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**Official Report  
of Debates  
(Hansard)**

**Tuesday 21 September 2004**

**Journal  
des débats  
(Hansard)**

**Mardi 21 septembre 2004**

**Standing committee on  
finance and economic affairs**

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Chair: Pat Hoy  
Clerk: Trevor Day

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES  
ET DES AFFAIRES ÉCONOMIQUES**

Tuesday 21 September 2004

Mardi 21 septembre 2004

*The committee met at 1336 in Missabay Community School, Mishkeegogamang.*

**FIRST NATIONS RESOURCE REVENUE  
SHARING ACT, 2004**

**LOI DE 2004 SUR LE PARTAGE  
AVEC LES PREMIÈRES NATIONS  
DES RECETTES TIRÉES  
DE L'EXPLOITATION DES RESSOURCES**

Consideration of Bill 97, An Act respecting the sharing of resource revenues for First Nations / Projet de loi 97, Loi concernant le partage avec les Premières nations des recettes tirées de l'exploitation des ressources.

**The Chair (Mr Pat Hoy):** The standing committee on finance and economic affairs will please come to order. The committee is indeed pleased to finally be here. I apologize on behalf of the committee. Some of us were at a different location; we were dropped off and our rides left. So we had to find the good people who worked at the Safe House to give us a ride over here, and we appreciate their help.

**Mr Gilles Bisson (Timmins-James Bay):** You guys were fishing.

**The Chair:** No, we were not fishing.

We're pleased to be here. Once again, I do apologize for being late.

**MISHKEEGOGAMANG FIRST NATION**

**The Chair:** I'll ask our first presenter, Chief Ronald Roundhead, to come forward, please. Good afternoon. You have half an hour for your presentation. You might leave time for questions, if you wish, within that half hour. I'd ask you to just simply state your name for the purposes of our recording Hansard.

**Chief Ronald Roundhead:** It's funny. I was out in my traditional territory for the last couple of days and then two hours ago I was still in my land, hunting and exercising my rights, and that's where I'm going in the next couple of hours.

I guess first of all I'd like to welcome everybody here to Ojibway territory. Our community is called Mishkeegogamang. I just want to thank everybody for coming in to listen to our concerns and our wishes. I'd also like to welcome this opportunity to recognize the panel and

membership of the standing committee of the Legislative Assembly of Ontario on finance and economic affairs.

Meegwetch. I welcome you. Hopefully you will take our messages and our wishes to the rest of your colleagues in the Legislature.

While I'm here, if my council members want to say anything at this minute, I will recognize them. Councillor Thomas Wassaykeesic. He's a band council member. His portfolio is economic development. And also Mr David Masakeyash—I'll recognize them if they would like to say something.

**Mr David Zimmer (Willowdale):** On a point of order, Mr Chair: Could we just take a moment to adjust the microphones? I can't hear a thing.

**The Chair:** The staff are working on the sound. It's difficult to hear. I don't know how the mechanics of this work, but if we can turn it down enough that it's recorded, we don't really need it to hear ourselves around this table. There's an echo effect. I suspect my voice is very hard to understand.

**Chief Roundhead:** We have at least two dozen copies of our talking notes. We'll be handing them out after.

On July 5, 2005, 287 days from today, September 21, 2004, we will be marking the 100th anniversary of the signing of Treaty 9. Handled properly, this could be a celebration as opposed to a mere marking.

Reflecting on the last 100 years, we, as the original inhabitants of this vast land in northern Canada entrusted to our forefathers to protect and preserve for the benefit of future generations, have much to consider in an effort to employ a reasonable level of course correction so that 100 years from now our children could actually be living the promise of Treaty 9.

Our interests in northern Canada are not restricted to our reserves. Surely, our rights in the reserves are more substantial, but as to our traditional lands, we have continued use and occupation, as well as resource interests in these areas. Also, our obligation to protect these lands continues. There is no point in the courts of Canada or Ontario confirming our rights "to hunt and fish as usual" unless there is recognition that the waters must be preserved to allow for fish and the land must be maintained to allow for hunting.

This brings me to the substance of my submission on behalf of the Mishkeegogamang people. Our ancestors did not think 100 years ago that we would ever have to rely on the courts of this country to confirm that when

our rights on reserve or within the boundaries of our traditional lands were infringed we would be entitled to be properly compensated. This was not only our joint clear understanding of the spirit of Treaty 9, but had it been different, our forefathers would probably not have taken the treaty.

We did not think, 100 years ago, that when the crown put itself in the position of our great mother—or father—it would do anything other than act in our best interests, consistent with the treaty understanding of sharing and not domination. The requirement for full disclosure should not have been the subject of any court decisions. This was embraced in the treaty. Our forefathers signed Treaty 9 not to give away all of our rights in these lands but to develop a sharing mechanism as we moved forward as two distinct peoples, starting from different places but with a common destination. This was the concept of two-band wampum. Accordingly, and to the same extent that Mishkeegogamang, or indeed any or all of the First Nations gathered here, we do not presume to change the words and spirit of the treaty unilaterally, but neither did we expect that we would have to take the crown to court to confirm its duty to meaningfully consult with us when our interests are in any way impacted.

We are now invited by one aspect of the crown to make presentations to the standing committee on finance and economic affairs. We have to be careful that this is not a double-edged sword which serves mainly the interests of the dominant society. We are again asked to operate in an environment which is not consistent with our customs and traditions of discussion and consensus and to work within rules that were developed without our input. We must be careful that, by attending these meetings, we do not give the governments of Canada and Ontario the excuse to later claim that we have been consulted and that such consultation is reflective of our unqualified approval of Bill 97. Surely, we seek participation and sharing in the profits from the resources of these lands which are now being depleted on a daily basis. Surely, we grieve the disregard and exploitation of our lands by the forestry and mining interests, but if this has to be a part of progress and the direction in which the world is moving, we cannot be out of step. However, we can and must get together among ourselves and, employing our way of doing things, demand a right of involvement and just and reasonable compensation on terms which take into account our customs and heritage.

All this is to say that it is the belief of the Mishkeegogamang that the time has come for all of us here—elders, chiefs, councillors and members of the First Nations families—to strive for a more comprehensive set of meetings with Canada and Ontario for the purpose of revisiting the covenants of 1905 and charting a course which, hopefully, would include us in the prosperity of this land and allow us to go forward as equals with full capacity to enjoy the reasonable benefits of these lands which, when embraced by the treaty, appear to carry all of the above as conditions and solemn promises to be taken seriously.

It is not good enough for us as First Nations people to be pursuing individual interests. Mishkeegogamang prefers that the First Nations families sit as a council employing our tradition of decision by consensus and presenting a united and comprehensive position to Canada and Ontario that will not be unfair but will be respected and have the built-in flexibility for change from time to time.

Our experiences over the last 100 years of treaty have dictated that we must be vigilant.

That's my presentation.

**The Chair:** Thank you. We have about six minutes per caucus. We'll begin with the official opposition.

1350

**Mr Norm Miller (Parry Sound-Muskoka):** Thank you, Chief Roundhead, for your presentation today. It's a pleasure for the whole committee, I'm sure, to visit your land first-hand and see what things are like. Personally, it's my first time here at your home, and I think it's important to get out and see things first-hand, to get an idea of what life is like for you and what living conditions are like for you as well. So it is a real pleasure to be here at your home.

Driving in today, I can't help but be struck by the contrast between the living conditions of your homes and this beautiful facility we're in today. I know from the presentations yesterday that many of the chiefs and deputy chiefs were saying that a goal of revenue-sharing is to be self-sufficient and to improve living conditions.

My question is, where is the federal government in this whole scenario? It seems to me that the federal government is the party that negotiates and has a role to play in this process. Do you have any comments about that at all?

**Chief Roundhead:** The only comment that I would raise is that, next summer, July 6, we'll be acknowledging the relationship that we had years ago, which is your grandfather and my grandfather. When they signed the treaty, it was meant from our side that we were supposed to share. I'm looking forward to the federal government to understand their obligations. That's our position.

**Mr Miller:** Thank you. I'll look forward to speaking with you afterwards as well.

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** Certainly, in discussions that we've been having around revenue-sharing agreements between a company and a particular native community nearby on new forest development or new mining development, it raises a question in my mind of whether there should be a mechanism for sharing across all of the native communities, or sharing just with the closest native community. Which way should we go on that?

**Chief Roundhead:** Just to answer that question briefly, in my understanding as a spokesperson for Mishkeegogamang Ojibway people, I'd like to see this community benefit within its traditional territory, as our traditional territory goes as far as Pipestone and also as far as the CN tracks. That's our traditional territory, but

that doesn't mean my rights don't exist beyond Treaty 3. As a matter of fact, my rights exist as far as the tip of the Ojibway tribe, which is Minnesota and also Manitoba and also as far as Manitoulin. That's the Ojibway territory, the Ojibway tribe.

As I speak, I know that the grand chief will voice some kind of mechanism, because I know that when I took a glance at the agenda, I saw the grand chief's name on it. He's going to address your question.

On the flip side of it, I'm happy to come up with a mechanism for how to address our needs as Mishkeegogamang people when it comes to revenue-sharing.

**The Chair:** We'll move to the NDP and Mr Bisson.

**Mr Bisson:** I just have a couple of quick questions. I know that Howard has a couple of things he wants to ask. I just want to be clear. If I understood what you said in the gist of your presentation, you have no problem with the concept of revenue-sharing. What you're saying is that the relationship to the existing treaty cannot be undermined. Is that what you're basically saying, or did I misunderstand?

**Chief Roundhead:** Yes. Because the treaty itself, to this community, is a very sacred document. It's a living document, because at that time, when Missabay signed the treaty, he did not open up for supper or dinner a can of Klik. That's the reason why I'm saying the treaty itself is very sacred.

**Mr Bisson:** There has been a fair amount of activity with forestry companies and others in this area. Have you benefited directly from any of those activities, either by way of revenue or jobs or whatever other economic spinoff?

**Chief Roundhead:** Today, as I speak, we haven't received any benefits from forestry, mining and so on. We'd like to benefit from them so that we can address the needs of our people when it comes to poverty.

**Mr Bisson:** What percentage or numbers of people in your community actually work in the nearby industry?

**Chief Roundhead:** Off the top of my head, I would say about 2%.

**Mr Howard Hampton (Kenora-Rainy River):** I want to ask some historical questions. Maybe you can confirm or set me straight on some things.

My understanding is that a number of the water bodies here had the direction of their flow changed for the purposes of generating hydroelectricity. This happened, I gather, 30 or 40 years ago. Is that true?

**Chief Roundhead:** Yes.

**Mr Hampton:** As I understand it, that resulted in Ontario Hydro being able to generate significant amounts of electricity.

**Chief Roundhead:** Yes.

**Mr Hampton:** Has your First Nation ever received any recognition of the changing of the flow and the impacts on your community, in terms of reparations or compensation?

**Chief Roundhead:** Not at all. The only recognition that we have is the recent settlement we have with Ontario Hydro. But that was only based on a past grievance.

**Mr Hampton:** You've never shared in any of the revenue from the generation of electricity?

**Chief Roundhead:** No. Not at all.

**Mr Hampton:** Has your First Nation been approached in the last four or five years by any forestry or logging companies to express their interest in possibly beginning logging operations, road-building operations or forestry operations in the future?

**Chief Roundhead:** No. Right now they're just beginning to focus on this community. It's more like a raven or a crow approach, you might call it.

**Mr Hampton:** Can you describe that for us?

**Chief Roundhead:** They always hang around at our office or the band office. That's my description of it.

**Mr Hampton:** But they are indicating that they want to start accessing timber in your territory?

**Chief Roundhead:** Yes. They are indicating.

1400

**Mr Hampton:** I just did some quick calculations yesterday. I asked legislative research to determine how many ounces of gold have been mined out of the Pickle Lake area, and then did a quick conversion. If that gold had been left in the ground, in rough figures it would be about \$1.5 billion in today's prices. About \$1.5-billion worth of gold has been taken out of the ground in the Pickle Lake area. Did your First Nation ever have a chance to share in any of that revenue?

**Chief Roundhead:** Not at all, no.

**Mr Hampton:** I have a final question. Does your community want to have the chance to share in those revenues?

**Chief Roundhead:** Yes. That's the reason why our ancestors and your ancestors signed the 1905 treaty. It was supposed to be a sharing approach.

