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**EVIDENCE**

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**Chair**

**Mr. Barry Devolin**

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## Standing Committee on Aboriginal Affairs and Northern Development

Wednesday, June 4, 2008

• (1600)

[English]

**The Chair (Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC)):** Order, please.

Good afternoon, everybody. Welcome to this, the 32nd meeting of the House of Commons Standing Committee on Aboriginal Affairs and Northern Development.

For those of you who have been waiting since 3:30, I apologize for the delay from the members. We were busy voting in the House. We got here as quickly as we could.

Minister, I appreciate that you initially were scheduled from 3:30 to 4:30, but if we could push that another 15 minutes until 4:45, we could have 45 minutes for you and then 45 minutes for our next witness as well. That would allow us to finish by around 5:30.

Today we are meeting, pursuant to the Order of the Reference of Monday, May 23, 2008, regarding C-34, An Act to give effect to the Tsawwassen First Nation Final Agreement and to make consequential amendments to other Acts.

I would like to welcome the minister, the Honourable Chuck Strahl.

I understand you have an opening statement, sir. The floor is yours.

**Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians):** Thank you.

I'm joined here by officials who will be pleased to help the committee and me answer any questions.

It's a delight to be here today, Mr. Chairman and committee members, and I want to thank the committee members from all parties for their support for this landmark legislation.

[Translation]

The fact that committee members of all political stripes recognize and endorse the merits of this act speaks volumes about our shared commitment to complete the unfinished business of settling treaties with First Nations in British Columbia.

[English]

This same spirit of reconciliation characterizes the negotiations over the past 14 years. Some confusion seems to exist as to whether or not the broader public has been consulted on this legislation. In fact, I'm happy to report there were more than 70 public

consultations and 28 information sessions conducted as we worked our way toward this settlement. This process has enabled everyone to have the opportunity to make their voice heard. The agreement has received widespread support among local governments, the business community, the media, and citizens.

This success underscores that comprehensive treaties are possible when all parties work together in good faith. The final agreement reinforces that reconciliation between aboriginal and non-aboriginal Canadians is best achieved through negotiation rather than through litigation and conflict, and this is the only way we can hope to establish a new relationship based on mutual recognition, respect, and trust.

Mr. Chair, despite the strong support for this legislation, there are lingering misconceptions about it, which I would like to correct today. These misconceptions do a disservice to the Tsawwassen First Nation and the governments of Canada and British Columbia, all of whom negotiated in good faith to achieve this settlement, and to all Canadians committed to justice and reconciliation with first nations.

For instance, it should be clarified that under this agreement the rights of non-members who live on leased land on the reserve will be protected. The final agreement includes numerous provisions that ensure that the rights and interests of non-member residents are protected. Non-members who live on treaty lands will be consulted on decisions that affect their interests. They will also have the same right of appeal and review procedures as first nation members. The result is that non-members living on treaty lands will have considerably more influence in Tsawwassen governments than they have had in the past. Similarly, the rights of Tsawwassen members living off-reserve are fully protected under this bill. They have the same democratic rights and the means to exercise their individual rights as resident members.

Not only are these assurances enshrined in the legislation, they are guaranteed under the Canadian Constitution and the Charter of Rights and Freedoms, both of which apply to the Tsawwassen First Nation government in all matters.

Likewise, there have been misleading interpretations of the tax provisions of this bill. For the record, the legislation will only provide the Tsawwassen government with tax authority over Tsawwassen members living on treaty lands. It is true that leaseholders will continue to pay property taxes to the first nation, but that is already the case now, and most of these people have done so for years. However, other tax matters covered in the legislation will not in any way affect the rights of non-members or their access to public services and benefits.

Mr. Chair, while it is important to set the record straight, it's critical that we not lose sight of the countless benefits of reaching a fair and final settlement with the Tsawwassen First Nation. As you and your members have examined this bill closely, you are aware of the very real and meaningful improvements it will make in the lives of the Tsawwassen people and their neighbours in the surrounding areas.

[Translation]

The greatest advantage of Bill C-34 is the certainty it achieves related to Tsawwassen authorities, land and natural resources. Outstanding questions about the place of the Tsawwassen First Nation within the province are settled once and for all.

[English]

With this certainty come solutions to long-standing problems that have prevented the first nation from building a sustainable economy, creating jobs, and enhancing living standards for its members. Once it is finally free of the antiquated Indian Act, the Tsawwassen government will be able to put the settlement funds to work by investing strategically in social and economic development projects that create opportunity and increase self-sufficiency.

As Chief Kim Baird has said of the treaty, "It gives us the tools to build a healthy community and the opportunity to participate fully in the Canadian economy." I can think of no one more capable of seizing this potential than Chief Baird. She is a remarkable young woman of vision and talent. It's no surprise that her name was on the Caldwell Partners 2007 list of the top 40 achievers under 40 in Canada for her many impressive accomplishments.

Ultimately, the Tsawwassen treaty is fair to all Canadians, as it has carefully considered and balanced the interests of all parties with a stake in this settlement. Take the example of the fishery. The agreement ensures that the first nation will have access to fish for food, social, and ceremonial purposes. But this provision is subject to conservation, public health, and public safety considerations. It's a balancing act.

The treaty provides for the integration of Tsawwassen First Nation into the metro Vancouver regional district. Tsawwassen will participate in regional planning and decision-making, and will contribute financially to regional district operations. Tsawwassen land use decisions will be bound by the same obligations that apply to other local governments.

The final agreement contains provisions related to overlapping claims by other first nations. The treaty contains specific provisions to safeguard the rights of other first nations, and this has led to widespread support among them for the Tsawwassen final agreement.

This historic settlement is truly cause for celebration. It represents an important step in restoring the proud heritage of the Tsawwassen people. Just as crucial, it's a giant step forward in aboriginal and non-aboriginal relations. This is the first urban treaty south of 60 in Canada—something that would have been inconceivable even a decade ago.

It wasn't always easy. But at the end of the day, all sides demonstrated a genuine desire to put the past behind them and

discuss a broad range of issues of mutual concern in an open, cooperative fashion in order to achieve a better future.

As much as the provisions contained in this bill bring the promise of opportunity and prosperity to the first nation, the Tsawwassen final agreement is testament to the renewed respect and spirit of reconciliation on the part of the Tsawwassen people, British Columbians, and all Canadians, as we discover new and productive ways to live in harmony together.

• (1605)

[Translation]

This is an extraordinary accomplishment that deserves the full backing of all parliamentarians. I hope that I will be able to continue to count on your support as we move this groundbreaking legislation forward.

[English]

Thank you.

**The Chair:** Thank you, Mr. Minister. And thanks for being here today.

If some of the members of the committee look a little tired today, it's because we spent the last two days in Canada's north, in Nunavut. We visited both Iqaluit and Pangnirtung in the last two days. We got back last night before midnight, but they were two long days. We had a great trip, saw a lot of important things, and could see how to move forward.

