

THE STANDING SENATE COMMITTEE ON ABORIGINAL PEOPLES

EVIDENCE

OTTAWA, Wednesday, April 2, 2014

The Standing Senate Committee on Aboriginal Peoples met this day at 6:45 p.m. to study the challenges relating to First Nations infrastructure on reserves.

Senator Dennis Glen Patterson (*Chair*) in the chair.

The Chair: Good evening. I would like to welcome all honourable senators and members of the public who are watching this meeting of the Standing Senate Committee on Aboriginal Peoples either here in this room or via CPAC or the web. I'm Dennis Patterson from Nunavut, chair of the committee. Our mandate is to examine legislation and matters relating to the Aboriginal peoples of Canada generally.

This evening, we will hear testimony on a specific order of reference authorizing us to examine and report on the challenges and potential solutions relating to infrastructure on reserves, including housing, community infrastructure, and innovative opportunities for financing and more effective collaborative strategies.

Today, we will hear from two panels of witnesses. The first panel is made up of representatives from the Chiefs of Ontario and Curve Lake First Nation, along with Mr. Chris Maracle appearing as an individual. In the second half of the meeting we will hear from two government departments, Aboriginal Affairs and Northern Development Canada and Employment and Social Development Canada.

Before proceeding to the testimony, I would like to go around the table and ask members of the committee to please introduce themselves.

Senator Moore: Good evening. Wilfred Moore, from Nova Scotia.

Senator Dyck: Senator Lillian Dyck, from Saskatchewan.

Senator Sibbeston: Nick Sibbeston, from the Northwest Territories.

Senator Watt: Charlie Watt, Nunavik.

Senator Meredith: Senator Don Meredith, Ontario.

Senator Ngo: Senator Ngo, from Ontario.

Senator Beyak: Senator Beyak, from Ontario.

Senator Wallace: John Wallace, from New Brunswick.

Senator Raine: Nancy Greene Raine, from B.C.

Senator Tannas: Scott Tannas, from Alberta.

The Chair: Thank you. Members of the committee, I know you will help me in welcoming our first panel. As I mentioned, from the Chiefs of Ontario, we have Chief Shining Turtle, Whitefish River First Nation. Joining him at the table also, from Curve Lake First Nation, is Tammy Juszczynski Banks, Capital Projects Coordinator. Appearing as an individual, we welcome Chris Maracle, who brings with him long years of experience in housing issues. We look forward to your presentations, which will be followed by questions from senators. We will begin with Chief Shining Turtle, if that is that agreeable?

Chief Shining Turtle, Whitefish River First Nation, Chiefs of Ontario: Good evening, honourable senators. My name is Chief Shining Turtle. I'm of the Sturgeon clan of the Ojibwa First Nation, and I'm here representing the Chiefs of Ontario on environment, infrastructure and housing of the political confederacy.

By way of some background, I have been involved in the construction of engineering works since about 1988. Since about 1990, I have worked exclusively for First Nations as a tribal council engineer, as a housing inspector, as a director of technical services in the Matawa Tribal Council in the western part of Ontario, the United Chiefs and Councils of Manitoulin Island and the North Shore Tribal Council, so I have a lot of experience with infrastructure and housing.

You may not all be aware of the Chiefs of Ontario, but the Chiefs of Ontario is a coordinating body for the chiefs who represent the leadership of 134 First Nations. The political confederacy is the executive committee of the Chiefs of Ontario and is represented by the Grand Chiefs and four provincial territorial organizations, including Six Nations, Akwesasne and independent First Nations.

Because of my engineering background, I've been asked to lead the portfolio on infrastructure and housing and environment for our First Nations. This evening, I want to provide the Senate committee with our perspective on the state of First Nation housing in Ontario. When you talk about First Nation housing, you're also including infrastructure. You can't have a house without infrastructure. They go hand-in-hand.

Let's start by way of a little bit of history. In the 1960s, Indian Affairs introduced a housing program to assist in the construction and renovation of housing on reserve. I'm the product of that very program from the 1960s. I was born in 1963, so somewhere in that period a house was built for my parents through Indian Affairs funding.

The program provided subsidies for new residential construction and the renovation and rehabilitation of existing homes. This subsidy was \$19,400, and there were weighting factors for population and remoteness. They were called indices that you multiplied by. The city centre index was out of Toronto. You multiplied by a city centre to move it to Sudbury, and then multiply it by another factor to move it to say Manitoulin Island or James Bay. The numbers would go up and down based on those indices.

As we all know, \$19,400 cannot be contrived as enough money to build one house at the time. The current cost of housing in my area is about \$187,000, and you can almost double that cost when you're in

remote communities. For fly-in communities, to bring in materials is a staggering cost. The logistics of bringing all those materials into a fly-in community are horrendous and are not built into the economic factors of the investment plan put out by Indian Affairs.

In 1982, the subsidy program was evaluated and a position paper was set out which further clarified the roles of First Nations and of the federal government, stating that the government's role in the delivery of housing was by then a residual component of their work. Around that same time, in 1983, it was recognized that First Nations were responsible for the delivery of housing on First Nations, without the resources. You have the responsibility but you don't have the resource indices to do it.

A major evaluation of the program was undertaken and concluded that housing on reserve was seriously inadequate. In the most recent years, you've heard the same thing — the dire need for change in First Nation housing that was put on by CBC, and you saw the stuff on the news about Attawapiskat almost two years ago. It hasn't changed. There is a dire need for First Nations housing, adequate housing, and infrastructure to go with it.

Indian and Northern Affairs, known as AANDC now, until recently has maintained housing is a subsidy and will assist First Nations in building a house but will not provide the resource necessary to complete the house. The subsidy is there, and it's up to the band to find other resources to complete the unit.

These first houses were very small and modest. Nine hundred square feet would have been considered very big. The very home I live in was built in 1974, and it is exactly 864 square feet, for me, my wife and my three children.

Senator Watt: How many bedrooms is that?

Mr. Shining Turtle: That's three bedrooms. You can figure out the math and how big those rooms would be. Because subsidy funding only built a partial house, First Nation councils has to use their other allocations to build the units, or to build less than a unit. Something would have to give. You had to rob Peter to pay Paul. The allotments of resourcing would be shallow, and often you couldn't complete the house. Often, for the remote communities I worked in, the challenges were just uphill. They were steeper and steeper.

The current minor capital allocation dollars are available for First Nations today to complete the unit. This is a minor capital investment plan for Whitefish River First Nation. For 1,200 band members that I'm responsible for, we have to work annually with the amount of \$267,155. With that, we have to do things like rehabilitation, housing, transportation, rehabilitation, septic and water systems, school additions, access roads, upgrades, restoration and new constructions, electrification, and waste management.

Senator Watt: Can you break that down into a unit, if you can?

Mr. Shining Turtle: What do you mean "a unit"?

Senator Watt: For example, you mentioned \$187,000 — that was back in the 1960s, I believe? What's the value of a house today?

Mr. Shining Turtle: The last of the four units we built was \$187,000, and that was a four-bedroom unit. The three-bedroom beside it was about \$167,000. I have a town beside us called Espanola where we can go to a Home Hardware. We're 20 minutes from it. If you're 20 or 36 hours away, those numbers are way different.

For the minor capital allocations available to complete a unit, the Indian Affairs housing program is still a subsidy to assist in building a house. Ironically, there's still no economic opportunity for First Nation governments or individuals to build enough adequately sized houses or a regionally structured designed housing program to shelter the demographic tsunami that First Nations populations are facing today; there is no matrix that allows an entrepreneur to meet the growing demands of First Nation populations that are exploding.