**The Chair:** We'll move to the government.

**Mr Mike Colle (Eglinton-Lawrence):** Chief, I am very impressed with the success that you and the Mishkeegogamang First Nation had; that you've built this beautiful, spectacular community school, which is certainly most impressive. I see that you also put in a sewage treatment plant, just completed. I want to congratulate you and the band and all the members of your First Nations people for those two accomplishments. I think you deserve a lot of credit for getting, in this case, mostly the Department of Indian and Northern Affairs to contribute that money into the community. So you must be commended for that. It's a great achievement, and this is a living testimony to that.

What is your next major project or initiative that your First Nations people in the Pickle Lake area want to achieve? What is your next dream or goal?

**Chief Roundhead:** My next dream and goal for this council and also for the next council to come is to develop a revenue-sharing mechanism so we don't have to rely on the handouts from the government and also the provincial government.

**Mr Colle:** In terms of the prospects, if we get to revenue-sharing, is the potential in forestry or is it in mining? What do you see? Or is it both?

**Chief Roundhead:** Mining and forestry and anything that occurs within the Mishkeegogamang traditional territory.

**Mr Colle:** Is there anything else besides mining and forestry that has potential for revenue-sharing?

**Chief Roundhead:** Economic development and also tourism, eco-tourism, and any development in our area. I'd like to secure a percentage so the next generations would benefit from it.

**Mr Colle:** It's quite clear that you're saying you don't want to depend on the handouts from any level of government. You would want to ensure that you've got a good, hard contract arrangement, whether it be mining, forestry or a tourism entity, that you're a partner from the ground up in ensuring that a fair share of those resources stay here, that that be in place rather than depending on the largesse of government.

**Chief Roundhead:** I'd like to make sure that the treaty stands. I'd like to make sure that the federal government and the provincial government don't get away or slither away on their own. But in the meantime I want to make sure that companies like Bowater and Musselwhite and so on—I'd like them to at least share something with us, our resources.

**The Chair:** Thank you very much for your presentation.

#### NISHNAWBE-ASKI NATION

**The Chair:** I would call on the Nishnawbe-Aski Nation. I'll go through the formalities once again that you have half an hour for your presentation. You might leave time for questions if you wish. We'd ask you to state your name for the purposes of our recording.

**Grand Chief Stan Beardy:** [*Remarks in Oji-Cree.*]

Again, good afternoon, Mr Chairman and members of the standing committee, Chief in council, elders, women, children and youth of the Mishkeegogamang First Nation. I am very happy to be here this afternoon to speak to the committee. I think what makes it really interesting is that you will have an opportunity to see first-hand what we're talking about when we talk about the impacts of resource development on our people. Mishkeegogamang happens to be one of the communities that has been directly impacted by resource development. They have a highway through their reserve. They have many activities. On their traditional territories, basically they've been displaced.

Yesterday I had the opportunity to listen to the presentations. I listened to the First Nation presentations. I listened to the presentations by the industry, the mining companies and the forestry companies, and I listened to the comments by the opposition, the NDP and also the government. I'm hoping that in my comments today, I'll be able to offer some further clarification and also to compliment some of the comments that were made yesterday.

I don't want to be overly critical of the comments made by the industry. However, I want to make a note

that when I look into the eyes of my children, my youth of Nishnawbe-Aski, and when I look at the statistics in terms of the number of young people we've lost to suicide and violence, I think it's really important to understand the hopelessness that is there with my young people. I do appreciate the efforts of the industry on their own to work with my people.

Regarding the treaty, I was really delighted to hear the many industry comments related to the need to address revenue-sharing based on a government-to-government approach. We wholeheartedly agree that it is inappropriate to pass this responsibility off to industry, as has been done for so many years now. When we talk about this kind of approach, it is important that the committee understands where we are coming from at the outset—my people, the Nishnawbe-Aski people.

We talk about the treaty as being as valid today as it was when it was signed almost 100 years ago. To my knowledge and to the knowledge of my people, there has never been anything in the last 100 years that has given us any reason to believe that the treaty does not apply. It is our understanding that the arrangement we made with the crown 100 years ago still stands today.

#### 1410

The treaty we made was one of relationship. We agreed to be peaceful with the settlers. We agreed to share our natural resources with the settlers. But we also agreed that we would share in the benefits and the wealth that was created from our natural resources. It's the third point that we're talking about today.

Having said that, it is important that this process is not viewed as one which looks at it as providing First Nations a favour, nor should it assume that First Nations believe we surrendered the land.

I know that the question of land ownership will raise some serious differences in opinion between yourselves and our people. After all, it has been over 100 years that Ontario has been thinking that the land and its resources belong to the province. It is now almost automatically assumed. We have paid a price for this for too long.

Many children of Ontario have been raised to believe this misconception that the land belongs to Ontario. Many children do not know about the significance of the treaties. It is why there is mass confusion today. Some of you may very well be those children who were taught from a young age that the land was supposedly surrendered by the treaty.

I think it is important that we understand here the sacredness and legality of the treaty document, which is very much alive and pertinent to these discussions.

I think that over time the confusion over the land question will become more clear when we begin to see more and more First Nations bringing historical evidence to confirm otherwise. Some of those are happening right now, such as the Rupert's Land case.

For Nishnawbe-Aski Nation in particular, over the past number of years we have been conducting various historical/legal research projects to investigate title to the water. We are told that strong legal evidence exists which

supports our position that the water and waterbeds were never surrendered. We have put this position forward in Ontario's new policies related to water; more specifically, the new water source-based protection and water power legislation. We are waiting to see what the next move will be.

Our elders have been telling us for years that title to the water is ours. But because it is not backed up by a court of law, the status quo is to go on with the belief that the water and the land do not belong to the Indians and can be exploited to the benefit of everybody else except the Indian people.

It is only a matter of time before we begin to assert titles such as this. Maybe only then will Ontario begin to understand that we agreed to share the land but we never agreed to give up our natural resources, nor title to the water.

As you know, this will have many implications for a number of industries, especially hydro developers.

So when you hear First Nations talk about wealth distribution, they're talking from this very perspective: that we never surrendered the land or natural resources, and that we agreed to share in the development and also the benefits realized from those developments, as if the promise our forefathers made when they signed the treaty was never broken.

It is with this understanding that the committee must be approaching their deliberations. Anything less is plain and simple tokenism and paternalism. I believe each and every one of the members of the committee must be asking yourselves, "From what position do I start?" I firmly believe that there needs to be a process of dialogue to come up with a common understanding, which is why this bill needs to be seriously looked at. We believe there has to be ongoing dialogue of this nature with Ontario to come up with a common understanding.

The 49 chiefs that I represent are very much concerned because our youth are running out of patience. For the last 100 years, our natural resources have been exploited while everybody but us gets rich. My chiefs have given me a clear direction that in the next 100 years this situation must change.

Yesterday, we listened to the industry paint a very positive picture with respect to their efforts to work with First Nations. I believe they're trying their best on their own efforts, but my question would be, if everything is as good as they say it is, why are First Nations people still marginalized? Why are we at the margins of society, still living in Third World conditions in a country like Canada, our province of Ontario?

It is for this reason that I ask you to take their comments with a proverbial and very large grain of salt. Industry basically is in business to protect their bottom line. As a representative of the people, the Ontario government cannot do the same and must be able to distinguish the difference. The native people's situation must be looked at seriously. Ontario, I believe, many times is more concerned with accommodating a prospering industry rather than the ailing population of its

aboriginal peoples, especially when they have at their fingertips an opportunity to provide solutions that can rectify the situation or set the stage for a compromise and develop a win-win solution for everybody within Ontario.

Had First Nations been given the opportunity to respond to yesterday's presentations, I can guarantee you that there would have been a large disparity between the views of the industry and the First Nations. I don't think it's at all surprising that they speak of these half-truths as a matter of fact. Canada does it itself at the international level, boasting of supposed fair treatment of Canada's aboriginal peoples. This was recently evidenced at the latest United Nations forum on forests, where Nishnawbe-Aski, in conjunction with the Indigenous Network on Economies and Trade, had the opportunity to debunk Canada's portrayal of aboriginal peoples. I would be most pleased to share our submission to the United Nations with this standing committee for your information.

#### 1420

There are many barriers that exist that limit our participation in the various resource industries, such as that of unionization requirements of grade 12 and five years' work experience. It is very difficult for my people to meet these stringent guidelines when they are inappropriate to us, given the fact that, as I presented yesterday, the mean education for my people is grade 9.

When I look at term and condition 77 of the Crown Forest Sustainability Act, it's supposed to be the mechanism to increase First Nations participation in forestry. I believe that has not been implemented and, for the large part, has been completely unsuccessful. When they are the ones who hold tenure to the land through sustainable forest licences, it is difficult for us to move forward. In short, these mechanisms are not working for us. We need something with a broader scope, something like revenue-sharing. What needs to go hand in hand is capacity development at the local level for my people.

For the most part, yesterday we heard industry say that they are not opposed to the concept of revenue-sharing on a government-to-government basis as long as it does not negatively impact them. We don't believe that it necessarily has to, to any large extent, if the Ontario government can commit to finding ways to make it that way. So long as the First Nations get an equitable share of the resources, we would be open to looking at ways this can be accomplished.

Yesterday there was some confusion between a comprehensive revenue-sharing agreement and agreements that are already being negotiated between industry and First Nations. I think it's really important to know that IBAs are a relatively new phenomenon occurring in my territory and that it should not be boasted that a lot of these IBAs are anywhere near what First Nations deserve in the first place.

First Nations want revenue-sharing on top of impact and benefit agreements. We see revenue-sharing agreements as a service to the collective, as IBAs are a service

to individual communities or a group of First Nations, where impacts to aboriginal and treaty rights are being produced by any given resource activity.

While it could be seen that Ontario may not play a large part in the negotiation of IBAs, they do need to implement measures to ensure that they are fair and equitable. We propose that this be done through legislative measures but not like those that have been passed in the past, such as term and condition 77. Industry must be given stronger penalties for not playing fair with us.

Yesterday one of the chiefs who made a presentation, Chief Kenequanash of North Caribou Lake, made an important point about the impact that resource development is having on our livelihood. He said that it is more than gold that is being extracted from our lands.

This point relates to the core of revenue-sharing for my people. All too often, we have seen the damages caused by resource development from the pond tailings of mining, the mercury contamination of our waters, to the point where any prospects of commercial fishing are wiped away in floods caused by hydroelectric development.

If we must be the ones who ultimately have to live with sacrifice caused by industry outside of ourselves, then we should at least gain adequate remuneration for this, for being forced to move from our tradition-based activities to a tax-based economy.

Even the education system is working against our core values and takes away from our ability to pass on our traditional survival skills to our young people, skills for which we are here before you. The education system does not allow our young people to develop traditional skills to survive on the land. In the education system, as I mentioned yesterday, the dropout rate of my young people is very high, so they're not in a position to succeed within that system.

Where Ontario plays a greater role in determining the revenue stream for industry is in the scenario of the tax-based economy, they have already indicated that they could care less about where their taxes go as long as they don't have to pay twice. Here we're talking about how we see revenue-sharing taking place. We're talking about Ontario developing a mechanism where the Ontario government would be sharing a tax base with the First Nations.

First Nations need to gain access to this kind of economy. We need to create one for ourselves. At the present time, on average, First Nations have only 5% value-added, which translates to about 90% of our existence being dependent on some form of government transfer payments. Therefore, we can draw the conclusion that my people don't have an economic base at the present point in time.

We have been reiterating that we support this bill in principle and it is a good start to have this dialogue. We will depend on you also to take our message to the rest of Ontarians. They need to know the social costs we pay for this inequity. They need to know that it is breeding frustration among the young aboriginal people. We need to figure out together how we can move forward.

We have to look at collective benefits for all the people of Nishnawbe-Aski. It is critical that we have a share in the tax base. We need to come up with some kind of formula, and it must be in conjunction with the First Nations people.

If municipalities can benefit from this type of system, why are First Nations being treated differently? If we are able to develop some kind of mechanism where we generate revenue, it cannot mean that programs and services should be reduced. Municipalities do get support from both levels of government, and I believe that we should continue to have the same. Because we have been shut out of the economy for the past 100 years, for the next 20 to 30 years we will need a massive infusion of resources to catch up to the rest of the province.