So it's great to be here today talking about something that's happening on the west coast of Canada, whereas yesterday we were on Canada's north coast.

Colleagues, we have about half an hour, so we will have time for one seven-minute round of questioning. I encourage my colleagues to not speak for five or six minutes and then load half a dozen questions onto the end. I will have to stick to the seven minutes, and I will be giving a one-minute warning.

I will begin with the Liberal Party.

Ms. Neville, you have seven minutes.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** Thank you very much, Mr. Chair. I'll be sharing my time with my colleague from Nunavut.

Thank you, Minister, for being here. And thank you for a very positive overview of the agreement, both its challenges and its accomplishments. I certainly appreciate it.

We know that it began in the fall of 2002, was ratified as an agreement in principle in March 2004, and moved to final ratification last November.

My question is really about the implementation of the treaty. We know that the AG has reported on the challenge of implementing a modern, comprehensive land claim agreement. How will your department monitor whether and how Canada will fulfill its obligations? Has funding been set aside and have the human resources been allocated for such?

**Hon. Chuck Strahl:** This is an excellent question. I think Canada has learned quite a bit over the last number of years about modern treaty-making, and that's why there is much more detail in the Tsawwassen agreement than in some previous agreements. There is some specificity, for example, on the duty to consult. Although government is developing a more broad agenda on the duty to consult, within the agreement itself it specifies certain areas where the Tsawwassen First Nation must be consulted. There are provisions on how they will participate in local governments, the manner in which it will take place, how that person will be selected, and so on. There is much more detail on that.

Since it's an urban treaty, I think some of the benefits are more tangible and obvious. Because it's in an urban setting...well, I won't say "go fishing", because fishing is also part of it, for food, ceremonial, and social purposes. But you don't have to look far to see what some of the obvious benefits are.

A lot of the details are within the documents themselves. There is lots of detail on how it's to be implemented. There are provisions in the treaty on dispute-settling mechanisms and so on—which we hope never to have to use, but they're in there, again with some detail.

If there were something specific, I could pass it over to our negotiator to talk about, but in a general sense that is why it's a good treaty, because of the degree of specificity within the documents themselves.

• (1610)

**Hon. Anita Neville:** What I'm concerned about is the implementation of it, and how you're going to be monitoring that.

**Hon. Chuck Strahl:** I'll get Tim Koepke to answer that. I don't know if I can answer that with regard to the treaty itself.

**Mr. Tim Koepke (Chief Federal Negotiator, Department of Indian Affairs and Northern Development):** I think maybe the best answer to the question, Mr. Chair, is that these are difficult agreements. They are complex, and to some extent one needs some flexibility to test drive them.

I come from the Yukon experience, where a different approach was taken to the original implementation costing and estimating. It's no secret that there have been some challenges to see the first nations in Yukon adequately implement their treaties.

The department has moved since that time—we're talking now about almost 15 years—to an activity-based costing model, which allows a little more flexibility. Given that these financial undertakings are not part of the section 35 constitutionally protected document, it allows some flexibility for the parties to assess at renewal time how the treaty is performing, whether or not it's achieving the objectives. If there are adjustments to be made, then those can be taken into account.

So it's part of getting onto the learning curve in the modern treaty world, if that helps to answer your question, Mr. Chair.

**Ms. Nancy Karetak-Lindell (Nunavut, Lib.):** I have a very quick question, and thank you for the opportunity.

I had a chance to debate this in the House of Commons when it came up for debate. One of the points that someone kept making was

that people who are not living on this reserve would be making decisions for people who live on the reserve.

I think I know the answer to this, but I'd really like you to comment on that as one of the myths, maybe, surrounding this agreement.

**Hon. Chuck Strahl:** Certainly.

It is a myth, of course. There are provisions based on well-established court precedents in the Corbiere decision and others that clearly say the Tsawwassen First Nation has an obligation to listen up, if you will, and allow for the participation of members who don't happen to live on reserve.

It's the same thing, if you think of it, for Canadians. If a Canadian is working in—pick a country—Venezuela drilling for oil and they happen to be living there, they don't lose their Canadian citizenship. They have, I hope, an obligation but certainly the privilege of voting and participating and realizing benefits from Canadian health care systems, the benefit of paying taxes, if you will, and the benefit of knowing they're Canadian in the long term. Just because they don't happen to be resident in the country at a moment doesn't change their status.

**The Chair:** You have one minute.

**Hon. Chuck Strahl:** It's the same thing for first nations. Not only has the court established that clearly, but it makes common sense that you would listen to everyone who is a member of your first nation, not just those who happen to live there that day.

• (1615)

**Ms. Nancy Karetak-Lindell:** But isn't it also a court case that gave the right for people living off reserve to be able to participate in activities on their reserve anyway? It's not just a policy that someone made up.

**Hon. Chuck Strahl:** You're right. It is based on a Supreme Court of Canada decision, Corbiere, as I mentioned. They said in the decision that the "ordinarily resident on the reserve" voting requirement of section 77 of the Indian Act violates subsection 15 (1) of the charter, that it's not justifiable.

**In other words, as Madam Justice McLachlin said,**

Off-reserve band members are...co-owners of the band's assets. The reserve, whether they live on or off it, is their and their children's land.

Of course, we respect the Supreme Court decision on that. Again, I think it makes common sense as well as being legally clear.

**The Chair:** Thank you, Minister.

[Translation]

Mr. Lemay, you have seven minutes.

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Welcome, Mr. Minister.

Of course, I have carefully read the bill and the records of all the debates. I know that, for some people, this bill is not as important as others. But I see it as probably one of the most important bills of this session of Parliament, because it is going to open doors.

In that context, you said: "This is the first urban treaty south of the 60<sup>th</sup> parallel in Canada..." Clearly, it is a first step. I have always said that it is easy to negotiate a treaty over uninhabited land containing nothing but lakes and mountains. At least, it can be. There are factors to take into consideration, of course.

Without asking you to break the seal of the confessional, could you tell me if any other negotiations with First Nations south of the 60<sup>th</sup> parallel could be based on Bill C-34? Could we use this bill with the Mohawks in Caledonia, the Mohawks in Châteauguay or the Hurons in Wendake in Quebec, and, if so, in what way?

[English]

**Hon. Chuck Strahl:** In a general sense.

[Translation]

The best example of a modern urban treaty is in British Columbia. But other treaties are being negotiated at the moment. The Maa-nulth Treaty has been ratified by the First Nations, and other treaties will soon be signed in my constituency, I hope.

[English]

What I have always said on the Tsawwassen agreement is that perhaps the Tsawwassen agreement is an excellent example of why there is no one template that will fit any other first nation. This is a very unique situation for Tsawwassen, and that's why it's hard to find a template that says, "Let's just take the Tsawwassen example and plunk it on Wendake and hope it works."