In 1996, the On-Reserve Housing Policy was introduced in order to provide greater flexibility and more control to First Nations over their housing policies and regimes. The policy was based on four elements: First Nation control of their homes, First Nation expertise and capacity building, shared responsibility of shelter charges and ownership options, and better access to private capital and debt financing. That was in 1996.

This policy review was anticipated to realize at that time about 114,000 new units for First Nations within 10 years. Sadly, this ambitious exercise did not succeed. Some of the southern First Nations, one of which you will hear from tonight, had some successes, because they have economic opportunities that were around their immediate areas.

But in more rural areas like Whitefish River, remote communities and fly-in communities in northern Ontario saw little change in their housing crises. And in many cases, housing shortages became exasperated to the point of an emergency situation. In recent years, you've seen what is going on in Attawapiskat and the James Bay coast with housing, and you can see that in other communities as well.

Minor capital funding — the \$267,155 that Whitefish River would receive — hasn't increased in 17 years, but you can bet the cost of wood has. The cost of fuel and the cost of labour have; those economic indices have increased but not the minor capital allocation for First Nations.

In 1996, the policy program did little to foster any capacity development, and that's still a major problem we face today. I'm one engineer in one community. How many more do we need? How many building inspectors do we need? How many trained plumbers do we need?

I haven't had a trained plumber in Whitefish River since the 1960s. I don't have a trained electrician. We don't have the capacity; there's never been a major investment in that area. It has all been farmed out to neighbouring communities. The town of Espanola sure has those trades.

You may or may not know this, but Ontario is very diverse — geographically, socially, physically and economically. In my tenure as a tribal engineer in the North, I found that to be very true. Until I saw it firsthand, I could not understand the vastness of the Province of Ontario. I would encourage you to go across

and see some of these communities. It's a difficult thing to get your head around, and that's just one province.

In one community I went into I asked about shingles for roofs. We're all familiar with those. I realized they get a wind force so strong that the snow is the coming at you. We're used to vertical snow. You all walk to work and the snow is falling vertically, and it's all nice. Not all of us, perhaps.

Some of this stuff comes at you horizontally, and when that hits your shingles and they start peeling off in the dead of winter, how do you repair them? The technology solution in that area wasn't a fit. I had to learn that; I had to go back to school to figure this out. It takes a metal roof and it costs more money. Then you go back to the minor capital plan that doesn't have the money. It's easy to say "technology," but if you don't have the resources to acquire the technology, the innovation, the creativity or the flexibility, forget it.

Market housing opportunities. Rental regimes are difficult to implement due to the high dependency on social assistance. In remote First Nations, for example, jobs are limited to the band and local stores. In my community, I run 24 per cent unemployment. I'm told by Indian Affairs I'm doing a good job. When I have 5 or 6 per cent unemployment, I'll dance on the table. Until then, I'm sorry, we have major problems. We rely on social assistance.

There are very few jobs in northeastern Ontario besides the mines, and when they aren't doing very well, neither are we. So the opportunities for stable employment for First Nation people in my area is very limited. It's actually based on tourism economy. Manitoulin Island is the largest freshwater island in the world; it brings a lot of tourists in from May to September. After that, people go home. Well, you still have to pay the bills. There's other things you have to do: EI, social welfare, odd jobs — anything you can do to pay the bills.

There still remains a lack of ability to use housing construction as an economic driver in communities. This is always talked about; there are all kinds of hypotheses about these things. It hasn't been done right.

CMHC's Aboriginal Capacity Development program in 2013 was a mere \$300,000 nationally. There are over 600 First Nations across the country. That money doesn't go a long way.

Unemployment rates for First Nations are estimated at 12 per cent, double that of non-Aboriginal communities. These statistics come from Employment and Social Development Canada. Greater capacity development initiatives are needed to enable economic development and employment opportunities that can lead to increased home ownership options.

Early investment in educations. One example of that would be a school. There's an infrastructure investment we can all invest in, and we know many First Nations who don't have schools. How can they get the training and have the opportunity to be involved in capacity development if they don't even have the school?

In Whitefish River, we had to put an extra million dollars into our gymnasium because we needed one. Federal policy at the time said that without 67 kids in your school, you couldn't have a gym. My community said, "Forget that." We put that in. The government still owes that money today. But now they've raised the

policy: It's now 85 kids. So I have to put 85 kids into a school, blow out the fire code and health and safety so that Indian Affairs can pay us a million dollars to put a gymnasium in there. There's something wrong; "Houston, we have a problem."

I have faced this. If you can't educate the kids and give them an opportunity, how are you going to deal with these matters?

Now there's a rule that there has to be certified building inspectors in Canada, and they have to be approved by CMHC. Our tribal council will not have certified building inspectors, and now we will have to find somebody else to do that work. I won't be qualified.

Through their programming, CMHC is outdoing the housing inspector program that we had. Now we'll have to have certified inspectors who have to go through a rigorous test — not the technical testing, but they're testing what is their social background. Can they get a Canadian Police Information Centre check, or CPIC check — a criminal reference check. What's the other one called? Vulnerable screening is another one. If I go tell the building inspectors you have to submit to a vulnerable screening, they're going to say, "I'm going to go find a different job." I don't know if that's really true in Ontario or different parts of the country, but it's being placed on the hands of First Nations as you sit here.

CMHC's Aboriginal housing program has given a modicum of relief of meeting some of the First Nations crises through their section 95 and section 10 programs. However, the need for ministerial guarantee by the Minister of Aboriginal Affairs has now reached untenable levels of exposure on loan guarantees for Indian Affairs.

What happens is the Department of Indian Affairs has to provide a loan guarantee program for CMHC to roll out ministerial loans for First Nations, and they've put a cap on that. When you reach that cap, it's basically how much borrowing you have at a bank. They're going to give you a cap, they're not just going to write you a blank cheque and say put in as many zeroes as you want. That's what's happened there, so they've reached that cap, now what are you going to do? Now you've got all this exposure out there because you have all these houses that have to be paid into.

"Houston, we've got a problem."

CMHC's social housing program from section 95 in 2013, funding of \$25 million allowed only for 79 housing units, and that was from CHMC's 2012 program. The numbers sound big, but when you actually do what has to be built out there you can't get that much done.

In 2007, \$300 million was earmarked for the First Nations Market Housing Fund. It's somewhat successful for First Nations with economic opportunities to build some houses and for those communities able to access mortgages, and for approved lending agencies. This fund is managed by a ministerial appointed board of directors as an indentured trust that provides loan default protection to the approved lender.

The First Nations Market Housing Fund is limited to communities who meet the criteria and will commit to using the fund and exclude those communities who only want access to the capacity development portion of the fund.

Let's talk about that. We signed up for the First Nations Market Housing Fund. I can tell you, I built this many homes. They can't go to the bank. They've got to go get the loan. So the member comes in, I'm on social assistance, we send them to the bank and we're going to bankroll the bank, and the bank says they can't even qualify. It doesn't work.

So your social assistance housing group can't plug in. I don't think we're worried about the guy making \$200,000 a year in this room. They can go to their bank already. They don't need the minister and they don't need that market housing program.

The only thing we've been able to do is to do capacity development pieces. But that's paperwork exercises, like updating your capital plan. But if you only have \$265,000 a year how many times are you going to update your plan before you realize you can't build the plan?

Housing programs do not provide for a complete, modern shelter regime for First Nation communities. There is still a need for potable water supplies, waste water treatment system electrification, solid waste management systems, roads, bridges, distribution, infrastructure for water, waste water and heating fuel. That has to be built first.