The Indian Act has also created our isolation and demise. You need not only look at the residential school system that destroyed our family units and ultimately our community's sense of wellness.

We were asked yesterday about the models that we would propose for revenue-sharing, and we told you that across Canada we already have models that can be explored. I am sure that those First Nations that are involved with those arrangements with other provinces or territorial governments have put a lot of effort into determining what a fair share looks like. I believe that's where we need to start looking.

There was also a lot of talk yesterday about the bill as it currently stands. It contains a lot of unknowns. I believe this is not any different from what my people are thinking about at Nishnawbe-Aski, that at the very least we view this bill as a starting point and that these discussions must continue. I believe that it is now time to address these uncertainties. We now know some of the positions of the First Nations and industry, so let us use these comments to move forward with something that is fair and equitable for all the people of Ontario and Canada. Meegwetch.

1430

**The Chair:** We only have time for one round of questioning, and this will go to the NDP. Mr Hampton, you have about four minutes.

**Mr Hampton:** Grand Chief Beardy, I want to thank you for your comments because I think they summarize much of what we heard yesterday.

I just want to go over a couple of things. We heard some people criticize the individual elements of Bill 97 yesterday. I think what I heard you clearly say is that you see Bill 97 as the opening round for discussion and that there are lots of models of revenue-sharing already out there that you want to discuss with Ontario. Is that a fair—

**Grand Chief Beardy:** Yes, that is correct.

**Mr Hampton:** The other point I think I heard you say clearly is that there need to be individual agreements between mining companies and logging companies where they are doing business-to-business relationships with First Nations or where there is going to be an impact on aboriginal or treaty rights. Those often are being

worked out now. In some cases they're being worked out well; in other cases they're not being worked out as well. But that's a different issue from revenue-sharing. Revenue-sharing is government-to-government. First Nations are quite willing to sit down with the Weyerhaeusers of the world, the Buchanans of the world, the De Beers of the world, to work out business-to-business relationships, but those two things shouldn't be confused because they are different. Is that a fair assessment?

**Grand Chief Beardy:** Yes, that's exactly what I'm saying. When we talk about individual business deals with the companies, we're talking about opportunities, we're talking about employment and training for the directly impacted people in the region, we're talking about business opportunities, economic spinoffs from that undertaking and, also, if they're in a position to talk about profit-sharing, that's what individual communities are discussing, that's what they're arranging with the industry at the present time, and that's why I'm complimenting the industry for their own efforts to try to work with us in that light.

When we're talking about revenue-sharing, we know that the Ontario government takes a lot of taxes out of the activities that are happening within our traditional territories, and I think that's what we need to look at on a government-to-government basis: How do we share the wealth that comes from our territories with the government of the land?

**Mr Hampton:** I just want to ask you one final question, and you correct me if I'm wrong. If I were to survey what I've seen happen over the last 10 or 15 years, there are some very good companies out there. There are some companies that I think have a forward-looking vision; they work with First Nations. There are also some companies out there that I would call, for lack of a better term, fast-buck artists. They're interested in making money quickly. If they can get on the landscape, exploit, get off the landscape and have a minimal economic relationship with First Nations, they're quite happy to do that.

What I think the government of Ontario also needs to look at—and you correct me if I'm wrong—is working with First Nations to set up either a code of practice or something that says, “If you're a company that wants to do business in NAN territory, you've got to meet some standards. You can't just be on the landscape quickly, exploit the resources and then leave.” Is that a fair assessment?

**Grand Chief Beardy:** Yes. I think there has to be some mechanism in place developed by the government in conjunction with the First Nations people to talk about some policy or regulation about how industry should be doing business with us, and if they fail to follow the procedures as laid out and agreed to, there has to be some kind of penalty.

I agree that we have some good companies that are making a sincere effort to work with us, and there are some companies that will continue their practice of 100 years and continue to exploit us. I think there has to be

some policy, some regulation that provides certainty for those companies but at the same time provides some consistency so that people know what the rules of the game are in engaging with us.

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

#### ONTARIO PROSPECTORS ASSOCIATION

**The Chair:** I would call on the Ontario Prospectors Association to please come forward. Good afternoon. You have 30 minutes for your presentation. You might leave time for questions if you so wish, and I would ask you to identify yourself for Hansard.

**Mr Patrick Reid:** I'm Patrick Reid, and I am going to give the Ontario Prospectors Association response to Bill 97. Unfortunately, Gary Clark, the executive director, had a death in his family and was unable to attend. As a former director of the Ontario Prospectors Association, I'm going to give the presentation. The good news is that it will be relatively brief.

Mineral exploration activity in Ontario commenced prior to the influence of the European settlers and traders. First Nations people sought out chert, silver, copper and other rocks and minerals to assist in their day-to-day lives. So prospecting and mining go back a long way in Ontario's history.

The Ontario Prospectors Association is a member-driven group that advocates for the explorers of the province. These are usually one-, two- or three-person firms with limited funds that go out and stake ground and then try and sell it to the next tier in mining, which is a junior mining company that has a little more money to do the advanced exploration like drilling and sampling and assaying. If a mine is found, then it usually is dealt to a producing mining company that has the financial and human resources to develop the mine.

Last year, in 2003, Ontario had 7,344 active licensed prospectors, and staking across the province totalled 59,468 units—that's about 16 hectares—at a unit cost of \$90, which amounts to \$6.4 million in staking. In 2002, there were approximately 400 active junior exploration companies, 25 mines operated by various-sized companies and three multinational companies operating 15 mines.

The mining industry is not homogeneous any more than the First Nations, each one of them, are homogeneous. Every one is different and diverse.

I want to remind the committee and the audience that in fact mining is a very risky business. As you've driven by and flown over northern Ontario, you've seen the trees. You can count the trees, you can tell what kind of trees they are, you can measure the trees and you can come up with how many trees of each species you can find, sell and what you're going to wind up with at the end. In mining, you don't know where the mines are. You have to go out, you have to prospect, you have to get on the land, you have to break rocks with hammers. We have very sophisticated equipment now for identifying where mineral deposits are, but, as somebody once said,

buying a lottery ticket might be a better chance of hitting it.

**1440**

Just to give you an example, if you started with 10,000 grassroots properties—that is, those explored predominantly by prospectors and junior mining companies—exploration at this stage would compromise prospecting, sampling, geophysics, stripping, trenching and geochemistry. Commonly, expenditures would range from \$50,000 to \$200,000 per property.

Now, 1,000 of these examples would produce 10 drill targets. That's where you bring a drill on a property and drill into the rock to see what kind of minerals and ore grade you have. Expenditures at this level could range from \$200,000 to millions of dollars.

Of those 1,000, one or two of the properties on which drilling results indicated the potential for economic mineralization would proceed to a feasibility stage. Usually, this is completed by large juniors or multinational companies. This step would mean the expenditure of millions of dollars to prove the viability of economic mineral production.

After you've gone from 10,000 starts to 1,000, one or two of these might possibly wind up as mines—maybe one, maybe none—and if you found a mine after starting with 10,000, this would mean an investment of anywhere between \$40 million and \$200 million to place the mine into production. Depending on the commodity and the size of the ore body, there is usually a move by one of the larger mining operators to take control of the mineral property to build and operate the mine.

The timelines from prospecting to bringing the mine into production can be up to 10 years. In that time, there is no revenue flow coming to either the prospectors, the junior mining company or the mining company that ultimately develops the property.

The prospector or the small junior mine sets out a budget to explore a piece of property, and that money is spent over time. At the end of the exploration, if there isn't anything worth following up, that's the end of the project and that's the end of the prospector's money.

Over the last 20 years there has been a change in the method of operations by explorers on crown lands that are also defined as First Nations traditional lands. There's a growing appreciation of the sense of who is affected by the exploration. Consultation prior to exploration has become common. Frequently asked questions related to working on traditional lands by prospectors are:

- (1) How do you identify the traditional land users?
- (2) How do you consult, with whom and when?
- (3) What would be committed to at the exploration stage? As exploration is a one-way flow of exploration dollars into the land, how can the community benefit?
- (4) What are the expectations of the user of traditional lands where there is no revenue derived from the land until production? Some of the benefits usually come from supplies and services that can be obtained in the native communities.

(5) What are the various thresholds in determining benefits in any long-term agreements? Different-sized explorers can afford different agreements. Therefore, agreements are not the same across the landscape.

(6) When should the affected parties enter into an impact and benefit agreement? Grassroots or early-stage explorers need to be careful not to commit to agreements that can't be supported by the production of a mine. If a group has requirements that are too stiff, a marginal or small mine may not make financial sense.

In conclusion, some comments on Bill 97: The exploration and mining community are attracted to Ontario by the quality of geology, the stable political environment, a fair Mining Act, and a transparent taxation system. When explorers are looking to invest in an exploration project, they look at the certainty to be able to eventually mine with no hidden taxes or costs downstream. Just to remind you, there is nothing that can move faster than an investment dollar around the world.

The Ontario Prospectors Association has reviewed Bill 97 and has found the definitions and statements to be vague and not completely defined. This leaves some uncertainty of the end product. This could be addressed by forwarding the project on to the multipartite Ontario Mineral Industry Cluster Council for closer review and discussion.

The concept of revenue-sharing is already being practised on a project-by-project basis as new mines are planned in the province. The mining industry presently pays the Ontario mining tax, which benefits all in the province. Revenue-sharing within the concept of Bill 97 should be restricted to new mines and be taken from the taxes already paid to the province.

At present, explorers and mining companies enter into socio-economic agreements with northern First Nations communities on a project-by-project basis. One of the largest hurdles the companies face is the determination of whose traditional lands they may be exploring. Bill 97 makes the traditional land definition more vague than at present. Government and First Nations communities need to define the traditional lands and produce a map that provides contact information for the stewards of the traditional lands.

That's the presentation. Meegwetch.

**The Chair:** In that you're presenting on behalf of Mr Clark, are you prepared to answer questions on this?

**Mr Reid:** If I can. There may be some, particularly of a technical nature, that I can't.

**The Chair:** Then we have about six minutes per caucus, and we'll begin with the government.

**Mr Colle:** Mr Reid, where do these prospectors get their start-up capital? Would they attract investment dollars, or are they aligned with mining production companies?

**Mr Reid:** A lot of prospectors have what's called a grubstake from the next tier up—junior mining companies that might be listed on Toronto's venture exchange—where they can raise public monies. They would often hire prospectors to go out and prospect

certain areas if they think there's something there. On the other hand, they may do it on their own and then try and deal the property to the next tier up or to a major mining company. The junior mining companies have exploration people who go out as well. But the individual prospector can finance it himself, in the hope he can make a deal with somebody to do further exploration on it in the hope that they'll find something more than he or she found, or they can be financed by a large company or by a junior mining company that is probably listed on the stock exchange, where they raise investment capital.

**Mr Colle:** Could you see a scenario where First Nations people might engage or involve themselves in a partnership with a junior mining company or with prospectors if they feel there might be potential for a mine on their territory? Has that ever been done?

**Mr Reid:** It depends, I guess, on your definition of what a joint venture is. I know that the Ministry of Mines in Ontario provides opportunities for native communities to take prospecting courses so they can go out and prospect, either on their own reserves or on their traditional lands or anywhere else as well. It frankly comes down to who's going to put what into the pot.

**Mr Colle:** So it's the initial underwriting of the prospectors that is costly, and it's risky.

**Mr Reid:** It's very risky. If you remember the example in the paper—

**Mr Colle:** Say 10,000—

**Mr Reid:** —and you might wind up with one mine—might.

**The Chair:** We'll move to the official opposition.

**Mr Miller:** Thank you for your presentation, Mr Reid, and your example of the 10,000 to 1,000 down to one feasibility study. Is that 10,000 properties or 10,000 claims?

**Mr Reid:** Ten thousand properties, usually. A claim and a property are not exactly the same but they're—

**Mr Miller:** Because a claim is a quarter square mile.

**Mr Reid:** It's close enough for government work.

**Mr Miller:** In other words, each of those 10,000 is probably a group of claims—

**Mr Reid:** Yes.

**Mr Miller:** —your point basically being that it's extremely high risk and there's a lot of investment involved in getting to the possibility of a mine.