This is very unique. It involves the Metro Vancouver governance system. It involves fish because of the tradition and the economic opportunity. It involves hunting and gathering in an area that's now urban or stretches off from urban into rural areas. It's quite complex, but it shows that it can be done even when it is difficult.

So I invite other first nations to look at it, and I just want to assure them that it doesn't have to be a cookie cutter. It doesn't have to be exactly the same. But perhaps there are principles in here that show that even when it's complicated and even when there's a lot of history behind it, if they're interested, we're interested.

• (1620)

[Translation]

**Mr. Marc Lemay:** I know that members of Parliament are independent and that, in some matters, they can vote according to their conscience. Still, I was surprised to see that two members from your party voted against this bill. Even more surprising was the fact that one was the member for the constituency in question. I have a problem with that. Well, perhaps it is not going to be a problem for me, but it certainly is for you. I did not understand why that member voted against the bill and I still do not understand it, despite the explanations that I have been given.

How are you going to ensure that rights are respected by the local community? What are you going to do to make it clear that the First Nation had and continues to have the right to reap the rewards of Bill C-34? It seems to me that it might be difficult, especially within your own party.

[English]

**Hon. Chuck Strahl:** I don't think there's much doubt about the support that the Tsawwassen final agreement has in Parliament. The vote is overwhelming, and the support from this committee and others is strong. The government, of course, was there for the final stages of the agreement, but this thing now spans more than one federal government, and—including opposition parties—has all-party support.

I could wish other legislation would have such broad support. My goodness, if I could get this on other bills that we brought forward, I'd be a happy camper.

So it has broad support. But in reality... In my remarks, I mentioned the broad support. I have letters from chambers of commerce and other local governments nearby and so on, but I'm not pretending it's unanimous. There's always going to be someone who says, "This is a change." And change always means that someone can find a reason to hang their hat on it and say, "This is different from the way we used to do business."

Again, the big, important change here is the certainty that it brings to the Tsawwassen First Nation and the certainty that it brings for all other Canadians. I can tell you in a general sense this is why the Government of British Columbia enthusiastically supports this bill, that's why our government enthusiastically supports it, and I think that's why the Tsawwassen residents and members voted so strongly in favour of it as well. It's because it brings economic opportunity and certainty to us all, and it brings a sense of reconciliation between people who otherwise are going to end up in court in a difficult, difficult battle that would not bring any of the above.

I think we're on the absolute right track for all the right reasons. It's not only an historic moment but a delightful moment, in our opinion, to move ahead with this bill. Thank you.

**The Chair:** Thank you, Minister.

Ms. Crowder, you have seven minutes.

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Thank you, Mr. Chair.

Thank you for coming, Minister. I think this is an important day for celebration because the Tsawwassen people have been waiting for a long time for this day. I applaud the government for moving on this initiative.

I have, of course, a couple of questions. I was actually pleased to hear you say that this agreement is not intended to be a template or a cookie cutter, and I know that Chief Baird herself has said that this is an agreement for the Tsawwassen people and is not intended to fetter any other people.

Back in January we had some discussions around funding that would look at the transition-to-treaty work plan and timelines. I understand that there were some challenges in that the band found itself in a financial limbo; it was no longer in the treaty process but didn't have additional funds to look at the transition-to-treaty work and the timelines.

I wonder if you could update the committee on whether additional funds were provided to do that transition-to-treaty work plan and timelines.

The second question I have is also, of course, around money. I know that many of the neighbouring nations have had a good working relationship with the Tsawwassen, but the Penelakut people who live on Kuper Island, in my riding of Nanaimo—Cowichan, seem to understand that they had been promised \$15,000 to continue to do a consultation process with the Tsawwassen. Then they received a notification from INAC that they were only going to get \$10,000. Of course they have already committed \$15,000.

I wonder if you could talk about whether there was funding available for other nations—in terms of the consultation process with the Tsawwassen—around some overlapping jurisdictions.

•(1625)

**Hon. Chuck Strahl:** I'll get Anita to answer your first question. In response to the second, though, we are providing funding and will provide funding for consultation in dealing with overlapping claims and doing historic research or discussing issues of cultural importance. Normally it's based on a work plan that's mutually approved. Before we fund, we don't have a per capita fund or consultation. But it's based on a work plan that's agreed to by our local staff and worked through.

Anita, could you expand on that and answer the first question as well?

**Mr. Anita Boscarior (Director General, Negotiations - West, Department of Indian Affairs and Northern Development):** With respect to consultation funding, we deal with that by inviting first nations who believe they may have an overlapping claim with the Tsawwassen final agreement, or who believe the agreement could impact on the aboriginal rights and title that they have, to make an application, if required, for funding to have the opportunity to review the treaty and see whether or not it has an impact.

**Ms. Jean Crowder:** Maybe I can follow up with the minister later, because I have documentation from a meeting on January 16 that suggests a difference in understanding about the amount of money assigned.

**Mr. Tim Koepke:** I have attended three meetings with the Penelakut, and I can confirm that they have been paid the full \$15,000 that they were originally promised. These were cost-shared initiatives and both governments had to agree. Supplementary consideration has confirmed that to them. They were advised about three weeks ago.

**Ms. Jean Crowder:** Okay, that's good news. Thank you.

**Mr. Anita Boscarior:** As to the first question, yes, we do make pre-implementation funding available once a final agreement is signed, and pre-implementation funding did flow to the Tsawwassen First Nation.

**Ms. Jean Crowder:** In that context, Tsawwassen was able to carry out the number of activities that they had outlined. There was a detailed transition-to-treaty work plan and timeline, so they were funded to complete the—

**Mr. Anita Boscarior:** Yes. In my latest conversations with Chief Baird, she did indicate that they were able to use the funds to carry out the pre-implementation activities.

**Ms. Jean Crowder:** I think this is an opportunity for you to put on record the parallel fishing agreement. The committee has received a number of briefs. Part of it has been that people feel the aboriginal treaty rights and title around fishing has been implicated in the parallel agreement. My understanding is that it hasn't. It's not an agreement in perpetuity—there's actually a timeline around it and a renegotiation period. I wonder if you could give us a few more details around that fishing agreement.

**Hon. Chuck Strahl:** This is important; when you go through all the documents, there's the final agreement, then there are the appendices that go with it. All this is great late-night reading, some of the description of land titles and so on. But there is also the harvest agreement, the side agreement. If people are interested, they can get their hands on it and know exactly what it is. It's not in the final agreement, because it's not part of the treaty, but there is a harvest agreement. It involves a commercial fishery component. It's a renewable agreement that provides for licences to be issued to the first nation.

It's not part of the treaty, but it is important to the first nation for economic reasons. It's done under the control of the Department of Fisheries and Oceans and the minister to make sure that any harvesting is done in a sustainable and environmentally sensitive way as part of an integrated fishery. This means that there's not a stand-alone fishery for first nations and another one for the commercial fishery. It's part of an integrated commercial fishery. Similar rules apply for everything from net sizes to catch limits and percentages of catch.