I think you understand that when you bought your homes there has to be a street to drive on. There were lights. There was water. There was hydro. Those have to be built first. The housing programs don't provide for that. When you do the minor capital plan, that's what happens. You have to take it out of your \$267,000, chief.

The Chiefs of Ontario believe that housing is a fundamental right and includes access to affordable, accessible and suitable housing. We believe that. Good, sustainable housing promotes a better place, physically and emotionally. Housing is necessary for good health, for education, jobs, economic development and your well-being. You're proud. You feel good about yourself. You want to make a contribution to society. You want to get that engineering degree. You want to be a social scientist. You want to be a senator. You want to make a change.

I don't think First Nations people are saying they don't want that at all, but without adequate housing it's not going to happen.

According to the First Nation regional health survey in Ontario in 2010, 62 per cent of First Nations adults reported the household they were living in had some type of repair needed. 31 per cent reported their household needed major repairs. Almost half reported mould present. 30 per cent of adults considered their main water supply in their home not safe for drinking.

I faced that in my own community. I shared some pictures of the mould in homes. That's a real picture. Do you tell the seven-year-old kid to go to sleep in that room that night? Then the next day they have to go to school. On top of that they have to get the best marks. Then they have to get breakfast.

Northern housing demands need particular attention. Housing of quality in the North is expensive to build. They're expensive to operate, and they're very difficult to maintain. Anybody that's had an experience in Northern communities will know that. This is attributed to the high cost of transportation, energy, building materials, shortage of skilled labourers, a short construction season and severe climates.

Current funding cutbacks and reductions will only create a more profound sense of homelessness for First Nations people, particularly the youth.

Will they even be able to anticipate requiring a safe, healthy and sustainable home so they can raise their families and become an asset in this society we call Canada?

Population growth and demand for housing exceeds what is being built. By 2029, the population estimates will grow to 75 per cent in Ontario alone. More than \$2 billion will be required to replace, renovate and maintain houses over that 20-year period.

Recommendations for the Senate: The current AANDC social housing program must change to clearly identify every social housing unit as belonging to the First Nation occupants and not be perceived as a government house. Nothing is property unless it's owned.

There will always be a need for First Nation governments to provide social housing for the cohort of the community that is physically unable to meet their own shelter needs. A special housing program must be created to encourage assisted living.

In my community what I'm seeing is a lot of retired people. They don't have the luxury of a benefit program where they work, so they don't have any income coming in after 65. They can't make it in their homes. We have to start doing creative things to help them sustain themselves. This is a real challenge in my own community and in many communities.

There's a group out there — I saw it again this morning before I left — that is still lagged with the residential school era. That plume hasn't gone away, no matter what apology has been said. They can't get an education because they were denied. They were turned away at the door. Discrimination is still there. I know that. I was told by my high school math teacher I would never be an engineer. When you're in grade 12, that hurts. That was also the principal of my high school.

Those residual pieces have to be addressed, and they have to be addressed firmly by government. We have to work together at that.

Young families and new family formations need to be introduced to a rent to own housing program in order to instill pride. If they feel proud about themselves, they will take the next step. Let's do that in

lockstep. They have to learn about budget planning and management, and understand housing as a system for individual property, care and maintenance.

The rental program will then become a transition to full home ownership. We're doing that in my own community. It is a shared responsibility, but it is taking time to get there.

First Nation designed and developed land tenure regimes must be recognized by Canada to encourage individual home ownership to change housing from a liability to an asset for the homeowner and our communities.

The private sector must have federal and provincial government encouragement to become part of this plan, part of the mortgage providing, the payment collection, and other things that are needed to make the program work. First Nation self-insurance pools, building associations, joint ventures, bulk buying co-ops and residential maintenance management systems must be encouraged and supported.

We have the "I can," and I think we spend too much time with the IQ. We have lots of good ideas. We just have to foster them. Consultation and accommodation agreements with natural resource developers must have, without fail, a First Nation community development requirement as a critical accommodation aspect of the legal duty from the major governments to consult and accommodate the interests of resource development on First Nation territories.

The First Nation Market Housing authority must be considered to be taken over the first nation housing fund to create a national first nation revolving loan fund. That program has to evolve. Adequate funding is required to support full-time housing and maintenance positions; a commitment and support from government on capacity building and skills development; housing management; maintenance; building code training; enforcement; construction; efficiency; support for community planning; implementation of strategic areas of building capacity and skills to achieve self-reliance; and housing in First Nation communities that require a multiple partnership approach — federal and provincial and private partnerships — in seeking innovation funding arrangements. Partnership enables parties to achieve a common goal through cooperative efforts.

Housing in First Nation communities requires all our help to achieve these goals, providing financial supports and assistance to northern and remote First Nation communities to access clean, affordable and reliable energy.

AANDC programming, in terms of evaluation and accountability, does not build capacity within the First Nations. It has created a dependency that perpetuates poverty, poor health and social conditions that are catastrophic. The measurement should not be how many things we did or do for the money, but how we did the work with the First Nation to improve the quality of life for the First Nation peoples.

I thank you for this opportunity to provide the Chiefs of Ontario perspectives on the First Nations housing crisis and hope you will consider our proposed strategic recommendations.

The Chair: Thank you for a very comprehensive presentation. I can see you put a lot of work into it. That's really appreciated.

Colleagues, we have Chief Shining Turtle's speaking notes available in English only, and we also have the notes from the other two presenters tonight. Would it be agreeable if these were distributed in English only? Is the committee agreed?

Hon. Senators: Agreed.

The Chair: Thank you. Sorry, but they're being passed out after the fact. Hopefully they will be useful to you in questioning the witnesses.

I would propose that we also hear from Ms. Banks and Mr. Maracle before we open it to questions. Is that agreeable?

Hon. Senators: Agreed.

The Chair: We will circulate their notes as well. They are being passed out now. Ms. Banks, would you proceed?

Tammy Juszczynski Banks, Capital Projects Coordinator, Curve Lake First Nation: Good evening. My name is Tammy Banks, I'm a member of Curve Lake First Nation and a capital projects and housing coordinator for Curve Lake. I'm honoured and would like to thank you for inviting me to speak about infrastructure and housing as it pertains to Curve Lake.

I would like to give a simple snapshot of issues that I see on my own First Nation. I would like to acknowledge respectfully the Algonquin territory that we are on. In no way do I want to speak for all First Nations, but instead I would like to simply relay my experience and challenges on my own First Nation. I think Chief Shining Turtle covered most of Ontario and the challenges that happen. I'm not an expert in that area. I just want to speak about Curve Lake and what challenges we face with infrastructure and housing.

Curve Lake is a small territory in southern Ontario with a population of approximately 2,177 members. Our on-reserve members reside in 300-plus households located throughout the First Nation. We are located on a peninsula and that alone has its own set of challenges.

We are off the beaten path, but really only about 20 minutes from an urban setting. I'm sure those that have watched the news over the past two years have heard the stories of the challenges that First Nations face with regard to housing. We are not much different. We have challenges to overcome in this area, but Curve Lake has great leadership, good governance and a smart, progressive membership. We are often used as an example of best practice methods.

As a member, I am proud of the housing programs we administer. We have a revolving loan fund for new housing and we are able to offer our members mortgages. We have a renovation fund for emergencies and utilize CMHC's section 95 program for some band-owned housing and we also access section 10 ministerial

loan guarantees for mortgages, and we recently joined the First Nations Market Housing Fund. To date we have not accessed it.