I just want to make sure I heard you correctly. There are 15 operating mines? Is that what you said?

**Mr Reid:** There are about 28 to 30 altogether.

Just so the committee understands, they come in all sizes and shapes too. By the way, we won't confuse those with industrial minerals. Gold mines come in different sizes and different grades. Base metal mines are generally much larger and so on, and they have different grades. So there's no standard that says each mine is the same as the next one.

1450

**Mr Miller:** I'd like to follow up on that, because what I'm interested in is the effect of this bill on marginal properties and smaller properties. Do you think that if

revenue-sharing becomes a reality it will have a negative effect on smaller, marginal mines?

**Mr Reid:** It's going to depend on how it's done. If you're going to layer more costs on the mining industry, then every time you add a cost on, no matter where it comes from, you make mines more marginal and they drop off the scale, especially if metal prices are lower.

The reaction from most of the mining community to this bill is on the uncertainty of it and what is in fact going to happen at the end of the day.

A lot of people who invest in mining companies and take the risk of hoping that something develops are not just in Canada. There's a lot of European investment and a lot of American investment, and they don't like uncertainty any more than anybody else in this room does. So the more uncertain you make the prospects, the riskier it is, and the harder it is to raise money.

**Mr Miller:** One of the examples that Mr Bisson has used is comparing this revenue-sharing to a municipal property tax. If a mine is within the boundaries of Timmins, the mine would be paying property taxes to the municipality of Timmins, so that Timmins would be directly benefiting. Mr Bisson is saying, "Why shouldn't that apply on First Nations property?" I guess, from what you were saying, that one of the challenges is where the boundaries of the traditional lands are. In fact, more than one First Nation sometimes have overlapping traditional lands. So it's difficult because there aren't defined boundaries like a municipality has defined boundaries. Is that correct?

**Mr Reid:** Yes. It's very difficult at the beginning of the process for prospectors particularly, because they don't have a lot of resources themselves when they start out. Some of the larger companies do, but now they generally tend to let the prospectors and the smaller junior mining companies who have limited resources go out and do the prospecting. I think that part of the industry and the producing mines would really like to know where the boundaries of the traditional lands are so they'll know who they should talk to at the outset and who they might deal with as things progress.

**Mr Miller:** Just so I'm clear, I get the feeling that you think Bill 97 would negatively impact the mining industry and the prospecting industry.

**Mr Reid:** Because of the definitions and the vagueness of it and how it might work out, I wouldn't say it's viewed positively; I'd say it's viewed very negatively. There's too much vagueness, which adds to uncertainty, which adds to, "We'll spend our dollars somewhere else."

**The Chair:** We'll move to the NDP and Mr Bisson.

**Mr Bisson:** First of all, Pat, just a couple of things. I think most people understand that exploration by its very nature is not a business which has revenue. It's a business that spends money. That being the case, revenue-sharing has a much different impact. That's not what this bill is about. That issue about how you get access to what you and First Nations call traditional lands and your relationship and responsibilities to First Nations is quite another

issue. It is not the intent of the drafter of this bill to tax somebody who's expending money to find a mine. That's not what this is about.

**Mr Reid:** I understand that.

**Mr Bisson:** I want to be clear. What we are talking about, however, is that when one mine gets established at the end of your process, like De Beers up in Attawapiskat or Musselwhite, as it was out here, what then is their responsibility to the First Nations that are affected? There's a larger question: Does there need to be a process after that, that First Nations share whatever is there? That's a whole other issue.

But I propose this as the question. I can't believe that neither the mining industry nor the explorationists—because I know most of them who are in this understand fairly well because of their interactions with First Nations—would be opposed, when a mine goes into operation, that there would be, first of all, discussions, government to government, between First Nations and the provincial government about how we share existing taxes. Would you have an objection to that?

**Mr Reid:** No, with the emphasis on “existing.”

**Mr Bisson:** We're doing this one step at a time, just so we're clear.

Number two is, where there is no municipal claim to the value of the property—and certainly we're able to factor into the costing of building a mine in Timmins the municipal taxes that you're going to have to pay—I'm sure companies don't have a problem in living up to their obligations vis-à-vis First Nations in that gap that exists where there is no municipality.

**Mr Reid:** The devil is always in the details, and it's not quite as simple as you make it out to be.

**Mr Bisson:** But neither is it as complicated as you make it out to be.

**Mr Reid:** But it is complicated. If you've listened to everybody you've heard—and I hope you people will listen carefully to what the First Nations people have said—you can't solve a lot of problems with Bill 97. You've opened a Pandora's box already.

**Mr Bisson:** Oh.

**Mr Reid:** Well, I think if we all listened, you've got to be impressed by the complexity of the problems up here around all these issues. I was a member and I share your concern. To bring attention to these things is a good idea, but let's not try to oversimplify them and say that Bill 97 is going to—

**Mr Bisson:** Let me ask you this question.

**Mr Reid:** I know you're not really saying that, but you're making—

**Mr Bisson:** Pat, you know how this game goes. I've only got six minutes and I have a couple of questions.

**Mr Reid:** I'm trying to use up your six minutes.

**Mr Bisson:** You know how this game works as well.

**Mr Reid:** They've heard lots from you; they haven't heard as much from me.

**Mr Bisson:** My question is this. Surely to God the mining industry doesn't believe that the current status quo serves First Nations well. Do you agree or disagree?

**Mr Reid:** Have I quit beating my wife, yes or no? I think you have to take a look at the whole thing of what's going on and look at it in a holistic—

**Mr Bisson:** Pat—

**Mr Reid:** Just a second. Besides that, as you know, companies like De Beers have already spent millions of dollars at Attawapiskat building hospitals, building schools and things. But De Beers is a large company with a lot of financial backing.

**Mr Bisson:** But is the current system serving First Nations well?

**Mr Reid:** I wouldn't say particularly, no.

**Mr Bisson:** OK. So we agree that something has got to be done. I guess my point is, before we run out of time, what this bill attempts to do is set up a process by which we can have a place to talk about these things so that at the end of the day we can find a better deal for First Nations. Certainly industry can't be against that.

**Mr Reid:** We're not against a process of people sitting down and talking, and after what we've heard today, I'm sure the committee will say something has to be done. But I don't think this bill is the answer.

**Mr Hampton:** One of the things I heard Grand Chief Beardy say, and he said it clearly, was, “We want certainty of what the rules are for companies.” In other words, he said, “We want all companies to know what the playing field is and we want consistency of rules for First Nations so that First Nations know.” I can't see either the mining industry or the prospectors being opposed to that.

**Mr Reid:** Everybody wants certainty. The mining industry wants certainty—and everybody would. There is enough risk in the situation. The prospectors, the OMA and others have been trying to work with First Nations and various groups in northern Ontario to come to some set of protocols on how we can consult together and how we can negotiate impact benefit agreements, for instance. We've been trying to do that for two or three years. That's why I'm saying that it's not simple, as you know.

Let's move the yardsticks along. You heard from Placer Dome and other companies what they're attempting to do in hiring natives and training natives and getting people involved in businesses and so on.

We all want certainty; we want to know what the rules are. And that's again where you get into problems, because each First Nation is different and each mining company is different. So it's coming to some kind of baseline: How can we come up with a system on consultation, dialogue, minimum requirements that is not going to scare off investment in the mining industry or any resource industry, and at the same time try to meet the hopes and aspirations of the First Nations?

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

1500

#### SAUGEEN FIRST NATION

**The Chair:** I call on Saugeen First Nation. Good afternoon. You have 30 minutes for your presentation.

You might leave time for questions within that 30 minutes. I would ask you to state your name for the purposes of Hansard.

**Chief Ed Machimity:** Excuse me. I've got a bad cold and I don't know if I'll be able to read everything. I might need help.

I'm customary chief; I'm not the Indian Act chief. We don't have elections in our area. Under the Department of Indian Affairs we recognize Treaty 3 and Treaty 9 under the territorial system. Then we don't hold elections. We're under custom, which is the treaty.

**Mr Bisson:** On a point of order, Mr Chairman: I think it's the Saugeen First Nation.

**Chief Machimity:** The Ojibway nation of Saugeen Indian tribe.

I'm just mentioning that. I was going to put the long statement here and I had to think about revenue-sharing, what they're talking about. I talked to somebody in Toronto and I asked this question. They said that there's no mechanism in place; this is new. Then I was going to make a statement, but I figured I had 90 days to do a statement because the revenue-sharing that's come to take place is almost three quarters of the country, the revenue-sharing that's been taken from the west coast right up to here now.

The way I see this bill, the creating of the revenue-sharing, the governments of Canada and Ontario have to pay back revenue-sharing 100% because of entitlement that we have under the proclamation. We have 100% owning this land because we are treaty people. We signed the signatory treaty of this country. I know the Indian Act is not a treaty; it's just the act itself.

I'm going to go on here with the presentation. The Ojibway nation of Saugeen is located just 80 kilometres south of where this meeting is taking place. As customary chief of the Ojibway nation of Saugeen Indian tribe, I am here to be blunt and to the point in expressing that Bill 97 breaches the treaty obligation.

Our relationship is one of treaty as between the crown and the Indian people. In other words, the foundation of our relationship is that of the treaty with the Queen. Clearly, any revenue generated by resources within our traditional lands should be ours and not those of the province of Ontario or the resource companies.

The bill envisions the resource companies being a party to the negotiations. With respect, this would be a breach of treaty and, as such, all resource companies should be excluded from the negotiations. In its place, Canada should be at the table in their fiduciary capacity supporting our treaty.

As well, the Ojibway nation of the Saugeen Indian tribe asserts that our Indian tribe should be entitled to negotiate its own arrangements to ensure that the treaty relationship is honoured to the fullest extent envisioned when our ancestors negotiated the treaty.

Our relationship to our lands must be preserved in any resource-sharing arrangement and it must be built on the treaty relationship. Under no circumstances should revenue-sharing of resources reduce the amount of treaty en-

titlement that our Indian tribe is entitled to receive from other federal or provincial funding sources.

I wish to make it very clear that the Ojibway nation of the Saugeen Indian tribe is not affiliated with any other organization, and so under no circumstances would it be acceptable for a provincial or territorial organization to represent our interests unless we so designate. If we are to negotiate a revenue-sharing arrangement consistent with our treaty, the agreement should be with the crown and not any resource company. We reject any legislation that would compromise our treaty relationship and urge the standing committee to respect the intent of our treaty, that being that our traditional lands are our lands and the natural resources contained therein should be for the benefit of Indian people.

Self-reliance is our objective, and this legislation can be amended to promote this objective. The people of the Ojibway nation of the Saugeen Indian tribe are prepared to work with you within our understanding of the treaty. Until these principles are acknowledged in Bill 97, we will reject it in its entirety. Thank you.

**The Chair:** Thank you for your presentation. We appreciate your being here and the fact that your throat is quite sore.

**Chief Machimity:** Can I have a few minutes? When we speak about resources, that means trees, water, fish and mining.

I want to emphasize one purpose. In 1950, Diefenbaker was a lawyer down west until the Indian made the land grow. Then he went down to the ground underneath. So they called the RCMP. The RCMP pulled him out of there. That Indian challenged Diefenbaker before he became Prime Minister.

**1510**

So what they said in that treaty: only certain places where you can build farms, the Indians only release, not give up, to the depth of a plow. That Indian who was pulled out from underneath the ground won the case. Then Diefenbaker became the Prime Minister. They put him as Prime Minister, and they said two years later that they couldn't deal with Diefenbaker any more because of the pressure at the House of Commons not to deal with the Indian, to do away with the Indian.

The source of mining stands today. To this Indian belongs everything from the depth of the plow. Thank you.

**The Chair:** Thank you. We appreciate your submission and understand that you do have a sore throat. If the committee has a very important question you would like to ask, understanding that the deputant has some difficulties here, we do have about 20 minutes left. Does the committee have a question they would like to put?

**Mr Bisson:** Just a couple of questions. I wholeheartedly understand, as the one who's responsible for the bill, what you're saying in your submission: that you want a clause that says they should not impact on treaty rights. If that is put in there—it's what is called a non-derogation clause, that it doesn't affect treaties—does that make you feel more comfortable to get to the next step?