It's all well described in the document. It can be renewed. I hope it will be. But it's outside the treaty. It's based on commercial opportunity, not on a section 35 right.

•(1630)

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

Mr. Bruinooge from the Conservative Party, you have seven minutes.

**Mr. Rod Bruinooge (Winnipeg South, CPC):** Thank you, Mr. Chair.

Thank you, Minister, for appearing before us today and taking so much effort and time to ensure the passage of this bill through the House. I know the people of the Tsawwassen community are very thankful that we've reached this point.

There's been some suggestion that there hasn't been enough consultation on this matter. When we look back to the last 10 to 15 years, there has been a very long process of negotiation of treaties in the province of British Columbia. So it's important for you to talk a bit about some of the consultation that has occurred in relation to this treaty. Perhaps you can give us some testimony on that.

**Hon. Chuck Strahl:** Thank you.

We're learning more and more about consultation and the need to do it first in first nations circles. But with these sorts of complex agreements there's a need to do a lot of consultation with the general community in an urban setting. In this case, over the past six years when this became quite intense, negotiators participated in some 70 third-party consultation meetings, where people were brought in to discuss the impact it might have on them. There were some 28 public information events, where people could come in to publicly ask their questions, get information, and so on.

There were meetings with the neighbouring town of Delta and the Lower Mainland regional governments to make sure they were aware of the interest of the Tsawwassen First Nation to be part of the regional government system. I've also given quite a number of briefings to MPs and others who were interested in knowing some of these details. Because it's so detailed, our negotiator has made himself available to members of Parliament and others, as requested, to describe the details and the consultation process to try to demystify some of this.

The Tsawwassen First Nation, of course, has done yeoman's service in explaining what this means, not only to themselves, but in terms of their relationship with the greater community and people who are non-members resident on their lands. They already have a lot of people living on their lands now, and there'll be more in the future. They have done excellent work in explaining that when the treaty is implemented, those people will have more influence in the future on issues of importance to them as residents who are non-members. They'll have positions on boards, and of course it's guaranteed that they'll be treated the same as everybody else on those treaty lands. They'll have the ability to take part in those discussions in a meaningful way.

The consultation to date is indicative of the consultation that will take place going forward. It's an example of what's possible in an extremely complex area. If you've been there—and you probably have if you've gone to the ferry—you've seen the port, the ferries, the roads, the neighbouring communities, and the fishing in an urban setting. To get it all negotiated meant that consultation was a buzzword and a key word throughout this entire process.

**Mr. Rod Bruinooge:** I'm quite certain that what we've learned from the consultation process with the Tsawwassen will help us as we continue to move forward with a number of other communities in British Columbia.

Questions have been raised by a number of individuals about taxation in the community, and how the Tsawwassen will be able to contribute to the running and financing of their own government. Perhaps you could talk a bit about how the treaty deals with that.

**Hon. Chuck Strahl:** One of the goals of the treaty is to reduce first nation reliance on government funding. I'm sure Chief Baird will be able to tell you what she was thinking, but it's clear to me that economic opportunity was a key part of what was negotiated here.

The capacity to generate revenue to look after their share of government expenses is going to be a great thing. They'll get out from under the thumb of the Indian Act. But the whole idea of generating revenue and being a responsible government is a wonderful thing in itself. Nobody likes collecting taxes, but collecting taxes and running and administering a government is

what self-government is all about. In my opinion, they're going to have the ability to do that in this setting.

There is a side agreement, a tax treatment agreement, outside the treaty. The Government of Canada, in dozens of other cases across the country, has negotiated tax agreements with first nations and, in this case, outside the treaty process. It allows for own-source revenue for the first nation. There is a formula in the agreement itself that as revenue increases, dependence on outside revenue—in this case Government of Canada revenue—will decrease. Obviously that's a win for first nations, but it's a win for Canada in the long run, too.

I can remember, when I first came to this place back in 1993-94, talking about what a glorious day it would be when.... Again, no one likes taxation, and I'm sure some of the first nations in Tsawwassen wonder why they're moving this way. But the truth is that with taxation comes accountability, and you become masters of your own house.

I think it's going to be a great day for the Tsawwassen First Nation when they move to complete financial independence and have the ability to completely run their own government and finance it through tax agreements with Canada and their own source of revenue. It makes for good governance. Good governance follows that model. I appreciate the first nation negotiator and our negotiator insisting on that kind of a model.

•(1635)

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

That concludes our time today with the minister.

In the past 45 minutes I've heard about Chief Baird this, and Chief Baird that. As it turns out, we're going to get to hear from Chief Baird next.

**Hon. Chuck Strahl:** You're a lucky committee.

**The Chair:** Thank you for being here.

I'm going to suspend for a few minutes while we switch witnesses.

•(1635)

\_\_\_\_\_ (Pause) \_\_\_\_\_

•(1640)

**The Chair:** Welcome back.

At this point I would like to thank our second set of witnesses today. We are delighted to have Chief Kim Baird and Laura Cassidy, who is, I believe, a councillor with the Tsawwassen First Nation.

Chief Baird, we'll follow a similar format as with the minister. If you can make a statement of 10 minutes or less, that will be followed by a single seven-minute round of questions from the members.

With that, Chief Baird, the floor is yours. Please make your opening statement.

**Chief Kim Baird (Chief, Tsawwassen First Nation):** Good afternoon, honoured members of Parliament.

My name is Kim Baird, and I am the Chief of Tsawwassen. I have been the elected chief for about nine years now.

With me is councillor Laura Cassidy. A majority of my treaty team is in the audience—my posse, if you will.

I'm thrilled to be here today. It's been a very long journey and the last legs of it are excruciating, as we await the ratification of our treaty. It's been an extraordinary journey for me, my team, my council, and my whole community.

Ours is the first treaty, as discussed earlier, to be ratified through the B.C. treaty process. This makes it significant in many ways. In my presentation I'll speak to some reasons why I think it's significant before I move into the pre-implementation activities that we are now engaged in.

First, I think it's important for others to see how a modern treaty in an urban area will work. It is only through the hands-on experience of community-building provided by this treaty that people will be able to appreciate its potential.

This treaty provides for certainty in a key strategic area from a public policy perspective. In some ways, we are the keepers of the Pacific gateway, if you will. And as a result of this treaty, as well as a good relationship with the Vancouver Fraser Port Authority, we will now benefit from living in the middle of a transportation hub, instead of being an opponent to the nation's transportation infrastructure needs. This is good news indeed. It is certainty for everyone.

The treaty also brings real-world reconciliation. Undefined Tsawwassen aboriginal rights and title are defined and agreed to under this treaty. This represents a major paradigm shift for my community—a shift from dependency to autonomy, and a shift from being held back by a negative history and the Indian Act to taking charge of our future and destiny.

Another area of significance is the potential for sustainability for my community. Much of this comes through economic opportunities. This treaty provides for an increased land base, and although it's modest in size, it provides great opportunities. Ultimately I think the most important thing this treaty will provide is self-governance: we will be able, once and for all, to extricate ourselves from the Indian Act, to get this oppressive legislation off our backs.