We offer these programs, but are challenged due to our land base. We are quickly running out of land. Buying land off territory is easy; it is not so easy on the territory. We have purchased property surrounding the territory and have waited and worked for 11 years to have it added to the existing reserve through the lengthy addition to reserve process. We are diligently working with AANDC to expedite this process.

We have our challenges like every other Canadian First Nation. The Indian Act has set up a racist system where we are tenants of the Crown and treated differently than other Canadians based on our race. As a result of the act we are funded mainly by AANDC. Funding formulas and caps on funding combined with no new money in capital and infrastructure is our barrier to having what all other Canadians take for granted. It is proportionally insufficient to meet our needs.

We compete for funding for major capital projects with other First Nations. AANDC says its goal is to ensure that people living on First Nation territories have access to basic infrastructure services at a level that is comparable to services other Canadians receive from provincial, territorial and municipal governments. We just want the same thing for our children that every other Canadian has.

Infrastructure is incidental to safe housing, good safe roads, clean drinking water and electrification and land use planning. These combined equate to safe homes for our children to grow in and a great base for successful economic endeavours.

Curve Lake is bordered by water and our wells are under the direct influence of groundwater. This creates challenges as we do not have a treatment plant and we struggle to ensure that we have clean, safe drinking water. Our overall water is rated at 6.8 through the federal rating system that was arrived at using a disputed method. We have our own data to support the high risk of continuing to patch an aging water system. We have a pumphouse that services some of our homes and is rated an 8 through a federal rating system. We have data to support that we are at risk and are continually on the cusp of declaring a state of emergency with water. We have spent \$200,000 in the past two years keeping our pumphouse running and have been under a boil water advisory for 14 weeks in the last year, all while trucking water in. We are constantly lobbying to obtain funding for a water treatment plant. We are told that there is a priority ranking and that we do not rate high enough for funding. In the outside world, Canadian families are blessed to be able to turn on the tap and safely drink the water that comes out. It's not so in Curve Lake; it can't be trusted.

We wait and wonder what has to happen before we are afforded the rights equal to other Canadians to take our basic human rights seriously. Our capital assets are aging, and we are lucky to have a resourceful staff that keep them running despite or in spite of the O and M funding that we receive.

Capacity is lacking. Trained staff and succession planning is falling to the wayside. We have a patch-and-pray methodology, which I know that Chief Shining Turtle spoke about.

We have a 20-year plan for infrastructure and major capital projects and a five-year community housing plan that is somewhat supported by government funding. The remaining funding comes from the ingenuity of the people of Curve Lake. We pull together to address problems and to troubleshoot issues on a day-to-day basis. We are underfunded. I can honestly say that infrastructure needs are not being met due to the current funding level.

We have a plan of subdivision and we address those plans. We have a great housing committee that is finding ways to fund that, but the biggest obstacle is funding the infrastructure to support the housing needs of our members.

I hope this sheds some light on Curve Lake and its challenges. I liaise with other First Nations on a daily basis. We share information and, at times, services. Curve Lake is not alone in its housing and infrastructure challenges. My goal is to support the teachings and to think of right now and seven generations to come that will benefit from solid, safe and equally funded infrastructure.

I respectfully submit that this committee makes recommendations to support that goal and that we are treated equally. *Meegwetch.*

The Chair: Thank you very much.

Chris Maracle, as an individual: Thank you, senators, for the invitation to appear. My name is Chris Maracle. I'm a member of the Mohawks of the Bay of Quinte First Nation. I worked in my community for approximately 20 years — three years as a carpenter apprentice, 17 years as director of Housing, Parks and Property Recreation.

About five or six years ago, I left the community and took a contract with Indian and Northern Affairs Canada as a consultant travelling Canada, promoting homeownership, energy efficiency, long-term planning, ultimately to have better outcomes in First Nation housing.

I have some recommendations or suggestions, and I should make it perfectly clear I'm not speaking on behalf of my chief and council, nor any other First Nation or any regional body.

That being said, I have some recommendations. With all due respect to other First Nations, I'm not appearing on anyone's behalf. I suggest that the whole issue of the treaty right to shelter should be addressed.

In my travels across the country, a lot of the First Nations leadership struggle with are they capitulating or dishonouring their forefathers by saying, "Yes, we are going to have to enter into debt financing and pay for our houses" when many First Nations believe there's a treaty right to shelter? Almost every First Nation believes that government has a fiduciary right to assist First Nations.

The whole issue of land tenure options in support of homeownership on reserve needs to be reviewed. If you're here in Ontario and you want to get a survey to build a home, it is a certain cost. If you want to go on reserve, then you need a Canada land surveyor to put the pegs in the ground. Things like GPS, GIS

information systems, and using new technologies to say, yes, we have sufficient in parts of the country, as I understand; but on reserve you have to have a Canada land survey to do that, and it's significantly more expensive. It's very time consuming, and at the same time we're promoting homeownership when you say it's going to cost you 30, \$35,000 to get a survey for a lot on a reserve.

We need to increase funding to housing infrastructure. A lot of people believe that the section 95 program is free housing and the government is investing this money. They are, but the First Nations are taking on that debt. To get a section 95 allocation where you can build 10 rental houses is like a lottery. The funding has been cut so bad that the First Nations are pitted against one another and even the First Nations you know will pay that money back, it's still like a lottery to get approval to undertake to get that loan to build social housing.

I think we're all aware of the social costs to this country as a result of not having good social housing. Again, that all has to be reviewed. I believe the government has to support more initiatives such as Housing as a Business, which is a locally developed initiative here in Ontario. It's starting to take off across the country, where it is more so First Nation-driven in that we're promoting homeownership and apprenticeships in training and establishing housing as an economic driver and promoting the homeownership that is seen as a wealth and equity piece.

On that, I will go into supporting educational initiatives. In most first Nations in Canada, as First Nations people we don't see housing as a good investment. Homeownership is a wealth and equity piece.

As First Nations people, the poorest of the poor, we're missing out on that key fundamental piece as children, parents and leadership, knowing that homeownership is the key.

Again, we have to support that. We have to support initiatives such as a few years back the CMHC came up with a great initiative called My Home is My TIPI, which was curricula designed for kindergarten through to Grade 12. It teaches First Nations children where the future lies. A lot of us are dinosaurs and are not going to learn, but if we can teach our children what it takes to respect their home and love their home. That curriculum takes kids from kindergarten through to Grade 12 at various levels and teaches them the value of what housing means to a community and to family. It was designed by educators in Alberta, My Home is My TIPI, but money needs to be set aside so if every First Nation in Canada wanted to have that curriculum there should be money set aside so we can have My Home is My TIPI or My Home is My Long House. It has to be culturally appropriate whether you are in Haida Gwaii on the West Coast or the East Coast, but that curriculum should be designed and culturally appropriate for that region; that should be supported.

Unfortunately, too often, the government goes in this direction, and we get some momentum going, and then they change and go a different direction. This stuff needs years to sustain itself. Not saying we're going to develop an initiative, and a year or two later the money all dries up in implementing those initiatives within our communities.

As the senator stated earlier, we need a strong financial literacy piece in our communities, from children right on through. I cannot say enough about the paradigm shift that has to take place in our communities in

educating our people about the value of homeownership in particular, that it is a great investment. We need greater First Nation control regarding programing and policies, as has been stated.

In First Nations across Canada, there's a strong perception that decisions are all made in Ottawa, by a lot of people, with all due respect, who have never been to a First Nation, never lived in a First Nation or worked in a First Nation. There's a strong disconnect.