**Chief Machimity:** If the clause is in there—what has happened is, they don't regard even the treaty. If the treaty Indian comes to a place of questioning, that diminishes the treaty rights because they go ahead with what they want to do. You know, all civilizations have been bound in this treaty of Canada for the Indians since 1490. It hasn't changed. What should be in the clause from the treaty—even under the Indian Act, it says that Indians never gave up rivers, waters, animals. That's their resources.

When the commissioners said, "We're not going to take away from you on these issues," it's very clear in the Indian Act. Now it speaks. The animals need vegetation. Fish need water. Now they've been disturbing the water all over the place. Then the act itself says that you cannot molest the Indians. You cannot trouble any Indians who live on the land. It doesn't say "only in the reserve." The proclamation statement says "all"—wherever the Indians are living. That is the fact.

**The Chair:** Thank you. To the government side: Mr McNeely, did you have a question?

**Mr Phil McNeely (Ottawa-Orléans):** Thank you, Chief Machimity. I was just following up on that same question, because that's what we hear. The issues of property rights or issues of rights are so complex that, as far as me sitting on this committee, I'd just like to think that we're talking about that non-derogation clause. That part of the discussion is certainly not something that I'm thinking about.

I think the question has been asked by Mr Bisson, was brought up by Mr Hampton yesterday, was brought up as the first condition or first request for the Kasabonika Lake First Nation, which was that the bill, as drafted, does not contain a non-derogation clause. So I don't think I have a question; I think I'm just agreeing that that part is essential and that we can forget as a committee, or at least I will hope that I can forget as a committee, all those other issues between Canada, the province and the First Nations. So it was just a statement.

**The Chair:** Mr Barrett, you had a question.

**Mr Barrett:** Thank you, Chief. I think I agree with you and your statement that Canada, the federal government, should be at the table. Perhaps this committee or the province of Ontario has bitten off more than it can chew. I'm not saying that by having a federal government at the table, it would be helpful; I don't know that. Do you think it would be helpful, or is it just a necessary requirement?

**Chief Machimity:** I cannot make any statement on what is the fact on the treaty issues. The Ontario government, in 1912, when we asked for a land transfer to the federal government, the federal government said, "I cannot give you the transfer because there are no Indians to consent." However, the federal government brings to the table, "Unless you consent to this treaty, then I will give you an extension."

The Ontario government sits there now and has a trust responsibility to carry out this treaty in good faith but has not done so. To form a new clause in this Bill 97, it's not the way to do it, because it's already the treaty protection

for the Indian people. If you look at the first Indian Act, 1868, it's very clear that Indians still honour the old act, the first Indian Act. It protected the treaty Indians, it protected everything that they have, and they keep changing it under the House of Commons, without the consent of the Indians.

Now they form organizations like NAN to deal with them. NAN does not speak for Saugeen, because we abide through the promises there. I know Indian Affairs wrote me a letter last year and said they wanted to eliminate some PTOs. We answered that letter, because we are not connected with these organizations. That happened. They began to eliminate PTOs. That's really breaching the obligation of that treaty, because by deception, they formed these organizations.

**The Chair:** Thank you very much for your presentation this afternoon.

For the committee, the Ontario Mining Association has agreed to withdraw their presentation this afternoon, but Mr Reid has agreed that he would answer questions for 10 minutes if the committee desires. What is the wish of the committee? We'll pass. OK. Thank you very much to the Ontario Mining Association.

For the committee, the 3:30 deputant has not arrived yet. I would ask Tom Wassaykeesic to come forward, please.

Good afternoon. You have 30 minutes for your presentation. You may allow time for questions within that 30 minutes. I would ask you to identify yourself for the purposes of our recording Hansard.

**Mr Tom Wassaykeesic:** My name is Tom Wassaykeesic. I thank you for the chance to do a short presentation. I won't take up much of your time.

I'm doing this presentation as a community member of the Mishkeegogamang and also as someone who grew up in this area, albeit north of here, in the Pickle Lake area.

I guess the first thing about Bill 97—I don't know if I can really comment on it right now because I haven't even seen the draft legislation or even the final. So that's one of the things I'd like to see: first, the bill itself, whether it's in draft form or otherwise.

*Interjection.*

**Mr Tom Wassaykeesic:** Thank you.

If I was to look over this now, it would take too much of the committee's time.

**Mr Michael Prue (Beaches-East York):** On a point of order, Mr Chair: To be fair to the deputant, could we stand him down and give him 10 or 15 minutes to read it so that his thoughts might be better collected—if that's what he wants. Would you like an opportunity, sir, to read the bill and then comment, to stand down?

**Mr Tom Wassaykeesic:** Yes.

**Mr Prue:** I think it would be more fair if we have another deputant.

**The Chair:** OK. We'll have you come back in 10 or 15 minutes. You can talk to the clerk and let him know when you feel comfortable with that.

1520

## TOWNSHIP OF PICKLE LAKE

**The Chair:** Is the mayor of Pickle Lake here? Please come forward. Good afternoon, Mayor. You have 30 minutes for your presentation. You might allow time for questioning, if you wish, within that 30 minutes. I would just simply ask you to identify yourself for the purposes of Hansard.

**Mr Roy Hoffman:** I'm Roy Hoffman. I'm the mayor of the township of Pickle Lake, or, as we like to say, Ontario's last frontier.

I have to apologize; I don't have anything written. The first thing I would like to bring up is that, to be honest with you, I was quite disappointed. I just found out about this particular session this morning from one of my councillors, thanks to CBC Radio, and talked to Howard Hampton. So, like I said, I just found out about this. I had no time to prepare. However, I am aware of Bill 97. As you know, it has been the hot talk up north here for quite some time.

I'd like to start out by saying that I agree with Grand Chief Stan Beardy. Yes, there are a lot of problems. There are a lot of social problems on some of the northern reserves. I don't think anybody will dispute that. However, we're not here to discuss those issues; we're here to discuss the revenue-sharing formula or the revenue-sharing as is and the mechanism in which this will take place.

I have some grave concerns in several areas. Like I say, I'll try to keep focused, but I don't have notes, so bear with me.

One of my big concerns is that corporations doing business up north here—and that's large or small—will be, I'll say, unfairly taxed while other corporations in the rest of the province will not be. Sure, you might say they are reaping the benefits of the resources locally, but I ask you, who is reaping the benefits from these corporations that are taking the resources out, whether it's timber and furniture being made in manufacturing plants in southern Ontario, whether it's gold jewellery or whether it's diamonds? I don't think you're going to see a lot of people up north here wearing a lot of gold jewellery and diamonds. A lot of these products—by far, the majority—are consumed in southern Ontario.

You call it revenue-sharing; I'd like to call it a tax. I think the fairest way to come up with a system is that there has to be a level playing field province-wide.

Once upon a time, Toronto was traditional territory of the First Nations; so were Ottawa, Hamilton and Windsor. Once upon a time, all of Ontario was traditional territory.

I'd like to quote Gilles here. I have his speech with me today. He mentioned in his speech that the governments of today didn't cause the problem; the problem has been here for a long time. I agree. Individually, we didn't create it. Yes, the problem is here. Collectively, as a province, we have to deal with this and I think,

collectively, as a province, it should be all companies, all corporations, all taxpayers, large or small, that should chip in to the pot.

I do have some individual comments I would like to make on other issues which were put forth this morning, one being that being a small municipality—and I'll use Placer Dome as the example. They came to Pickle Lake and started a small mine outside of our town roughly 15 years ago. As you say, we annexed, we taxed, but let me tell you, for that tax money, we do provide hard services. Whether it's waste disposal, recreation facilities, libraries, we provide hard services for that money, and that is one of the differences with that tax system.

Another question I want to put to the members here today is, up until now all I've heard is large corporations—and I'm not here to speak for them; they do very well speaking for themselves. What about the small corporations? I'm from Pickle Lake. We're 400 people. We have small, family-run tourist outfitters. You know the cost of running a business. I don't care whether it's fuel, whether it's insurance, whether it's sending your children to university, these are huge costs that a small business has to deal with. If there's going to be this additional tax put on top of that, and especially if it's going to be a tax on northerners, it is not fair at all. As mayor of a small northern municipality, I fear that it might possibly scare potential economic development away from the north. I think Chief Roundhead and everybody will agree that we all want to be economically viable. We all want jobs. We all want our communities to grow and expand. We want opportunities for our children. We want training and education. Everybody wants that. The last thing we want to do is scare off corporations, large or small, from the north.

The one point I would like to make, which I believe Howard touched on—and I agree 100%—is that I think what the big corporations are doing now with the training is phenomenal. They're providing opportunities, they're providing training, all the apprenticeship programs. That's great, because when the mines and the forestry are gone, this is something tangible that is left behind that people can use to further their lives and their careers. That's phenomenal, but that's a separate issue from the revenue-sharing.

Like I said, folks, I'm sorry I didn't have anything. I will be making a written presentation to the committee, but I just wanted these thoughts to go on record. Thank you.

**The Chair:** I want to point out to you, Mayor, that a subcommittee of this committee determined how we would advertise the hearings, and we did advertise across the north—we thought, extensively. We also advertised on the parliamentary channel, the Internet etc, which you may or may not be able to access. We apologize if you did not hear about the hearings. I was going to state that you could write to us, and I hope you take that opportunity.

To the other gentlemen who were just handed Bill 97 and are reading it for the first time, if you want to present

to us in the next few minutes, you can, or if you choose to write to us later, that's fine as well.

We do have time for questions, and we'll begin with the official opposition.

**Mr Barrett:** Thank you, Mayor. You made reference to all of Ontario, actually, rather than just the north with respect to the fact that at one point native people held sway in all of the province.

I represent two native communities down toward Lake Erie. Six Nations, for example, is a very populous reserve. I guess the question that has been raised in my mind—I mean, a line has been drawn. Why would there be a line drawn between northern native communities and southern native communities?

The Six Nations community is adjacent to Caledonia and Hagersville. Both those towns are gypsum mining towns—gypsum for wallboard. The mine is Canadian Gypsum Corp. It continues right underneath the homes of the reserve, and the people who work in the mine work on the native community side, for tax reasons. I guess the question that is raised in my mind is, why would those two native communities be excluded from this legislation, just following up on your initiative of making a distinction between the north and the south?

1530

**Mr Hoffman:** I'll take one point that—and I'll use the Central Patricia mines that operated years ago, and how we were deluded to the fact that there was \$1.3 billion worth of gold taken out of that mine. Who did benefit from that? You're right that the First Nations didn't. For example, I know my wife's father worked there. He provided for his family. That's it. He didn't walk out a millionaire, but he had meaningful employment at that time. I also know that at that time there were lots of First Nations people who had meaningful employment.

At that time, Pickle Lake—sure, they did fine. But when the mine closed in the 1960s, it was virtually a ghost town. We have very little left today from that mine.

However, on your other point about the First Nations and should they now benefit, I'm not saying they shouldn't. Yes, they should. It's just the mechanism we're talking about.

If we're calling it a tax, a tax is a tax is a tax. If you're saying that they should be taxing mines—and I'll say, outside of their reserve boundaries on their traditional lands—then maybe the First Nations should be looking at coming up with some kind of a tax system for their entire communities and taxing the businesses that are within their communities and taxing the homeowners like we tax our homeowners. Maybe they can come up with some kind of a tax system so, yes, there will be some kind of avenue for them to do that. But once again, it's for them to determine their own future. That would be one way they could have self-determination: to have the ability to tax.

**Mr Miller:** Thank you for your presentation. Considering that you just found out this morning, it has been an excellent presentation, which raised lots of good points, including the way you look at this as a tax and not

revenue-sharing—basically, as an additional cost. If you're looking at it from the perspective of business and business trying to decide whether they're going to make a mine or be in the business of forestry or whatever, it's an additional cost of doing business.

You make the point that there shouldn't be this arbitrary line drawn, in terms of it affecting the north, because you see this as negatively affecting businesses in the north as compared to businesses in the south. The line happens to be right at the top of my riding, actually. My riding is Parry Sound-Muskoka. The French River is where the boundary has been drawn. Also, there are seven First Nations within my riding that would probably be concerned about that if it was a benefit to them.