But we will do so in a way that we can handle, which is based on our needs and, most importantly, our decisions over our own lives and the future of our community, a community that has existed for thousands of years and plans on thriving, thanks to this treaty.

I am saddened that many people don't believe in my community. Even a few of our own members expressed doubt publicly. I am convinced this is the residue of a colonial legacy, what I have heard described as an Indian Act hangover, a hangover that includes the residential school experience and its generational impacts. Tragic beyond any definition, it is nevertheless offset by the fact that a strong majority of my community believes in our ability to look after ourselves. This hope and belief overshadows the critics and naysayers who are trying to stop us from succeeding, for I believe in my heart of hearts that this treaty is the foundation for success.

We are confident that in 15 years or so we will no longer need transfers from Indian Affairs because we will be economically self-sufficient. This is an amazing prospect, something we couldn't dream of achieving while we were tethered to the Indian Act. And this economic independence will allow us to pursue our sustainability goals with respect to our culture, the environment, and our social fabric. It will allow us to provide culturally appropriate services to

our membership. It will allow us to tackle poor housing and more. It will allow us to rebuild our culture. It will contribute to our wellness. It will contribute to the educational aspirations of our youth.

We have worked hard to reach an agreement. Do we think it's perfect? No, far from it. It took every dollar, fish, comma, and period contained within it for our treaty team and council to be able to recommend it to our community.

And I am so proud of the courage of my community in embracing our future. We were under so much pressure because, through no fault of ours, we became the first in the B.C. treaty process. We were page-one news for weeks on end. Many of my peers were less than supportive of our treaty and our community's decision. Some, because of many issues both related and unrelated to our treaty, protested during my entrance to the B.C. Legislature last fall when I had the honour of addressing it in relation to our treaty.

In some ways, I think it's a bit of a chicken-and-egg situation. Cutting trail on these matters is not easy, but that is no reason for progress to stop. We can't afford to prevent progress.

• (1645)

Don't get me wrong: I don't want to gloss over the challenges we have faced and continue to face. We acknowledge that there are many hurdles still to come. Shared territories or overlaps, for example, come from within our first nations community, and are a critical area that we are still actively trying to resolve.

Currently we are working on pre-implementation activities to breathe life into this treaty. Our workload ahead is daunting. People are amazed when I tell them that we have less than a year to replace the Indian Act in our community. We are working actively on over 30 projects that we aim to complete by the effective date. We consider them absolutely necessary if we are to succeed from day one onwards as a self-governing first nation.

As a brief aside, I should say that the support from Indian and Northern Affairs has been tremendous so far. So we're very optimistic that we can reach the targets of this work plan.

But I'll describe these projects in a little more detail. First, there are the tripartite activities necessary to meet the obligations under the treaty. Surveying lands and looking at the replacement interests to register them with the provincial land title office is a huge amount of work that the three parties are sharing. This will ensure that our lands are put into a Torrens system, a system that guarantees title to the parcels.

Second, our participation in Metro Vancouver is important. We are the first first nation member in the history of regional governance in Vancouver, and our work is ongoing. Water and sewer servicing, membership obligations and the like are now being discussed. These discussions are time-consuming, but critical, if we are to benefit from and contribute to the growth of the region.

Third is our internal development work under way. This includes our new land use plan, which is almost ready for community release. This plan was based on community consultations and has been an exciting process. It has been challenging for a very specific reason, though. This process is as important as treaty, if not more so, but we have to do it in a relatively short time period. This process unlocks the potential of our lands under treaty, and provides zoning designations and a community-approved plan. We can't generate any revenue without it, but we refuse to move forward unless the community decides together how they want the land to look. A public release of the land use plan and community vote is pending. The vote on the land use plan will be in July.

This leads to the economic development potential and planning that is unfolding. We're actively looking at economic development opportunities with world-class companies. I can see the excitement build in our members as they realize a more prosperous future is no longer just a dream. The climate for cooperation between our members on economic development is greater than I have ever seen, and the enthusiasm is contagious. I must stress that there is a strong focus not just on collective opportunities but on individual wealth creation as well. A sustainable future will be built on entrepreneurial spirit and independence. Our government will do as much as possible to support both forms of economic development.

Consider, as well, one final area of work, our legislative drafting project. We are in close consultation with our members, drafting legislation to ensure that our new governance structures are in place by the effective date. As a law-making first nation, our government won't be able to do anything if there isn't a law in place authorizing it. It's yet another daunting prospect; but now, as we start developing policy in various areas, such as land management, finance, and administration, we are taking control. Our dream of independence and self-reliance is becoming a reality.

We anticipate that 13 laws will be ready by the effective date. By consulting experienced advisers, looking at best practices, reflecting on our traditions, and seeking advice from our community members, we feel confident and excited at the prospect of looking at a more democratic system accountable to our constituents.

So you can appreciate our developmental work now under way. I've given you a sampling of what we are up to—and I thought negotiations were busy. We want to be as ready as possible to maximize every opportunity and benefit under the treaty. Our resources are valuable but limited, so we cannot afford to make major mistakes. We're making every effort to get our pre-implementation work done, and done well.

I really have to compliment my treaty staff, almost all of whom are here today. They have courageously transformed themselves from a world-class negotiating team to a world-class implementation team. This demonstrates the collective belief we have in this treaty. We are a small number, yes, but with the team, I know our future is in good hands indeed.

• (1650)

In closing, I have to say that this treaty is a good deal for Tsawwassen First Nation. My responsibility was to negotiate the best treaty I could for my community. I had to be pragmatic and accept

things that weren't palatable, but the overall impact will transform my community.

We could not afford to wait for the perfect agreement. The world is changing, and we have to change as well. The poverty and inadequate governance structure of the Indian Act is not sustainable. I refuse to see another generation lost.

When I started to work for my community nearly 18 years ago, my goal was to advance the conditions for my community. It has become even more important and meaningful for me now that I have two daughters, aged 4 and 17 months. Ten more years at the negotiation table would not have served my community. It became clear that we needed to move away from negotiations and to roll up our sleeves to start rebuilding our community. None of this would have been possible without a treaty.

We recognize that the treaty is only a tool box. Hard work is still required, but at least it can be done with tools that can make a difference. We will have to work on poor education rates and underemployment and a gamut of poor socio-economic conditions. We have never fooled ourselves that a treaty would be utopia with a bow on it.

Be that as it may, I can't wait to see what the Tsawwassen First Nation will look like 10 years from now. The legacy we're building for my community and our future generations is so much better. It is with great pride, optimism, and determination that we face our destiny. We have already turned all our energy toward implementing the treaty, and for us there is no turning back.

I'd like to thank the committee for providing me with the honour of presenting to you today. I hope you have observed the enthusiasm and passion that my team and I feel about this treaty.