We need more and more incentives in support of homeownership. What's wrong with the notion of the poorest of the poor, people on social assistance, going right into homeownership? For the last 50 or 60 years, government with great intentions to their programs and departments have been trying to make a square peg fit into a round hole because First Nations people have never been tenants. Over the last century, 60 years, we're saying, "We're going to teach First Nations people how to become good tenants and then maybe they will be good homeowners." Why not become good homeowners right from the get-go instead of trying to frame us into being good tenants, which we never were, culturally.

We have to change the attitudes right from the top to bottom. First Nations, government, top to bottom. When I say that, in the area of homeownership, during Canada's Economic Action Plan a few years ago one initiative was the conversion to homeownership. Any First Nation that said they would convert that house to homeownership and the federal government will give \$25,000 as an incentive to fix that house up, turn it into private homeownership so it's no longer a liability for the First Nation; it is a liability of the person in it.

When it was all said and done, there was a regular take-up across the country and people came to the conclusion, "See, First Nations people weren't ready for homeownership."

The problem, based upon my travel to western provinces, the First Nations never had the money in the first place to do those renovations of \$25,000 to get it ready for homeownership; but the perception is First Nations were never ready for homeownership in the first place.

We need to do more long-term planning and long-term financial commitments so when we come up with these initiatives they're not here today, gone tomorrow. That's what First Nations also complain about. I do a lot of strategic planning for First Nations. They say, "What's the sense of planning?" You want to walk us through a 5-, 10-, 15-, 20-year plan, but the fact of the matter is we don't know if the federal government will provide money here today, here tomorrow.

We talk about apprenticeships, we talk about all these things, but they all require long-term planning.

Respectfully, with the whole issue of apprenticeships, you have to have a ratio of licenced carpenters or plumbers with First Nations people, but the reality in many First Nations is that you're not going to get a couple of licenced carpenters to offset having 10 or 12 apprentices. So we need a unique First Nations approach when it comes to training, apprenticeships, et cetera, and realize that we can't fit that mainstream model of ratios.

We need to do more work in the area of dream communities, getting all of our ducks in order where all federal departments and programs are working in conjunction with First Nations so that the training dollars

are there, the dollars for the surveying are there and the dollars will all line up for incentives for homeownership. But it's really hard putting all the pieces of the puzzle together when the funding is always so wonky.

With that being said, in my travels in the last five years, there is a strong desire by First Nations to move forward. They're saying, "We want to move forward; how are we going to get there?" We need sustainable funding in multiple areas and it has to be First Nation-controlled. It has to be First Nations people that say, "There's a pot of money; how are we going to deliver best on that" as opposed to someone in Ottawa saying, "You tap into the various pots and we set up the criteria." I believe that is it. Thank you.

The Chair: I'd like to thank you all very much for your thoughtful presentations, the stark facts that you have given us, the concrete examples you have provided and also the recommendations that you made, which is where we'll ultimately end up.

I would like to say before we turn to questions that the committee is hoping to visit remote communities in Ontario. We know we have to see with our eyes the problems you've described as well as hearing about them. We haven't gotten our travel plans confirmed yet, but it's certainly a priority to see remote communities in Ontario and also to look at places that are perhaps less disadvantaged as well. More about that in the future.

Also, before we start, I would like to tell my colleagues that in light of the extensive presentations, which I'm sure we all agree were very helpful, I have taken the liberty of excusing the government witnesses that were scheduled for tonight and asking them to return for our meeting on Tuesday. I took that decision because I want to have full opportunity for a dialogue. I trust that's agreeable. It was an executive decision. We have more time than might have been expected.

We will start with questions, and Senator Tannas, we'll start with you.

Senator Tannas: Thank you. I'm the first one.

The Chair: No, I want to ask one question first, just very quickly by way of background.

Chief Shining Turtle, you referred to a budget for a community of minor capital of \$267,000. I wonder if you could share that with us.

Mr. Shining Turtle: I'm happy to.

The Chair: You can give that to the page. Can you tell us — I didn't quite get it — which community was that?

Mr. Shining Turtle: Whitefish River.

The Chair: That was your own community of Whitefish River?

Mr. Shining Turtle: Yes.

The Chair: I just wanted to get that background before we started. Senator Tannas, please.

Senator Tannas: Thank you, chair, and thank you very much, witnesses, for your candid comments.

I'd like to ask just some quick bullet numbers from you, Chief Shining Turtle and also from Ms. Banks, with regard to your respective First Nations. This is really just so that we can get a sense of where things are today. There's no hidden point behind these questions, but if I could ask you for your candour, it would be helpful to me and to the other members of the committee to really understand some of the trends and where we are. You'll see what I mean in a minute.

There are, as I understand it, 1,200 people in Whitefish River and 2,700 at Curve Lake. How many houses are on the reserve in your First Nation, chief?

Mr. Shining Turtle: 180, more or less.

Senator Tannas: I'm wondering, what is the percentage today in the three categories of social housing, where people are in their houses and they're not paying any rent? What percentage would be rental housing where the occupants would be paying some kind of rent? And what percentage would be individual, privately owned, built it themselves, maintaining it, et cetera? Would you both be able to give us a rough idea? I appreciate it wouldn't be exact.

Mr. Shining Turtle: I'll give you some sense of that. I'm going to make a correction there; the social housing that they're not paying rent doesn't exist in my community. I don't know if it exists anywhere else. I know it doesn't exist in my community. Those doing social housing are paying rent.

What happens is you have Ontario Works, so there's an Ontario Works administrator and it comes right off the top for the shelter allowance. That goes against the shelter and the occupants in there. That's what we deem as social. That would amount to, oh, I'm going to say 80 to 90 per cent of our homes, easily.

Senator Watt: So out of 180 homes?

Mr. Shining Turtle: Yes. If the Ontario Works system collapses, so does my stack of cards in terms of housing. I know Ontario has had some debt problems recently; I just hope it doesn't get taken out of Ontario Works.

That's how we've been able to manage it. Most of it is social housing. All the CMHC housing, the ones we run under section 95, it's all social housing. There is a section 10 program, but we haven't had uptake on that because we don't have the cost drivers to be able to do it. Who's going to take on that debt and then say, "How am I going to pay it back?" and not sleep night after night because they can't pay their loan or mortgage?

We have the balance of which would be shared responsibility in housing, people that have opted to buy the housing unit. There's been more uptake in that over time. They're paying it down month by month and trying to get to the point where they can take it over, but the challenge then becomes, "How do I maintain it?"

There's a rust-out policy on every house. We all appreciate that. On First Nations, that rust-out policy might be steeper than what you might see in downtown Ottawa. Does that help?

Senator Tannas: It does. Would it be the same situation for you, Ms. Banks?

Ms. Juszczynski Banks: No. Curve Lake is a little bit different. We have approximately 977 people that live on reserve, and we have 300 plus houses. We have 10 units that are deemed to be social housing units that we've obtained through section 95 funding. We have 108 mortgages.

We operate a revolving loan fund in Curve Lake, so we offer our members mortgages, and we feed it back into a revolving loan fund. We've managed to reach the goal of homeownership; it's thriving in Curve Lake.

Senator Tannas: Thank you.

The Chair: Just on that, what kind of payment would a mortgage typically be, or does it depend on income?

Ms. Juszczynski Banks: It does depend on income. So we qualify three people a year, and it is based on income, so it doesn't apply to people on social assistance. It doesn't really address that. It's a market-based housing approach that we have with the revolving loan fund.

We used to offer mortgages of \$80,000. We weren't completing houses for that amount. Then we raised it to \$100,000 and now we're at \$130,000. At \$130,000 we're barely completing the houses. We also have an interest rate on that. The average mortgage payment is about \$666 a month and for the new \$130,000 I believe the rate is about \$800 a month.