You made the comment that we didn't cause the problem, but collectively we must solve it. Can you expand on that point?

**Mr Hoffman:** Basically, like I was saying, no one person here is the cause of—when I say “the problem,” it's the inequity of the revenue-sharing. There should be some mechanism there so that the First Nations can somehow draw some income from the land that surrounds their communities. I agree with that. I'm not against it. But we are here today with this situation. I didn't create the situation, you didn't create the situation but, collectively, as society, I guess we can say we did. I say we, our forefathers or whoever, through the treaties and so on and so forth, created this. Now we have to deal with the situation. But why is it being put on the north to deal with when this was created by everybody, not just the north?

**Mr Miller:** So you're concerned that this would negatively impact the north, in terms of the viability of businesses doing business in the north.

**Mr Hoffman:** Yes. We're struggling right now, as you well know, with the out-migration of our youth, as are the First Nations. We're looking at this being just another tough way to attract business to the north if there's an additional tax put on businesses that just do business in the north.

**Mr Miller:** You made the point of—  
*Interjection.*

**Mr Miller:** I'm out of time?

**The Chair:** Very quickly.

**Mr Miller:** Very quickly. The municipal tax example: the Placer Dome property, and then you annexed them, so you're collecting municipal property taxes from that mine. But you say that you also provide a lot of services. So you're saying, that balances out.

**Mr Hoffman:** Just like a homeowner. A homeowner pays property tax in your municipality, and you provide services for that tax. Part of the services are hard services, as I call them.

**Mr Miller:** Roads.

**Mr Hoffman:** Roads, waste disposal and so on and so forth. Some of it is just the job that we as government do on their behalf. There's a cost to doing that, as you well know. So for the money they are giving us, they are receiving service.

**Mr Miller:** Thank you for your presentation.

**The Chair:** Now, with the NDP, I have notice of two questions. We'll begin with Mr Prue.

**Mr Prue:** Thank you, Your Worship. I don't know if you get called that much up here.

**Mr Hoffman:** I get called other things.

**Mr Prue:** I say that because before, in a previous life, I was a mayor of a municipality. I'd just like to be a little bit careful here about some of the stuff that you've said. In terms of you getting tax revenues from property assessment, that's almost all the money you get, other than grants from the Ontario government. That's where you get most of your money.

**Mr Hoffman:** Yes. We could go through our budget, but we do get a lot of CRF funding as well. Being a northern municipality, we don't raise enough taxes to cover our budget.

**Mr Prue:** OK. Perhaps like some of the bands and some of the traditional—they don't get enough to cover theirs. In fact, they don't get any. They don't have any property assessment. They also don't have the authority that a municipality has to charge service charges. They don't have planning fees, they don't have zoning bylaw fees, they don't have municipal fees—all of the things that you would have to bring in an industry or commerce. You have access to all of that money. So I'm a little bit hard-pressed to understand the analogy. Are you proposing that, in lieu of this bill, traditional First Nations communities be given municipal status so that they can charge all these things?

**Mr Hoffman:** No.

**Mr Prue:** Because I don't know how that's going to work. I don't understand your alternative.

**Mr Hoffman:** To be honest with you, all I'm saying is, if I'm going to understand where you're coming from—if you say they don't have the power to do all these taxes, then I say that's a problem with their system and it's none of my business. But then something's got to be fixed, whether it's within—and that's not for me to decide. But I'm just saying, if that is so, the way I want to twist that is, why should corporations up north pay for that particular problem?

**Mr Prue:** I also have, being a former mayor, a little bit of problem with this line of thought as well because when we invited corporations into what was a fairly large—you can call it a city, although we were not one—we knew that by inviting them in, we were going to make money off them because, quite frankly, business, industry and all of that stuff paid far more in taxes than they got back in services—a huge lot. The homeowner never paid.

So I'm just wondering, how does a native community—or in your community, you don't pay either. You'd be bankrupt if all there was were homeowners. I tell you right now, Toronto would be bankrupt if that's all there was, if it was just the homeowners, because the homeowners don't pay anywhere near what it costs to run a city or a town. So I'm trying to understand the analogy here. I'm trying to understand how you equate Pickle Lake with—

**Mr Hoffman:** Right. Don't get me wrong. The need is there. We both agree. It's just a question of the mechanism of the funding. I'm saying, to unduly put hardship on just northern companies is not a fair playing field, and I'm scared that it might detract, whether it be large, small, medium businesses, from wanting to locate up north if they're going to be taxed additionally, compared to down south. That's all I'm saying. We both agree on the need; I'm not arguing on the need. There is a need for some kind of revenue-sharing or tax. It's just the mechanism we're talking about.

**Mr Prue:** I'm going to leave it to Gilles. He has some questions. I have some more, but—

**Mr Bisson:** Oh no, I do, I do. As Howard said to me yesterday to another question, we actually agree. Unfortunately, I think we're having a bit of a problem with semantics, because what I heard you basically say is that maybe First Nations should have some sort of taxing authority. The problem is, they don't have that right. Why we call it revenue-sharing and not taxation is just to that point: because the federal government has a responsibility when it comes to taxation for First Nations and we have a responsibility when it comes to natural resources; hence the word "revenue-sharing." So that's where that comes from.

I wish we could go as far as you want us to go. Unfortunately, we don't have that jurisdiction provincially, as far as I know. Maybe I'm wrong, but I don't think we do at this point. So what we're looking at doing in this legislation—this is just a comment—is finding some way to allow First Nations to share in the tax revenue that's generated to the province and, if there is no municipal assessment, to have an equal amount of the money that you would get by assessment shared with those First Nations. I take it that you support that concept, and I'm glad to see that.

#### 1540

The only other thing you raise—it's an important point, and I don't know if we should go there—is, how do we approach southern Ontario, which is a much more complicated issue? Should we say "Never mind" to revenue-sharing and just have one standard tax, assign a percentage—say one half of 1%—to all businesses across this province and we'll pay it into a fund that goes to First Nations? Hell, I'll withdraw my bill, and I'm excited, because that will give us more money than we know what to do with. Certainly, if the government wants to come forward with that proposal, I think the grand chief and chiefs and those assembled probably wouldn't be upset. The difficulty, however, is that I'm not sure if any government is prepared to go to that point in this current day and age.

I understand your concern in regard to the southern and northern issue, but you need to understand that this is not about an additional burden of tax on businesses. We're talking about existing taxes that are there and how we share those with First Nations and, where there's no municipal tax, make up the room. I just wanted to clarify it.

**Mr Hoffman:** One question, and I pose this. For big corporations, as I say, I'm not here to speak for them; you can deal with them. What about the small, family-run tourist business or other business that makes its living off the resources? How is this going to affect them?

**Mr Bisson:** It's the same point. What we're talking about here is—oh, sorry; we'll talk later.

**The Chair:** For the government, Mrs Mitchell.

**Mrs Carol Mitchell (Huron-Bruce):** Thank you, Mayor. I too was a mayor, so I certainly—

*Interjection.*

**Mrs Mitchell:** Yes, everybody was a mayor, I guess.

I'm delighted that these questions came up, because repeatedly what I've heard is that Bill 97 can take the form of taxation for municipalities. It's a mode or venue that they would choose.

I'm going to talk about the tourism industry just for a moment. That's also a part of the proposal of Bill 97. How do you see that affecting the tourism industry within your district?

**Mr Hoffman:** Phew, boy. I say it's a tough question. I haven't had that much opportunity to talk to all the tourist outfitters. However, I did have an opportunity to talk to a few, and they're quite concerned about it. I'll speak for one: He'd leave town—that simple. We would lose a business right up front. I know some of these people. They're struggling to make ends meet. Everything is going up: taxes, fuel, you name it. One more tax and that could be it.

**Mrs Mitchell:** So if the burden of taxation went back on that primary industry, be it water, mining, whatever, you feel that would have an adverse effect overall, because the business would withdraw.

**Mr Hoffman:** Right. I'm not talking for mining, logging or hydro; strictly small business, yes.

**Mrs Mitchell:** OK. On a point of clarification, I meant small business, and I included them all.

That's a concern I hear repeatedly about who bears the taxation. I certainly understand that the First Nations need, I would say, a revenue source that would be long-term and that they can use to provide services. That I understand. It's the locomotive you get on the track to get you there.

**Mr Hoffman:** You've got it.

**Mrs Mitchell:** This Bill 97 seems to be all-encompassing and would, I believe, have adverse effects on small business.

**Mr Hoffman:** I agree.

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

#### TOM WASSAYKEESIC

**The Chair:** I call on Tom Wassaykeesic.

**Mr Zimmer:** On a point of order, Mr Chair: There must be eight or nine conversations going on in the room, and all background. I wonder if you could just—

**Mr Bisson:** Yeah, Gilles Bisson, come to order.

**The Chair:** There has been a request that there are too many conversations and it's hard to hear up here at the front.

Please identify yourself, sir, and then you can begin.

**Mr Tom Wassaykeesic:** My name is Tom Wassaykeesic. I thank the committee for giving me an opportunity to do a presentation. I have nothing written down. I plan to do a verbal presentation, or an oral presentation; I guess it's the same thing.

I just finished listening to some of the things that the honourable mayor of Pickle Lake had to say. I grew up in the town of Pickle Lake so I'm aware of the feelings of some of the people there when it comes to who actually pays taxes there and who doesn't. I've had some disagreements in the past with some of the townspeople—certain of them anyway—about that, but that's not what I'm here to talk about.

I was looking through this, and I know it's just a draft, but I was looking for the meat and potatoes of this thing and I don't see any of it. I guess that will come later.

One of the concerns I share with other people is that this thing, if it gets through the Legislature and it receives royal assent—I think I've heard that it's already gone through second reading and now we're somewhere between second and third readings, but I don't know if it's true. I read that somewhere, I think in a newspaper.

But one of the concerns that I have, and not just myself but other people, is about the negotiations “within 90 days of the coming into force of this act,” it says here, where everybody gets together and starts negotiating, or least discusses the preliminary parameters of what they're going to put on the table, what they're going to negotiate about. The concern some of us have is that this may give a licence or the OK for resource-thrashing companies such as Bowater to go ahead and do whatever they think should be done—their agenda—because they might think that, with this committee and being given an opportunity to do presentations in the First Nation communities and by First Nation individuals and organizations, it gives them the OK to go ahead, that the consultations have been done. That's one of the things I'm concerned about, and I know there are others.

I want to talk to you for a minute about Mr Bisson. I first heard about his previous attempt to introduce this kind of legislation under the former Conservative government. I remember hearing about how it got shot down. I wasn't too surprised by that considering how, with maybe a few exceptions, we know from our own experiences with the former Conservative government of Ontario exactly how they felt about us, what they thought of us. We always had this impression that we were standing in the way of opening up the north, extracting resources of the north or whatever they wanted to call it.

We all know that it's very rare that private members' bills pass the Legislature. Most of them are usually discarded or voted down. It's very rare that a private member's bill gets past first reading or even second, or even becomes law, legislation.

## 1550

I'll give you a story. I'm most familiar with the Mining Act, because we've seen more of the impact from mining here over the years. We've gone through several boom-and-bust cycles here in this part of Ontario. I can tell you that when I was growing up in Central Patricia, which is now part of the municipality of Pickle Lake, by that time, only the Pickle Crow mine was in operation. Those First Nations families—I don't want to use the word "native"—from this area, including my own, never actually resided on a reserve. The Pickle Lake area and north of it is our traditional area. That's where my family, my clan—that's when we used to have a clan system—grew up, in the town of Central Patricia, and those houses we lived in belonged to the mining companies of not only Pickle Crow gold mine but Central Patricia gold mine. For some reason or other, when I think back about it, the houses we, the native families, lived in, I don't recall any one of them ever having running water or sewage. When you went to a non-native family's house, they had everything, all the amenities. Even going back as far as the 1960s—and I'm not talking about on a reserve here, this First Nation territory here; I'm talking about Pickle Lake and Central Patricia—we never had those. I guess we were left out.

When I got older, I used to wonder about why it was like that. Why were we excluded? Why were we treated differently? Was it because of the colour of our skin? Was it because we spoke a different language? Was it because maybe we reminded the people who came into this area, including resource companies, of who was here first and who they took the land and resources from? Maybe that's the reason why; I don't know. I often wondered about that.