Rather than summarize the facts of the treaty, I hope to impart the opportunity and the on-the-ground transformation the treaty will provide to my community. Our future looks very bright—filled with hope and optimism.

Thank you.

• (1655)

**The Chair:** Thank you, Chief Baird.

In being here today and addressing our committee, you are indirectly addressing the Parliament of Canada. Your words will form part of that public record, and we felt that was important. We appreciate you being here on fairly short notice to speak to our committee to move this forward.

As I said, we will have a single round of questions, seven minutes per caucus. I'd like to begin with Ms. Karetak-Lindell from the Liberal Party.

You have seven minutes.

**Ms. Nancy Karetak-Lindell:** Thank you very much. I'll be sharing my time with Mr. Russell.

First of all, as a beneficiary myself, I know the feeling that your band and you must be going through. I congratulate you on the work. I'm always amazed by and very proud of the professionalism of the people. They do rise to the challenges before them, and I'm sure your team is no exception to that.

I have more of a general statement, and you can comment. I'm always amazed, when we have incredible land claims agreements that come before the House of Commons...and yes, there will always be opposition. But we as a country are always helping other countries protect their human rights. We're in Afghanistan to help the people there. We go to other countries to make sure there's democracy, but we tend to forget our own backyard. To think that we don't want to give people an opportunity to get out of the Indian Act is sometimes very difficult for me to understand.

I think the public understanding is changing, even in the 11 years I've been here, but there's still work to be done. I think agreements like yours will help people understand what it is that people are trying to do and how we need to move forward with as many land claims agreements as we can.

As I said, this is more a statement, which you're welcome to comment on, and then I'll let Todd carry on.

**Chief Kim Baird:** The only thing I would say is that I agree, and I think there's a lot of fear by first nations people about change as well, with good reason. So it will be good to have this agreement in place. The sooner we can have it working, the better, so that people can look to it along with other modern treaties in Canada to see how they can best meet specific communities' needs.

**The Chair:** Mr. Russell.

**Mr. Todd Russell (Labrador, Lib.):** Thank you, Mr. Chair, and thanks to Ms. Karetak-Lindell.

Just listening to you, I have to commend you on your hard work and on the work of the people on your team. I am a member of an aboriginal group in Labrador that is longing for the day when we'll sit around the negotiating table and have our rights affirmed and reconciled with those other rights in Canada. I can certainly feel, as you say, that here is an opportunity for hope and optimism. I am certainly going to continue to help aboriginal people achieve what you guys have achieved—in not a short time but in what must have been a fulfilling time.

I understand, though, that when we resolve land claims and the whole issue of reconciliation, it is also an opportunity to try to reconcile the relationships we have as aboriginal and non-aboriginal people in different contexts and in different cultural milieux and things of that nature. That reconciliation, that getting along under a different set of circumstances, which is what land claims provide, is fundamental. It is vital for the health and the real implementation of this agreement, because we don't live in bubbles. We may have parcels of land, but that's not the whole enchilada, so to speak.

I'm just wondering what the relationships are like between the Tsawwassen people and other people outside the Tsawwassen territory itself. There is some opposition to it. How is that opposition manifesting itself right now? What types of processes are taking place to try to mitigate some of that? The relationship issue is very

important if we're going to have full implementation of agreements like the Tsawwassen First Nation Final Agreement.

• (1700)

**Chief Kim Baird:** Part of the biggest challenge is the general public's fear of the unknown. I found in Tsawwassen their biggest fear is, "Will they expect us to fail in relation to land use decisions?" I was surprised when many of the environmentalists and those sorts of groups, which are generally known to be more supportive of aboriginal people, were worried about some of the land-use decisions we'll be making as time unfolds.

Again, we're working hard—I worked hard prior to the treaty and will continue to work after the treaty—to build positive relationships with our neighbours. I'll continue to unite our community from within to try to move forward in a positive way. We've already covered so much ground.

Negotiations, by their very nature, can be very antagonistic. So I was pleasantly surprised by the level of support we've had from INAC on our pre-implementation activities. I stated the need, and it's been supported. So far we are very optimistic that the new relationship will happen at all levels, not only at a political level but at a grassroots level as well.

**Mr. Todd Russell:** Thank you, Mr. Chair.

**The Chair:** Thank you.

*Monsieur Lemay, vous avez sept minutes.*

[Translation]

**Mr. Marc Lemay:** As a little aside, my congratulations to you. Is the interpretation working?

[English]

**Chief Kim Baird:** I can't find it yet.

[Translation]

**Mr. Marc Lemay:** Mr. Stahl was sitting in that seat. He must have chosen the French channel to help him improve his French. Perhaps it is the French channel.

I will keep on talking, but you are going to take this out of my time, aren't you, Mr. Chair? I am sure that Mr. Russell, Mr. Albrecht and Mr. Bruinooge want to hear me.

Is it working now?

On a lighter note, I wanted to tell you that one of the biggest challenges you face is learning French, given that your spouse is a French-speaker from Quebec. When I see the way in which you negotiated this treaty, I know that you are going to succeed. I do not think that you will have a problem.

More seriously—I can assure you that I have read the treaty and what has been written about it—I would like to know the main challenges you expect when the bill is passed, in the next few days, I hope. If the bill were passed, at the latest by the time we adjourn next week, what would happen? What are the main challenges that your community faces? How about those who are closest to you in the Vancouver area?

[English]

**Chief Kim Baird:** Oh, where do I start?

On a not-so-serious note, maybe my children, who will be going to French school, will teach me French. But on a more serious note, the workload, with the 30 projects we're working on, is quite complex. I told you about the law-making, I told you about the land use planning, but details and issues come uncovered as you drill down into the projects we're working on.

For example, we have a number of what are called "CP holders" in the land use plan, individuals who own land on our reserve. They don't want to be left behind by the economic development opportunities, because the best lands are owned by the nation as a whole. We are getting a facilitator to try to guide discussions to see if there's any way we can work cooperatively so no one gets left behind. That's just one example.

The infrastructure, the physical infrastructure we need to bring to the reserve to be able to develop, is in the range of well over \$50 million. So once we negotiate the legal parameters to be able to access services from Metro Vancouver, the regional governance district—that's one big hurdle we haven't been able to cross in 20 years.... At least now the treaty provides for that, so that access to a water source can't be withheld from us legally as it has been for 20 years now, or longer, I should say.

Those are just two examples of the real sorts of challenges we have ahead of us. The workload of implementing the treaty is tenfold compared to negotiating the treaty, but we are making very good progress on all the 30 projects we have listed right now.

We expect the effective day to be next spring, March if at all possible, so we aim to have all this completed before then. There are plenty of challenges. I can't wait for the bill to be passed so it doesn't distract my team from the real work that lies ahead.

● (1705)

[Translation]

**Mr. Marc Lemay:** How many people live in the community of Tsawwassen at the moment? Do you expect the number to increase in the coming months or the coming years?