Senator Watt: Is that in the southern or northern part of your First Nation? You mentioned \$666 and then you also said \$800. Whereabouts is the location of that?

Ms. Juszczynski Banks: If you were mortgaged for \$100,000, you would pay \$666 per month; and if you were mortgaged for the \$130,000, it's upwards of \$800 per month. It's a sliding scale based on income.

Mr. Shining Turtle: With our CMHC program, section 95, we made an internal decision based on the income knowledge that we have in our community to not exceed a certain amount. I think we have four units that are at \$500 a month. The rest are between \$300 and \$400. We've done an income test to know what they can afford so they can still buy food, clothing and pay their hydro and all the other things. That's the application we've made.

When you do that, it puts you in a certain sized unit. If you want to pay \$10,000 a month, you get a bigger unit. It's what you can afford. We can't allow that to happen because they would default and we would end up paying. It's a delicate balance. There are a lot of things you have to consider when you set those rates you want to get back to pay off the units.

If there's mass default, it comes right out of the band. The agreements we sign with CMHC allow CMHC to reach right into that \$267,000, which goes right there first. I worry every night about default because if I get a whole bunch of defaults and the bank wants to get paid, Indian Affairs is going to do it by taking the minor capital, then the social money, then the band support funding. That's all up in the air until those things are paid off.

Senator Watt: In other words, you get stuck with it?

Mr. Shining Turtle: Yes, the band is left holding the bag. You can't say they're out the door so you can bring somebody else in. It has to be paid; that's how it works.

The Chair: Ms. Banks, you indicated that you're moving towards homeownership. I take it people are willing to make these monthly mortgage payments?

Ms. Juszczynski Banks: They are.

The Chair: Could you outline how you made that work because it's not typical in every community, from what we've heard.

Ms. Juszczynski Banks: Definitely not. That's why I say that Curve Lake isn't representative of the rest of the First Nations. Some ingenuity has gone into it. Years ago they developed a revolving loan fund. There was a little bit of money put into it, and the members paid back the principal and interest to that fund so we could offer more mortgages. The old number, I believe, was \$19,200. It has gone up \$200 since the 1960s, apparently, but \$19,800 doesn't cover the cost of building a house by any stretch of the imagination, so Curve Lake came up with new ideas for building them. That's where the revolving loan fund came from.

The mortgage amount that we offer is based on the Ontario construction consortium and what they say it takes to build a house in our area. Currently, because we're in southern Ontario, our costs are a bit lower. We have access to an urban area, which is Peterborough. The cost is about \$125 per square foot. We're able to offer our members mortgages, so they can successfully complete a house. We're not building large houses but three-bedroom single-family homes.

Senator Watt: What about insurance? What do you do with the insurance on the infrastructure that you inherit as your responsibility?

Mr. Shining Turtle: For insurance in our community, we have a blanket policy to insure all our assets.

Senator Watt: That's covered by the community — by band council.

Mr. Shining Turtle: Yes.

Senator Watt: What about the municipal tax? How do you deal with municipal tax?

Mr. Shining Turtle: We have no municipal tax. The challenge we have with the insurance is that we insure the unit but not the contents.

Senator Watt: What do you insure?

Mr. Shining Turtle: We insure the unit, not the contents. We insure the shell for its cost, and that's built into the housing program. The contents are left up to the homeowner. In our community, it's mandatory to have content insurance. That's a tussle.

Senator Watt: Back to the point of the municipal taxes, I guess my area is slightly different in that we cover municipal taxes — water coming in, water going out. It usually ends up being very high. I understand you don't cover that, so you don't deal with the municipal taxes.

Mr. Shining Turtle: No.

Senator Watt: Who covers that? Does the federal government cover that?

Mr. Shining Turtle: That's a complicated question. In a nutshell, the government covers operation and maintenance to a maximum of 80 per cent of an asset. For a water plant it may be 80 per cent to 90 per cent of the asset. The remaining 10 per cent is left to the band to figure out. There's no equation on how to do that. It's left hanging there. They came up with this thing called a "user fee." It's applied in some cases and not in others. We have a user fee application for water. We have don't have a waste water systems but we have septic systems. We pay a premium for the septic system, and we get a resource from the homeowner for the use of the water. Every situation is different.

Senator Watt: That's pretty well the same thing applied to your community.

Ms. Juszczynski Banks: Right. There is a user fee in relation to our water treatment plant; and that's the way it's supposed to work. We have environmental and other insurance on our assets held by the band: community centre, resource centre, church and band office. We cover all those. We also have insurance on our rentals. The lease states that renters must have content insurance. It's the same situation on our First Nation. It's a condition of the mortgage to maintain insurance on the asset.

Mr. Shining Turtle: If you're doing it like we do it under CMHC, CMHC has to have that insurance in place. They won't give you the money unless you have insurance on it. They have to see the certificate from your insurance carrier.

Senator Watt: What about the subsidy? Are there subsidies, aside from what you have mentioned, from the government?

Ms. Juszczynski Banks: Beyond CMHC, no.

Mr. Shining Turtle: No. If you find one, please let me know. I'd be very excited to get involved in that. Right now the answer is no.

Senator Watt: That's why I'm asking.

The Chair: You've given us the government funding on a sheet that we're passing around.

Mr. Shining Turtle: Yes.

The Chair: Okay.

Senator Meredith: Mr. Turtle, I am still in shock. We're in 2014. Some First Nations communities have made some progress and others are still basically dealing with improper infrastructure.

In your opinion as an engineer, why is it you talk about not having a road, not having electricity, not having sewage, and you talk about your First Nations are then expected to have proper housing? Why has there not been an urban plan, a housing plan or a proper infrastructure plan to ensure that there is sustainability of these homes once they are erected on First Nations? Talk to me about that, and then I'll ask about best practices and how you share them with other First Nations communities.

Mr. Shining Turtle: I'll give you a story. I was in a fly-in community. I was asked to fly in to Webequie. They had a waste management problem. I was the new guy on the block. They said, "Fly from Thunder Bay, go into this community and find out what's going on." Okay, so I'm the eager beaver and I jump on the plane and fly up to the community. As I'm going into Webequie, I notice that we're on a peninsula, a point that goes out, and they are surrounded by the major river up there, the Winisk, I believe. I'm driving into the community, and it's in March, so it's cold. I see the piles of garbage that are at the edge of the community. I go into the community and meet the maintenance manager. We start talking, and I said, "You've called us to help. There is a waste management issue."

The bands were really catalogued by Indian Affairs, so there is something called a Capital Asset Inventory System, CAIS. My memory is poor, but I remember that. So Indian Affairs catalogues all the assets on the reserve, and they keep tabs on them. I get my little CAIS form, like I gave you guys, and on there I see a landfill site funded by Indian Affairs. I'm talking to the manager, and he says, "Yeah, we have a landfill site." I said, "So, Charlie, what's the problem?" He goes, "Well, do you want to come and see the problem?" I said, "Sure."

So the weather was warmer, it had warmed up, and we went to the landfill site. We went along and we stopped his vehicle and started walking. It was about a kilometre off the main road. We started walking and I started to notice things. I said, "I don't see a right of way per se, an allowance for a road." I see some trees that were cut down, and it looks like maybe a bulldozer might have went through there. We go in, and I see the landfill site that has been constructed by the contractor. It's got a fence, and you see the refuse there.

They have a dig and bury concept, and there's some refuse laying around. Then I see a bulldozer sort of parked off to the side, and it's sort of turned on its side, half sunk.