Going on to the former Dona Lake mine, which is just north of here toward Pickle Lake, I was involved in that Dona Lake—I not only worked there at one time but previous to that I worked in the—we signed a general agreement at that time. I was just learning these things; I was just a young man at that time. We signed a general agreement with Canada, Ontario, Placer Dome, Windigo tribal council and Mishkeegogamang First Nation. This agreement was the first of its kind in Canada. I think it set a precedent. That was a general agreement, but there were supposed to be at least five sub-agreements that were supposed to have been negotiated and signed but I think only two were actually ever negotiated and signed. So when you look at the terms and benefits of the Dona Lake mine—it was owned by Placer Dome—you can see that it had a marginal impact on this community: the benefits, the mining.

As Chief Donny Morris pointed out one time at a meeting—he was talking about the former Umex mine, which is copper and nickel, at Kapkichi, just north of Pickle Lake. He said that in the late 1970s or somewhere in the mid-1970s they were going to open up a mine in or near Pickle Lake and the governments poured lots of money into the community of Pickle Lake to build up its infrastructure, to build more housing, to build a new

school and all that. At the same time, south of Pickle Lake, he said there was an Ojibwa community, a small reserve at that time, and he said, "They never got nothing." When they asked for something they were told, "No, you're a federal responsibility. Why should we give you some of the province's revenue to build up infrastructure or at least create one to improve your community, to put in water and sewage and everything that goes with it?"

Ten houses just a little further south of here, that community never had its own electricity until about 10 years ago, the 1990s, in spite of the fact that there was a hydroelectric dam that was built there years ago. These people who live on that side of this First Nation never received anything; they never got any benefit out of it.

The same thing with the water and sewage project. When they finally brought it in here a couple of years back, I heard someone say one time that we should be grateful; we should just quit complaining and just shut up. I told them, "Water and sewage, that's a basic amenity that's expected in every community in Canada. Why should it be any different for First Nations? They finally gave us some funding to put in water and sewage. It's not like they're doing us a big favour." That's what I thought at that time. I said, "These things should have been done a long time ago. Why did it take us almost 100 years to do that?"

When you look at Treaty 9, it says right there that—I've been to Trent University in Peterborough myself, so I know there's a lot of debate across the country about those treaties and what are actually in the treaties. I thought about Treaty 9. The spirit and intent of that treaty was never followed, meaning that when they talked about sharing the land and resources 50-50, that's what it meant: neither side taking more than what they needed, always leaving some there for future generations.

I can see, despite the fact that next year we're going to celebrate our—I'm going to call it a commemoration because there's a difference between commemoration and celebration. Why celebrate if you've got nothing to celebrate about? So you just commemorate the event. The 100-year anniversary of Treaty 9 is coming up in July of next year and I'm going to be one of the people commemorating that event.

I can see from both levels of government, until fairly recently, when I met with the two ministers, Michael Bryant and Rick Bartolucci—there are two levels of government: provincial and federal. Our so-called treaty partners were reluctant to come and help us out. They are the ones that benefited the most from Treaty 9 and yet those two levels of government were very reluctant, until very recently, to come to our aid, to help us put together this commemoration. I wonder, why is that in this country? Why is that in this province? Here, we have a signatory. Ontario is the first province that was a signatory to any treaty in Canada, and we have Canada itself, and they are supposed to be our treaty partners. We're supposed to be equal with them, sitting at the table with them. They're not supposed to look down on us and we're not supposed to look down on them, yet they were

treating us like we're—I don't know how to describe it. I guess I could say that they didn't treat us as equals; there was a total lack of respect.

I like this idea of revenue-sharing, although I myself would be prepared to go further than that, if it was in my power to do so; I would also add off-reserve access to resources. But I think if this bill goes through and becomes law, undoubtedly it will have a rough ride in the Legislature, because everybody has differing interests here.

**1600**

I heard the gentleman from the Ontario Prospectors Association, who I think said, "This thing is not of our making. It's not our problem." That might be true but it's your responsibility; it's your duty to do something about it. You have the means to do something about it, to correct whatever happened in the past. We're not asking you to bow down. It's not that at all.

I recall a story there one time. I don't want to go all candid here with too much of that, but when I was attending Trent, I remember that one of the fellow students just came up to me and said that he had nothing to do with the conditions of the First Nations in this country. I looked at him and told him, "I don't even know who you are. Who said you're to blame?"

**Mr Prue:** He felt guilty anyway.

**Mr Tom Wassaykeesic:** Yes. I told him, "I never said that your grandfather or great-grandfather did something to mine," and so on. I asked him, "Did I ever say that, or did you know any of the native students at Trent who ever said that publicly in any of the classrooms, seminars or tutorials?" He didn't answer. I told him, "You could do something about it, though." He asked me, "What's that?" I told him, "You come from what they call a dominant society or the majority. You have the means. You come probably from a middle-class background, and as everybody knows, the middle class in this country is the greatest voting bloc ever. They're the ones who call the shots in this country."

I told him, "Get your friends too and get on the phone or send telegrams, write letters," things like that. "Go see your MP, go see your MPP, and ask, or demand, that the First Nations be treated with respect, that they be treated with dignity and that they be given equal access to resources."

Anybody who's ever taken community development, economic development, anything like that, knows that every community's greatest resource, no matter what size, is the people. That's what we have here too, just like in Toronto or in any parts of Ontario. In Pickle Lake too, people are our number one resource.

For us here, when I talk about sharing our resource revenues, when I talk about getting equal access to off-reserve resources, so-called crown land—we have very limited natural wealth here on the reserve—I'm talking about within the confines of the reserve itself. We don't have mineral wealth and other things. The only way we're ever going to actually achieve self-governance, self-sufficiency, is by gaining equal access to off-reserve resources. It's not going to happen within the confines of

our communities because we simply don't have enough resources to do so.

I know the committee here represents different parties in the Legislature and that right now the dominant party is the Ontario Liberals. I'm just glad that Mr Bisson reintroduced this bill. I knew that at least under a Liberal government it would have a better chance of making it through the Legislature. That's not to say that all members of the Ontario Liberal Party are like-minded. They have a difference of opinion just like we do. Being a politician—even a chief and council don't always agree with each other but we try to put aside our differences just for the sake of doing what is best for our community, for our people, and sometimes that's not easy. We usually try to do things by consensus, but if not, just to get on with business we use a simple majority of chief and council. There are six of us. Of course, the magic number is four.

I don't want to keep everybody here for the rest of the evening, but in closing I want to say that I think Bill 97, the proposed legislation, can be done. I don't believe the fears of the resource companies that it means extra taxation. As far as taxation on reserves, that's something that has to be decided at another time and in another place. If we and the people in Ontario work together and communicate with each other and try to understand each other, we could get along great.

It's not going to be like the television show Northern Exposure. I remember we had a group of young people from Ajax, a group of students that came here to personally deliver a donation of computers. One of them commented—I think it was in the Toronto Star—that she thought it was going to be like the TV show Northern Exposure. But once she took a look at the prices at the Pickle Lake Northern Store she said, "That's unbelievable."

Yes. Just one final comment here about prices, and I know it's going off on a tangent again: The former chief, the late Roy Kaminawaish, used to wonder why fuel and food prices were so high in the north. He said, "When you walk into the LCBO in Pickle Lake," a government liquor store, "you pay the same price for a bottle there as you do in downtown Toronto." He always wondered, "Why is that? Somebody is getting their priorities mixed up. Why are fuel and food prices so high?" If you think they're high here, go up to Fort Severn or Big Trout Lake, where they're even higher. That's one of the questions he used to have. I don't think he ever got an answer, though.

Thank you very much. Meegwetch.

**The Chair:** Thank you. We don't have appropriate time left for questions, but we appreciate your presentation.

**1610**

DANIEL WASSAYKEESIC

**The Chair:** I would call on Daniel Wassaykeesic to come forward, please. I'll just remind you that you have 30 minutes for your presentation. You might allow time

for questions, if you wish. Please state your name for our recording.

**Mr Daniel Wassaykeesic:** First of all, my name is Daniel; that's my Christian name. My Indian name is Wassaykeesic. That used to be my great-grandfather's name; that was his Indian name. When they signed the treaty, that's what they called us, Wassaykeesic, so my name is Daniel Wassaykeesic. I live off the land, my God-given right, and I want to talk to you people about hunting, fishing and trapping because that's how I live. That's my means of survival, my livelihood.

I want to say today that where I live there are a lot of disturbing activities by line cutters, prospectors, diamond drillers and hunters. I've lived off the land all my life. I never reside in town unless I work because I like living off the land, hunting and fishing. But I also have a part-time job, at my age. I live with my partner. But lately there have been a lot of hunting in our area. You can meet Canadians and Americans at any time. There are a lot of diamond drillers too. There isn't enough room for everybody; for me, anyway. How am I going to survive in the future, when everything is taken away, and as I get older too? That's my question to this meeting. I'm concerned about that. I'd like to tell this committee that there has to be something for us Anishinabek living off the reserve. Thank you.

**The Chair:** Thank you very much. We have almost the full time left for any questions, if there are questions. We'll begin with the NDP.

**Mr Hampton:** I want to ask you some follow-up questions because I hear what you've just said quite frequently from Ojibwa people who live near Fort Frances or Kenora. These are people who traditionally have hunted, fished and trapped. Increasingly, as logging companies engage in more and more intensive logging, it's difficult to trap and it becomes difficult to hunt, we're seeing a greater influx of fishing-mad Americans who love to fish, will go anywhere to fish and don't know when to stop fishing. I hear from a great number of people who practise a traditional lifestyle that as the non-native society encroaches more and more, it becomes very difficult to sustain that traditional lifestyle. Is that what you're facing?

**Mr Daniel Wassaykeesic:** That's right.

**Mr Hampton:** It would not come as a surprise to you to know that companies like Bowater, Weyerhaeuser and Buchanan have approached your First Nation, have approached New Slate Falls First Nation and have approached New Saugeen First Nations, all with proposals for intensive logging.

**Mr Daniel Wassaykeesic:** That's right. But they never came face to face with me.

**Mr Hampton:** I understand. Can I just ask you this? Even I am surprised at the number of mining companies that now routinely fly over your territory, with all the sophisticated electronic equipment, looking for mineral resources. I'm surprised at the number of forestry companies that are approaching not only your First Nation but several other First Nations with proposals for intensive logging.

What I think I heard Chief Ronald Roundhead say is that if this is going to happen, people like you have to be included. There has to be a plan. There has to be a strategy. Is that your point?

**Mr Daniel Wassaykeesic:** That's right. Yes.

**Mr Hampton:** Thanks.

**Mr Bisson:** What percentage of the people in your community here would actually use the land as a means of sustenance; in other words, food that you regularly eat? I don't think most people recognize that.

**Mr Daniel Wassaykeesic:** In this area?

**Mr Bisson:** Yes.

**Mr Daniel Wassaykeesic:** Quite a bit, because there are people who live along the road, who have always lived there, and they live off the land. There's a lot of people who are hunting around here.

**Mr Bisson:** Just for committee members to know, the price of food in most of these communities is exorbitant, and there's no revenue. So most people hunt, fish, do whatever in order to supply their families. In fact, this school is closed right now because of the traditional hunt that goes on in the fall. That's why the students aren't here.

*Interjection.*

**Mr Bisson:** Somebody already found out. Good. I just thought I'd point it out, because sometimes we think it's a regular community like every other non-native community. They're very different. The traditions here are different.

**The Chair:** Thank you. To the government.

**Ms Judy Marsales (Hamilton West):** Thank you very much for your presentation. We appreciate it. Could you just elaborate on what you do right now? Are you fishing or are you hunting?

**Mr Daniel Wassaykeesic:** It is very hard to maintain those kinds of things because of the MNR regulations. You always have to watch where you hunt. If you're hunting on somebody's trapline, then you can be charged for that, because MNR is always on your tail. Also, you've got to watch the hunters at all times or the workers in that area where I trap. I always have a trapline, but they're always doing line-cutting in that area.

Right now, there are two mining companies that are moving in, because I have talked to these people who are doing the line-cutting. They're going to be diamond-drilling near where I live, but I've been living there for a long time, at least 12 years with no noise since I got this new trapline area. I had to maintain a licence in order to trap. If I just trapped anywhere, the next thing you know, the MNR would come after you, because you've got to have a licence where you trap.