[English]

**Chief Kim Baird:** Right now we have about 380 members. A little over half of them would be on the reserve right now. Many members have said they would like to come back if there were land for housing or employment or economic opportunities, I think it's safe to say. Earlier on in treaty negotiations, we did population growth projections that showed, based on our current rate of growth, that our population will increase dramatically. So when we negotiated this treaty, it was with a 100-year horizon in mind as far as land use needs and the like.

We have no idea what it will turn out to be. We don't have a crystal ball. But we've exceeded those projections that were done about six years ago. We're a very youthful community from the demographic perspective. A majority of our members are, I'd say, under the age of 40, certainly.

[Translation]

**Mr. Marc Lemay:** The best of luck!

[English]

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

Ms. Crowder, you have seven minutes.

**Ms. Jean Crowder:** Thanks, Mr. Chair.

Thank you, Chief Baird and Councillor Cassidy, for coming. This is a very important day in British Columbia. I know that many people have talked about the B.C. treaty process and the diligent work you and your community have done to bring this treaty to this place. It needs to be recognized, but it also is some hope, I think, for other communities that are involved in treaty negotiations that a community can move forward.

Monsieur Lemay was saying perhaps you could speak French at some point. When we come back, perhaps on a nation-to-nation basis, we could expect some of the committee members to speak Hul'qumi'num as well, which would be good progress. I have been learning some Hul'qumi'num.

I also want to say that earlier when the minister was here I talked about Penelakut, and I wanted to reiterate that in their letter they actually had talked about the fact that they had met with you, Chief Baird, and that the meeting was very positive and that you had jointly identified a number of issues to work on together. I just wanted on record that the Penelakut people themselves have said they've had a positive working relationship and it was really more a question to government about whether they were going to provide adequate money for other nations who have overlapping territories.

I know you've been working with Sencoten and Cowichan as well, and those people are saying very positive things about the spirit and intent of moving forward. So I think that's an important thing.

I wanted to ask you two questions about something you had said. One was when you were talking about the land use plan. You were talking about how very tight the timeframe was, and I wonder if you could say a little bit more about that, whether it was the complexity, or the resources, or whatever.

The second piece I wonder if you could talk about is the water situation, because many Canadians may not know that Tsawwassen is butted up against the largest municipality in British Columbia. Perhaps you could talk about what the state of water is in your community; that's a reflection of what it must be like for other communities as well.

● (1710)

**Chief Kim Baird:** On the land use planning, part of the difficulty has been that we didn't really know what land base we could plan for until the treaty was ratified. Since the treaty was ratified, we moved right into trying to start a land use planning process, but because so much hinges on water pipe sizes, what is the future sewer infrastructure going to be? How should we plan our roads, with what level of industrial versus commercial versus residential versus park? All those sorts of issues need to be sorted out.

We don't have the luxury of a long period of time if we want to get work done prior to the effective date. There are provisions within the treaty that our land use plan would be deemed to be compatible with the greater Vancouver livable region strategy, which is a significant sort of support in the treaty for what needs to happen. Otherwise it would have required 100% of the municipalities to approve our land use plan, and we weren't optimistic about that.

I guess that's a good segue into the next topic, which was water and the difficulty we've had to access water for economic development purposes. We have a service agreement with the Corporation of Delta that provides for domestic water supply, but there's been a great deal of controversy and disagreement over expanding that water supply for economic development. The residents of Delta aren't very keen about growth in the region; to no avail have we been able to access water through agreement.

The treaty resolves that as well, in that we have the same standing as a municipality in the Lower Mainland, so that when we join Metro Vancouver, there's no legal way to prevent us from accessing water as other municipalities do.

**Ms. Jean Crowder:** You mentioned that this has been a 20-year

**Chief Kim Baird:** It's been longer than 20 years, but certainly the last bit of struggle has been since we developed the Tsatsu Shores Condominium in the early 1990s.

**Ms. Jean Crowder:** With the land you now will have, once everything is finally signed off, and your projections on population growth, are you going to be able to accommodate your projections on population growth?

**Chief Kim Baird:** It depends how far we go and how densely we build. We are preserving land for community housing purposes. We still have to plan certain parameters. We have to look at how many people it will provide housing for over what period of time. But for sure, it's a land use planning priority.

**Ms. Jean Crowder:** When you talked about CP holders, certificate of possession holders, are they integrated into the land use planning process?

**Chief Kim Baird:** Yes. Not all of them are integrated quite willingly, but we're doing our best to come up with a land use plan that everyone can support.

**Ms. Jean Crowder:** They could be an important part of the commercial development, right?

**Chief Kim Baird:** Yes. They want to realize economic opportunities on their lands as well. We need to have zoning in place so that pig farms don't go up beside residential areas and those sorts of things.

**Ms. Jean Crowder:** So when you're looking at zoning—I used to be a municipal councillor—you'll have a compatible land use plan that will reflect compatible municipal zones.

**Chief Kim Baird:** It will be an official community plan for zoning, similar to what municipalities have.

**Ms. Jean Crowder:** So you'll have designated land uses and then any changes to the land use will require an amendment to your OCP.

**Chief Kim Baird:** Right.

**Ms. Jean Crowder:** If you were going to describe in a couple of words what you think your community will look like in 10 years' time, what would be your vision or your passion? The chair is indicating that you have one minute.

• (17:15)

**Chief Kim Baird:** I don't know; I think, as I stated earlier, we will be fairly close to economically self-sufficient for the programs and services we deliver to our community. I hope we'll have closed the gap on employment and education. Some of these issues are very long-term, though, so we're going to work as hard as we can to ensure that we close those gaps. I don't know if we can fix them in 10 years, but we certainly can make great strides towards that goal. We'll have a fully operational governance structure that's different from the Indian Act system, running smoothly, and I think our community will be transformed.

**The Chair:** Mr. Albrecht.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Thank you, Mr. Chair.

I want to thank Chief Baird and your team, not only for the hard work you've done over the last number of years but also for your eloquent summary of your perspective on the agreement. I especially noted the phrase, "foundation for success". You outlined a number of the different areas where you noted potential for improvement in culture and social fabric as well as in environmental and educational outcomes.

Then you used the phrase, "shifting from dependency to autonomy". Certainly self-sufficiency for first nations is always a priority when we're negotiating modern treaties.

I wonder if you could highlight for me some of the economic benefits that you see arising from this legislation. I'm not from that area. I know a bit about the fisheries, I've travelled on the ferry, but that's about it. Could you give us a summary of some of the other economic benefits that might be achieved? I especially liked your phrase, "climate is contagious".

Could you give me a picture of what types of businesses might benefit?

**Chief Kim Baird:** The land is definitely the most valuable aspect of the treaty from an economic development perspective. We're beating back developers with a stick already, and in some ways it's good we don't have water. We have time to get our land use plan in place, to sort out our priorities before we start entertaining different proposals.