I don't know much about soil mechanics, even though I studied about four courses in engineering school on that. It's a difficult science. I started asking questions. I said, "What's with the bulldozer?" He says, "Oh, we have permafrost up here. Buddy left it there and he couldn't get it out." You're in a fly-in community. You can't find something else to pull out this bulldozer. It's going to sink. It just sat there.

Then I asked, "Do you mind telling me what's going on? You seem to be the best guy in the know." He said, "Yeah, Indian Affairs came and built the nice landfill site. They just didn't build the road. What happens once it gets warm over here, we can't take it up there anymore. That's the problem."

You tell me who's not going the damn planning. We're being told we don't know how. We're the little red Indians of the forest, and the big white elephant over here is telling us, "No, we're going to go do this for you." I was pissed off. I'm getting pissed off now just thinking about that. I came back, wrote my report, handed it in, and it just kind of disappeared. They didn't have the road. Who doesn't see that? Then they say, "No, it's the Indians again, piling up their garbage." It's not that they're piling it up. They didn't want to do that. They just made do with what they could. They needed the road connected. It wasn't done. I saw much of that. It's all swept away now, though.

I walked into a community one time where they told me, "Franklin, go up and help this community." It was a Nishganaga, a brand new community. If you do a history of that community, they were distorted by the church, and they ran that community down, and Indian Affairs built them a brand new community. Hydro, they all came and built this brand new community. It's a beautiful peninsula. I went in there. They said, "Franklin, they've got problems with sewage up there. Go up and see what's going on. I think they need a new sewage truck." I fly up again. My hair's not as grey. I get up there and get talking to the maintenance guy. I said, "I hear your sewer truck is in trouble." "Yup. Come on over. I'll show it to you."

This peninsula, I'll again go back to soil mechanics. Clay. Pretty tricky stuff. We don't build septic systems on clay. I learned that in school. These were all built on clay. This subdivision gets built there and it's approved. I have to sign that stupid piece of paper so Indian Affairs flows the money. Excuse me now, I'm getting warm here. I watch. This beautiful subdivision.

The guy goes and shows me. It's spring again. What happens to clay in the spring after the frost comes out? Ever walk around in boots in mud? He backed up the sewer truck to go clean out somebody's septic bed. The damn thing got stuck and he couldn't pull it out. Where is he going to get another vehicle that's going to pull out a sewer truck that's half full? You're in a remote, fly-in community. Nobody thought to put gravel on that road. It wasn't a sewer truck problem. Who's doing the planning? It wasn't that community. They were told how it was all going to be done for them. They're not planning to fail. That's what's going on.

Do you know what they ended up doing? I got a big blast from the women. Because of what the men did, they couldn't flush the toilets anymore. The women are saying, "Hey, look, I got to wash the kids and get them off to school." Do you know what the men did? They did something innovative. That year, they used

something called — what was it. Instead of concrete holding tanks, they used reinforced fibre. That was really neat. It worked out really well because the guys could get a hammer, walk up to it, whack. Guess where the sewage ended up? All in the ditches. But they could flush the toilets. I got called up on a health issue up there. When we checked the ditches, what did we find? Backed up you know what. Kids were playing there. These were young children. I was sick to my stomach. And they were blamed for it.

Senator Meredith: What's the present situation like, Chief Shining Turtle?

Mr. Shining Turtle: It hasn't changed much because there's no control mechanism. It's cut and paste. What am I supposed to do with that \$267,000? Build one house? And I'm supposed to say I'm doing a good job and the department is helping me out? That's not planning. We have very good plans. They're just not made sustainable. I just did a 20 year capital plan. I just approved it. I was just telling my colleague here. Beautiful plans. I sit with the council. "Oh, this is beautiful stuff, Frank. Look where we're going to grow over the next 20 years."

I said, "I want to show you numbers that really disturbed me. It's going to take \$20 million, and do you know 94 per cent of that money has to come from? Our pockets." I said, "I don't know where we're going to find it. Indian Affairs says that's all non-core funding." That's their new language for saying, "We don't fund that stuff, Charlie. Pay for it yourself." The balance they will cover, \$4.5 million, maybe, over 20 years. I can do the math. I'm not that stupid. I can figure that out. That's not a big investment. So forgive me if the department isn't making the investments I think they should be. They give you all the big numbers. I gave you guys a letter where they said, "Oh, we announced \$155 million over 10 years for 633 First Nations to address your infrastructure." Divide it out. They keep telling me, "It's \$155 million. Franklin, you should be happy. What's wrong with you? We're doing a good job." Not when I divide it out. And that's supposed to cover all those different things on there. I wrote to Joe Oliver. It's in a letter circulating. Read it. It's a tough letter, but read it. All these other areas. That's the problem. We have the beautiful plans. We have the ingenuity and the creativity. We don't have a partner that believes us. That's the bottom line.

Senator Meredith: Thank you.

Mr. Shining Turtle: I'm sorry.

Senator Meredith: That's all right. I want your passion. As we go around and look at your communities, in this committee's report we want to basically state the facts, that things have got to change and they cannot be status quo.

It's important that we hear your frankness at these committee hearings so we can be accurate in reporting what witnesses come before us and state. Thank you for that.

Mr. Maracle, you talked about the First Nations movement away from housing as a treaty right and that government has to look at it. Can you clarify what you were trying to state there?

Mr. Maracle: I'm not suggesting First Nations do not have a treaty right to shelter. I'm just saying that in many First Nations there's a belief that there's a treaty right to shelter, so we're in a state of limbo. They're

saying it's a federal responsibility, the federal government says it's part of our social conscience to provide dollars, and it is just back and forth. Something has to be done there, because many First Nations will not move forward until that's resolved.

We all believe there's a fiduciary responsibility, regardless. In my community we've always believed the federal government has a fiduciary responsibility.

Senator Meredith: Ms. Banks, you talked about the progress that you have made in terms of funding that's been created to allow for your communities to get mortgages. Have you shared any of this with other First Nations in terms of your successes? What has been their response to some things you have accomplished in your community? We talk about the things that have gone wrong, but let's talk about some of the positive things as well in terms of moving forward. If you can elaborate for me, I would appreciate that.

Ms. Banks: Absolutely. We're always open to help other First Nations when they approach us to find out what is your best practice, what are you doing right? My chief and council have always supported me going to other First Nations to speak to them.

We have a great resource on our First Nation. Ken Jacobs from Housing as a Business, which we've talked about, is a member of Curve Lake. He goes around the country trying to help other First Nations with it. So we have a great asset in him and, like I said, we also have a great housing committee. Some of the older people on our housing committee started this program. I'm fairly new: I've only been with the First Nation for approximately five years. I've been in Aboriginal housing for many years, but I've only been in this position for the last five. It has evolved. We have great resources and we're always open to share those resources with other First Nations.

Senator Sibbeston: I'm curious to know just how many new houses would you have gotten in the last let's say five years? I appreciate your budget of 267. That doesn't include money for any housing, but do you get an amount of money from government to build a number of houses each year? What would that be?

Mr. Shining Turtle: That's completely changed. The CMHC program now, I think Mr. Jacobs spoke about this eloquently, is competing. For Whitefish River — and Curve Lake can speak for themselves and other communities — what has happened is if you improve you're penalized.

If you do well with your housing, then when you go through the priority matrix that CMHC does to see whether you are going to qualify, sorry: You're not going to make it. You're going to wait because we have other priorities in Pikangikum, in Cat Lake, in all these other First Nation communities. Every ranking you get from the Department of Indian Affairs, when it comes to infrastructure and housing, is a priority ranking. The ones doing really well are the ones that are maxed out.