Hunting is more difficult this year because there seem to be more Americans, Canadians coming in our area. So there has to be something that—right now, if you and I go to the north route, we would see people almost in every corner. That's how many there are. So it's very difficult just to go hunting, because these people have a licence to do that, and if you go there as a native person, you're treated as a non entity. They're the ones who have maintained a licence to do it, to be there.

**Mr Barrett:** I hear what you're saying about line cutters and other economic activity forcing out hunting and fishing and trapping. I guess we've seen this certainly across the United States and much of Alberta. I was in Brazil 30 years ago, and I think there are significantly fewer people living off the land in Brazil in the ensuing years since I was down there.

The growth of the world's population, in my view, is out of control. Certainly in southern Ontario, this government is wrestling with the area around Toronto and Hamilton. Again, that's one of the biggest clearcuts anywhere in the province of Ontario. The growth of population there is phenomenal. Certain other species seem to do well down there, depending on diseases and what have you: deer, rabbits, raccoons. We have a tremendous increase in raccoons and I think a lot of people would like to see raccoon trapping in the city of Toronto, but the price is no good—down there anyway.

1620

I guess the bottom line is, we have a tremendous increase in population. We are a country that for hundreds of years has welcomed immigrants. I don't think that's going to change either. I'm afraid I don't have an answer for you, other than that this part of the world seems to be one of the areas where there still is significant hunting and trapping and fishing compared to just about every other country in the world, where you don't see that any more. I regret that very much. My ancestors hunted and trapped and fished as well. I'm afraid I don't have the answer, and I don't think a politician is going to touch that as far as immigration or increases in population.

**Mr Daniel Wassaykeesic:** I'd just like to add one more thing. In the early 1960s, when MNR was more or less trying to force the Indians to go and live on reserve, what they did was, where native people used to live in their traditional territories, they used to fly in and do the interview. They asked them, "Why are you here? Is it that you fish here and you hunt here and you trap here?" Because that's the place they used to live. In order for them to force them out of there, they built fishing camps, tourist camps and hunting camps, right? That's where they are today.

Right now, if I fly out of here tomorrow to go to Littleford Lake, which is only about 25 air miles from here, that's where you can see my family, all the cemeteries are there, and now there's a fishing camp there. There are a lot of people there during this time of the season—hunters. I cannot even go there to hunt because they would ask me, "What are you doing here? Are you fishing? Are you hunting? Where is your licence?" So I can't go anywhere. Something probably has to be done.

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

GEORGE PANACHEESE

**The Chair:** I would call on George Panacheese to come forward, please.

Would you state your name for the committee. You've been here most of the afternoon. You would know that you have 30 minutes and you might leave time for questions.

**Mr George Panacheese:** Hello. My name is George Robert Panacheese of Mishkeegogamang, band number 715. I want to ask you something first. What do you guys think about crime?

**Mr Prue:** Nobody likes crime.

**Mr Panacheese:** Well, I don't either, because I've been through a lot of injustice in this country, in my own home, right here in my own community, by outside people. I don't know; I've tried telling my chief and council, but they don't seem to listen to what I have to say, and I don't like it. I don't know how you would feel if your mom or somebody was the victim of terrorism or something. It's just like terrorism—that's what I call it—what happened in the past, about 29 years ago by now, my first attack, or my family was attacked. The latest one was just last year, and nobody says nothing. This gets covered up.

I don't really like this, but I'm looking at this thing, sharing of resource revenues too. I was looking at this. In the past, I know that the Ontario government has been sharing some resource revenues with the band, Mishkeegogamang, but only about 20% or 30% of the people have any real access to these resource revenues and the rest don't. A lot of us don't. Like me, I haven't had any help from my own leaders. I don't know why it works like that, but I kind of feel sometimes that they're involved in these crimes, which I've been trying to tell them about. Over two years ago, I asked one of my council to check into why these things were happening and he never got back on it. I asked him, and he says nothing; he just walks away as if he might have been involved. I don't know if my leaders are involved or if you guys are paying them to shut up. The government might be paying them not to listen.

I was in the newspaper one time; I think it was the Wawatay paper. I was on the run from the police or something. That was me. That was back in 1993 or 1994. What I said in my story—and I should have brought copies of it—everything I told that reporter at that time wasn't written the way I explained it to him. It's as if my story was changed at that time. They never wrote down the truth of what I was saying. I don't know if the reporter is responsible for that when he makes changes on the story. I don't know who would be responsible for that.

Regarding this thing, the sharing of revenue with First Nations, I know it hasn't passed yet. I don't think you people should try to pass this through until you do justice for me, my family and my people. That's the way I see it. Because if you pass this through, you will be committing more crime in my territory, my home. You guys will be committing more crime. You guys will be involved, too, if you don't answer for the crimes you committed in the past. That's how I see what you guys are doing here. If you pass this through, you guys are involved in that crime.

My last attack was over 10 years ago in 1994. They attacked me. I don't know why they attacked me. How do I say this? I don't know what they did to my chief and council. It's as if they don't hear me, either. I'm by myself. I got kicked out of my own community. I get no help from them. I have to depend on this guy from Pickle Lake to help me out. He's my friend and I call him. He's more my chief than my own chief. He's a different guy.

My own people—I don't know who to blame for this crime that's been committed in the past. Even to this day, I see some more crimes that are being committed and they never answer for them. How can you guys commit crime without even answering me or anybody who's asking for answers? All you guys wouldn't answer us. I want answers to why you guys do these things. Why does the Ontario government let crimes continue in my community by people who come here from outside?

You come to tell us about this. Sure, we'll look at it. You will probably pass it anyway, even if we say no. It doesn't matter. You guys will win because you are in control.

It hurts me very much. My mother was a victim of these terrible crimes—they're like terror attacks—inside her own home. She had no drinking problem. She was never doing nothing and I don't know why she had to see this. I tried telling my own leaders, but they can't do anything, as if somebody else was telling them to be quiet and leave it alone. I tried telling the story to somebody in the newspapers here. They don't listen to it, as if somebody's blocking the story to be heard, for Ontario—for Canada—to know what's going on here.

**1630**

All Canadians know that you guys are trying to stop terrorism overseas. I don't know how much the government spends out that way, but I do know terrorism lives here right in our own homes, because I've seen it and I've been through it. I only give thanks to my Creator every day that I'm still alive and well. I wouldn't be here today, I know that—that's who I depend on: my Creator. So I don't depend on my chief and council any more. I don't know; I feel like I got kicked out of my own community. I don't live here any more. I live out in the bush. It's not even my own traplines. I live with my aunts up at Menako. That's where I'm building myself a cabin. I've got no help.

I was working for a taxi company in Pickle Lake. I worked for two years for him and he's helped me out quite a bit. He's given me a vehicle at least to use to travel back and forth. When I ask my chief and council, they won't even give me a hand, not even to move. My mother was here; she lived here. I don't know—she was neglected by her own leaders because after I got incarcerated and I came back, her house was all in a shambles and it was leaking through the roof and the drywall was drying up—there was moss in there or whatever. It was very, very cold. I tried telling the chief and council to get it repaired, and I didn't know my own people were talked into paying rent for houses now. When I got back here: "What do you mean, we have to

pay rent for our houses all of a sudden?" They wanted my mother to pay for that house. I told them, "You're not going to get her to pay for that, because it's not even complete at all. It's not even fit to live in. There's sickness in there."

For this thing here, I don't know. That's why I say to you guys anyway, I don't think you should continue this until you guys have explained to me and my people why there is no justice for me or anybody else who has been unjustified by your government. I know you guys don't know what's happened, but I do. I'm a witness of these terrible crimes. I've been through it. I don't know what you guys think. You guys are politicians. You guys hear this. I wanted to tell you guys this. I have to tell somebody at least because every time I try to tell somebody, they don't seem to hear it. It seems they hear it and then it's gone, like my chief and council. Either that or they don't understand, or they're involved in that crime. I don't know if they're against me or what. I don't know what's going on here.

What I see here now are criminals trying to pass Bill 97 to this reserve. That's what I see. You guys are criminals for trying to pass it, and look at how much money you guys spent, when that money could have been put to good use for the people on the communities. How much money did it cost to come over here? Pretty close to a million dollars, I suppose? No? Not even that? Fifty thousand dollars? No, more than that. Yes, that's a lot of money you guys spent. Even though there's revenue-sharing for the people of First Nations, all of it doesn't get put here. All of it doesn't reach the communities. Only maybe 30% gets to the communities and the rest goes to the Indian Affairs out there, and that's where our houses go.

Did you know the racist letter they have here? Have you read about that, the racist letter they had in the Chronicle-Journal one time a couple of years ago? I don't have it on me, but it states in that racist letter, "You guys were put on a reserve, so stay there."

How are we going to stay there if we've got no houses? If the government put us here on the reserve, why don't they provide the houses? I know what's going on now because of that. There aren't enough houses and we get nowhere. You guys think it's a waste of money.

I don't know if there are any questions you guys have, but that's all I have to say about Bill 97. You guys are just committing more crime for me, for everybody, for my community. You guys don't like crime but you guys are doing it. That's what I see. You guys are doing crime because you haven't answered for the injustice you committed in the past. You haven't answered me, anyway. I haven't heard a word. I've talked to my chief and my council. One of my councillors hasn't answered me yet. He's working on the Department of Justice. He always runs away from me on those things. Look. He's not even here.

**The Chair:** No. Mr Barrett has a question.

**Mr Barrett:** We're discussing in part revenue-sharing, and if there were financial resources trans-

ferred—I guess to try and understand where you’re coming from, my question would be, is it as simple as transferring money to a band council or transferring money to a broader grand council treaty group? Are they the best people to make decisions on how those monies or resources are allocated? I think you’re suggesting some unfairness or corruption. Is that what you’re talking about?

**Mr Panacheese:** Yes, it is unfair. Even what the chief and council have, you guys have negotiated with them. Whatever you guys send over here doesn’t reach the people. They sit down and talk about it and they don’t even let the people know. Then, all of a sudden we just fall into this. Isn’t that a crime? Why drag it in all of a sudden? They don’t hear the people. They hear what you guys are saying, what the people outside are saying. That’s all they follow, but they don’t follow what the people want. My chief and council don’t do that. How come? Are you guys paying them? Is that why? I pay taxes too, and why should I pay taxes if there’s no justice for me or my family?

**Mr Barrett:** I’m not quite clear: I assume it’s the federal government that has some supervision over band councils. I know there’s talk of heading down the self-government route. But I guess the question is, where are the checks and balances? Who’s on top of that?

**Mr Panacheese:** Yes. So what I say to this bill is that you guys should sit on it until you do justice for my people—final; I’m closing it. My chief and council are worried. So whatever you guys got from them is no longer. You could stop the whole thing and we’ll start a new one and we’ll answer to new leaders. That’s what I

see through all this. I don’t like it. “We’ll give you a better deal”; in other words, not my chief and council. Please don’t listen to them. I’ve got nothing else to say.

**The Chair:** Thank you. That concludes our hearings for today.

**Mr Miller:** Chair, the mayor of Pickle Lake raised the question of First Nations taxing. Could I get clarification on whether or not First Nations have the ability to tax?

**The Chair:** Research will—

**Mr Larry Johnston:** No. They do not have it.

**Mr Miller:** They do not? Are you sure of that?

**Mr Johnston:** I’m 99.5% sure.

**Mr Bisson:** I’ll make it 99.9%.

**The Chair:** OK.

**Mr Barrett:** Mr Chair, I have a point of order or a point of information, having sat on committees for maybe nine years now: Those bologna sandwiches and the cheese and crackers just hit the spot. I would ask our Chair to formally thank whoever is responsible for pulling that together, probably on short notice.

**The Chair:** I can do that. There were people who made some last-minute catering possible here today and we want to thank them on behalf of the committee: from the Safe House, Gina Neekan and Diana Bottle; from the school, Daisy Munroe; and the volunteers who were here throughout the meeting—Jeff Neekan, John Chum and Jeff Loon. We thank each and every one of those persons and anybody else who helped out today.

With that, seeing no further points of order, this meeting is adjourned.

*The committee adjourned at 1641.*







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