There are two key areas that other parties have expressed interest in working with us on. One is residential development, which isn't anything new to us, because that's been discussed for decades. The second area has to do with our proximity to the Roberts Bank Superport. There is some opportunity to take advantage of container-related transportation industry opportunities, ranging from extreme, intense industrial development to less-intensive commercial spin-offs. So our land use plan envisions the communities deciding what areas they want to dedicate to this type of development.

It's been exciting—some of the best port operators in the world have hosted me and some members of council in Dubai, Hong Kong, and Singapore to show us how they operate their facilities. These are the types of companies that want to work with us. We have a very strong relationship with the Vancouver Fraser Port Authority, another group that wants to work closely with us.

We want to proceed carefully, because there are livability issues that bump up against industrial development. So we will need lots of discussion within our community to decide how we handle that.

**Mr. Harold Albrecht:** To follow up on that, in terms of the types of development proposals, I can see that helping, in a general sense, the broad picture or the big picture economically. How will this affect the—if I can use this term—ordinary resident of Tsawwassen? Will the ordinary people who are looking for jobs also find a huge potential here for improvement in their economic situation, or will it simply be a few key developers and those landholders?

**Chief Kim Baird:** No, certainly not. In the major developments, we would look at employment and spinoff opportunities as a priority. I think, though, we're looking at all kinds of schemes to ensure that individuals can participate in whatever sector they want to. We want an economy that has a number of sectors within it so that we don't put all our eggs in one basket, per se. We do want to encourage entrepreneurial spirit as well, because I think a lot of sustainability has to reside from individuals, not the collective, and we need to support that the best way we know how.

I've been very impressed that some of our youth who've been unreachable in the past are starting to talk with excitement about the opportunity that is happening. Again, it's quite contagious.

We strongly believe it needs to be supported at both levels, a global strategy but also really encouraging individual entrepreneurs as well.

•(1720)

**Mr. Harold Albrecht:** Just to follow up a bit on Mr. Lemay's question relating to the numbers of people who are living on reserve now, do you foresee, with the proposed improvements in economic development for all, including those who are going to have better employment opportunities, a return? I wouldn't use the words "mass return", but do you foresee a significant return to live on the Tsawwassen reserve as the result of this agreement?

**Chief Kim Baird:** I don't know. Most of the people are probably Laura's relatives, so maybe Laura can answer that.

**Voices:** Oh, oh!

**Chief Kim Baird:** A number of people are interested in the community we're becoming. I found, too, that while some people are concerned about some of our off-reserve members voting on decisions that affect those on-reserve, they seem to have great capacity and great experience in all different kinds of fields, and they're interested in coming back to the community and sharing their knowledge and expertise.

So rather than fearing it, I think most of us on council have found that it's something to welcome because we're finding such a diverse range of talent. We have people who have experience on city councils; we have all kinds of talent we didn't realize we had. I think in reaching this treaty and connecting with some of our relatives to

talk about it we have done a lot of community building, and just that process itself has been phenomenal.

**The Chair:** You have one minute.

**Mr. Harold Albrecht:** I have one final, very quick question.

In considering all the hard work, the many years of negotiation, and the progress that has been made—we're currently studying in committee, as you know, and we'll then move on to report and third reading and through the Senate—what would your encouragement be to us as a committee and to Parliament as a whole, the House of Commons and the Senate, in terms of moving expeditiously to complete all of this work?

**Chief Kim Baird:** For the treaty to be most beneficial and to really represent reconciliation, it's extremely important to us to have all parties support it and have strong support in Parliament. The sooner we can get it ratified, the sooner we know that we can implement it, and we really look forward to doing that.

**The Chair:** Thank you, Chief Baird.

This concludes our session with you today. As you may know, last week in discussion the committee agreed that we wanted to hear from the minister today, and that we also wanted from you, but that we will make an effort to move expeditiously with this and get it forward. This committee going clause-by-clause is our next item of business.

So thank you very much for being here today.

To committee members, we have a little bit of housekeeping. We do have a meeting scheduled on Monday at our normal time, 3:30 to 5:30. The next order of business is to deal with clause-by-clause on this bill. It's unusual in the sense that it's an implementation bill, a bringing-into-effect bill, as opposed to actually dealing with the substance.

As it stands, that is our first order of business at the meeting on Monday, unless there is an appetite to deal with that right now.

Is there any comment on that?

I mean, it would be extraordinary to do something this quickly, but if there's an appetite to deal with this now, we can. If the committee would like the weekend to consider it and deal with it on Monday, that is fine. I'm in the hands of the committee.

Ms. Crowder, you would prefer to do it now?

**Ms. Jean Crowder:** Absolutely.

•(1725)

**The Chair:** Okay, well, if the committee likes, we can move to...

Maybe I'll ask someone to move whether we would move to clause-by-clause.

Ms. Crowder.

**Ms. Jean Crowder:** I move that we move to clause-by-clause immediately.

**The Chair:** That's seconded by Mr. Russell.

(Motion agreed to)

**The Chair:** So be it. We'll move directly into clause-by-clause.

We'll take a minute while the agenda is distributed to committee members.

**Ms. Jean Crowder:** Mr. Chair, can I make a motion that we move all clauses in one motion?

**An hon. member:** Yes.

**The Chair:** It was my intention to.... We will proceed in that way, but rather than a motion, what I'll do is deal with clause-by-clause consideration.

Pursuant to Standing Order 75.(1), consideration of the preamble and clause 1 are postponed to the end.

At this point, the chair calls clauses 2 to 33 inclusive.

(Clauses 2 to 33 inclusive agreed to)

**The Chair:** Shall the short title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the preamble carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the bill carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the chair report the bill to the House?

**Some hon. members:** Agreed.

**The Chair:** That's it. The bill is passed.

**Some hon. members:** Hear, hear!

**The Chair:** Ms. Karetak-Lindell.

**Ms. Nancy Karetak-Lindell:** I want to take this opportunity to thank all of you for coming up and for being very courageous and very sturdy, with the two days of heavy travelling. I want to thank you for taking me up on the challenge. I'm very pleased we were able to do this trip before we rose for the summer.

Again, my greatest thanks and gratitude.

**The Chair:** Thanks, Ms. Karetak-Lindell.

On behalf of the committee members and the staff, we want to thank you, and Susan from your office, for all the work you did in coordinating our activities in Iqaluit and Pangnirtung. It was a memorable trip.

**Some hon. members:** Hear, hear!

**The Chair:** I think it's very fair to say that for all of us who had the opportunity to travel to Nunavut this week, for the rest of our careers, when we deal with issues touching on Nunavut, we will deal with them with a greater sensitivity and understanding of the realities, the opportunities, and the challenges in that place. So I thank you for bringing that together.

The last issue is that on Monday during our 3:30 time slot, perhaps we can meet for one hour rather than two. We need to talk about committee business. We do have other legislation to consider and we're getting very near to the end of the session. We also need to discuss how we'll deal with supplementary estimates.

With that, the meeting is adjourned.





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