a voice at the table at this very important time, rather than leaving it up to a small group to set the stage for future discussions.

**Ms. Rosemary Cooper:** I will respond. The board we're looking at is not political in nature. We've outlined the different sectors of society and Canadians, in general, whom we want to see the board come to fruition with.

The board will have many hats and will play a role in representation. It was important for the interim board not to have political hats, but to have a commitment to the different sectors of Canadians we want to see going forward.

[Translation]

**Ms. Edith Cloutier:** I would like to add that reconciliation requires collective and sustained efforts over time, but also a willingness to venture down uncharted paths to work together. Innovation

is needed to move reconciliation forward, and this relies on trust and complementarity among those who wish to participate in this great reconciliation.

On my own, I tick three or four boxes: woman, indigenous, urban and francophone. Diversity is represented here, as we are as many men as women. We have to be confident that we will have the capacity, the opportunity, the will and the innovation to choose a board of directors that is representative of Canada's indigenous peoples.

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

[English]

Thank you very much, Mr. Schmale.

We have one last five-minute slot on the Liberal side.

Go ahead, Mr. Powlowski.

**Mr. Marcus Powlowski:** Well, the Conservatives, as usual, are going to like my question. I think you're going to have a good response to what is really their question.

Obviously, the first board has a lot of power to establish the agenda-to-come for future boards. Under clause 8, it's the minister, in conjunction with your board, who has the power to appoint the people on the first board, which is going to set the menu for boards to come.

What can you tell us to reassure us that this isn't going to be a total political thing where the Liberals appoint all of their people and it very much just reflects our agenda rather than the greater agenda?

• (1250)

**Mr. Mitch Case:** Then I'd quit.

**Mr. Michael DeGagné:** As noted earlier, we've had a very positive relationship with the minister. We've been set on the right course. There's been a sense that this is what we need and this is for the general good. It has set us up so we have an organization that can govern itself long into the future.

I don't have any concerns about any wild cards that are going to come out of this selection process to begin the board, but these boards will change. They'll adapt. They'll adapt to the common good that's going to be represented by those boards of directors. I have full confidence that it will work out well.

**Mr. Marcus Powlowski:** When Mr. Case was talking about functions of the council, he said that one of the important functions was to tell groups that want to do something how they can do it. As the member of Parliament for Thunder Bay—Rainy River, I'm certainly aware of the fact that bad news spreads rapidly, but examples of good news in reconciliation often don't get around nearly as well. How is the council going to advertise those positive messages and the examples of where there has been productive efforts for reconciliation? Is that the role of the council?

In saying that, I note that I worked in Laos once, and I was rather amused to hear from someone in the government that there's a ministry of propaganda. I thought, "What? The ministry of propaganda...?"

Certainly, you don't want the council to be a propaganda organization that just tells the good news about what happens. How do you get that out? Would it require an administration and people to communicate, for example, to schools, businesses and various other groups examples of how, if they want to do something, they can do it effectively?

**Mr. Mitch Case:** I'll take a crack at that.

I think partly the role outlined in that first section is about the convening function of the council—to bring conversations together, to highlight work that's happening and, as Mike said, to not necessarily have to reinvent the wheel every time. If there's something really positive happening.... If there's one university that has really found a way forward, let's promote that work. If there's an example of economic reconciliation happening somewhere, let's promote that work. At the same time, let's be aware of and monitor the things mentioned in call to action 55: the incarceration rates, child welfare and all of the numbers that are incredibly crucial to these conversations.

My elders tell me that we get the right answers because we know how to ask the right questions. In my personal opinion, we can't have the reconciliation conversation in this country continue to be one that is essentially indigenous people putting our trauma on display for Canadians to consume so they feel really bad about it and go home and nothing changes. We can't have that. We need to have productive conversations. Here's where things are working and here's where things aren't working. Where things aren't working, let's fix them. Where things are working, let's foster that and encourage growth.

How it's accomplished, where the rubber hits the road, is up to the council to determine, when they're established. Mike led the really good work at the Aboriginal Healing Foundation. I still have the printed documents we used to get from them. Back then it was cutting edge that we got a paper report. That was a long time ago.

The mechanisms and means of telling the stories, as Mike talked about, are changing and shifting and will continue to grow, but I think what it's really about is getting to the stories. Sometimes those stories are horrific, and sometimes they're about looking at what's happening and saying this is awesome and we want to support it.

• (1255)

**The Chair:** Thank you very much, Mr. Powlowski.

That brings our panel to an end. On behalf of all of the committee members, I want to thank our witnesses today.

We very much appreciate your answering all of our questions today. I think you cleared up a lot of things for a lot of us in terms of understanding the "why", as you helped formulate the proposed Bill C-29 and the way it has been put together. Thank you very much. It's been a real pleasure meeting all of you today. This will really help us with our work.

Committee members, the decision was made by the whips that we would not hold committee meetings this Thursday when the fall economic statement is being presented. As a result of that, clause-by-clause will move to Monday, November 14.

I would also like to point out that this gives us a little more time—especially after hearing today's testimony—to put together proposed amendments. They were due tomorrow at noon. I would like to see if there is consensus for us to move the deadline for amendments to November 7 at noon, which would give us a bit more time, or if you would prefer to keep it on November 1.

Are there any comments with respect to that?

Go ahead, Ms. Idlout.

**Ms. Lori Idlout:** I would love the extension to November 7.

**The Chair:** Thank you.

Is there anybody who objects to that?

This will give the legislative clerk enough time to receive all of them, and you must respect the deadline of noon on November 7. That will give a bit of time for all of us to receive amendments and to look at them before we go to clause-by-clause on November 14.

I'm not hearing any objections.

**Some hon. members:** Agreed.

**The Chair:** That's very good. Thank you.

I'll just give a final repetition: Please get your amendments in by November 7 at noon. Thank you.

With that, this panel is adjourned.





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