Curve Lake can't get stuff, I can't get stuff. CMHC programming, we did really well, we built 80 homes in my community and had 100 people come home. Do you know what the last go-around was? Zero. I've got an 18-lot subdivision that's been sitting there empty for three damn years. I would love to be able to help

families but I can't get on the priority matrix because we paved our road. I'm sorry I did that now. I should have burnt the thing down. I shouldn't have built the road. I should have gone to Webequie and followed their procedure.

That's what's wrong: you're penalized. It makes it tougher and tougher, so you're asked to do more creative things and you're not getting the support. We have great, creative ideas, we've seen Curve Lake stuff. Curve Lake's been known to us for decades.

Watch the geography, it's not that quick. You can't say that what works in downtown Ottawa is going to work in downtown Windsor. You will do folks in Windsor a disservice. I drive through here, man, your flowers are beautiful. I'll never grow one in my community, but because of this little place we have here, you guys can have all the flowers in the world and all the police you need. That's not going to be true in Windsor and it certainly isn't going to be true in Whitefish River.

Your economics are different. You've got the government here. Of course your city has got to look pretty. You just take it for granted now. When all the tulips come up, you guys will all be happy. You think there are tulips growing in my community? I can't afford tulips. Somebody is paying for that. Sure looks nice here. That's your economics, man. This government and these buildings here create such an economy for you guys, you can afford to have tulips and a guy manicuring and all these things going on. Do you think we can do that in northern Ontario? Hell, no. That's just the reality. It certainly isn't going to work anywhere else.

But because you have those government offices here and you have that economy, that's what applies. So you have an economic index there, then your structure is different. I just came out of three feet of snow. I came down here and it looks like you guys haven't had snow in two weeks. Well, look at the regional differences. You've got to factor that in. It's not that easy. Don't get pigeonholed by that.

Then look at your economics. I would love to have this place sitting in Whitefish River so I could draw on the economics of it, but it's not going to happen today. But it works for you, it works for Nepean and it works for everything else around you guys. You've learned to take it for granted. You're accustomed to it now. It's just the way it is.

But for the rest of us looking in, it isn't that way. We're the social outcasts that have to borrow under these social programs designed to fail. Sorry. Thank you.

Senator Sibbeston: Ms. Banks, how many houses have you got in the last few years in your community?

Ms. Banks: In the last five years, we do three a year, so two years, we had twelve.

Senator Sibbeston: The federal government, a number of years ago, established the First Nations Land Management Act, which is a means whereby First Nations can create lots and generally manage lands to allow houses to be built. Are you aware of that institution in Ontario? Does it exist anywhere that you are aware of? Is the program being used? It's the First Nations Land Management Act.

Mr. Shining Turtle: Yes, it's been peddled. It's been shared, right? I know in my community we looked at it and there are too many residual pieces that you have to accept that make it workable. It's not as simple as it looks. You have to read through it carefully. Our lawyers, who advise on stuff like that routinely, just say, ah, be careful.

When we sign those contribution arrangements, our accountants and lawyers both say we shouldn't sign them. They're that damaging. If we don't sign them then I can't send the bus down the road to take our kids to school. That's kind of a challenge.

Some people have had good work with that lands management act, but we haven't. Thank you.

Mr. Maracle: I would suggest this committee look at time frames for First Nations to get into the First Nations Land Management Act. I understand it's not like, "There it is, take it." I understand there are a lot of potential hurdles involved as we speak. I would suggest you get more information from the First Nations perspective. Does the First Nation want to go that way? What are we looking at for a time frame?

Senator Sibbeston: Ms. Banks, have you any experience with that?

Ms. Banks: A little bit. Chief Shining Turtle spoke about the contribution agreement, and it's sort of being flowed through there. The program is out, but it's not my area of expertise. We have a lands manager that deals with that. It's fairly new to us. I don't have enough experience with it to speak to it.

Senator Raine: We know there are huge challenges with First Nations, and especially in the remote areas where there's no economy. How can people stay in those communities? If there isn't any economy, how do you keep a community together? I'm sure a lot of people who do well in school and go on wind up leaving the community and not coming home.

So how do you keep the links and how does a community stay a community in those situations? Is the answer to build more houses so they can come home and not be part of an economy, or is there somehow a way to have housing for the people — the sort of the core people who want to stay in the community — and places where people can come and visit and be part of it?

Do the people who leave your community get housing support when they go to wherever their job or their career takes them? How does that work?

There are problems there also for people who leave the communities and go to the cities or wherever they go. Have you seen any examples of communities that can keep their roots where they are and still have people be able to fulfill their dreams and their expectations?

I would like to address that to Mr. Maracle, because you have seen a lot of communities, and I'm sure you are seeing this kind of situation.

Mr. Maracle: It is very tough. When I was under Indian Affairs, I travelled the country and went to communities. You are doing an environmental scan the second you hit Saskatoon and drive to that

community, or you get into Port Hardy, you start doing an environmental scan when you go to the community. You get there and, wow, there are no jobs. If you're in northern B.C. and you look at the salmon industry getting hit — logging, the pine beetles. The First Nations — there's no economies, and it is really tough in a lot of these communities to sustain themselves.

We have to take a different approach and say, “Okay, how do we create self-sustaining communities of 100 to 200 people?” Micro-infrastructure?

I come from the Mohawks of Bay of Quinte. We were farmers at one time. We sustained ourselves. Before I left the band, I was tasked with developing a 20-year strategy so that every household in the community had home ownership. We are already at 90 per cent. The political fantasy from above said, “I want everybody to want a home.” The major challenges were public transportation and the high cost of food and energy. They prevent a lot of families from home ownership, no matter how bad they want it.

In remote communities, we have greenhouses, orchards, or whatever, but we really have to take that “back to the woods” approach with the bulk of our communities as opposed to leaving the communities. They've lived there since time immemorial in those communities. Where will they go? The cities, where you are number 3,000 on the waiting list for a house.

And racism exists in this country. I found that out. I did some work for Habitat for Humanity to get into First Nations. Racism is alive and well in this country — from employers to bankers to bureaucrats to their neighbours on the other side of the reserve. It is alive and well and that compounds the problem. That has to be addressed. I know it is a much bigger item, but it is part of the problem when it comes to housing.

Mr. Shining Turtle: I would like to respond.

Senator Raine: If you don't mind, Chief Shining Turtle, I wanted to ask you something specifically. When you mentioned a little bit of background and history, you talked about the 1960s when they had a program for housing on reserves. What did they have before that? If you went back even further, was there anything? Maybe you could give me your perspective.

Mr. Shining Turtle: I'm not qualified to talk about that. I don't have any history beyond — I don't know what it looked like.

Senator Raine: Before there were government programs, how did people get shelter?

Senator Dyck: A sod house.

Senator Watt: Tent or sod house.

Mr. Shining Turtle: There's a government policy to assimilate First Nations. That's what it is. It started with education, right? When you educated our community, they brought everybody to one village site and said, “Wait a minute. We better put infrastructure here. We have to put a school.” That's where it all started.

That is still the policy today right now in 2014. That widening scar is still there. And that's what it is: Bring them in and assimilate them to be in the town or village and to be dependent on a system where they were independent before.

Prior to 1960, most of our people were independent; they were out doing what they needed to do to survive. And then somebody came in and said, "No, we got to educate them there Indians, right? We got to put them in a residential school, and we also got to get the spiritual practice out of them."

There's my name. I don't know what a Franklin is, but my Indian name — who I am — is Shining Turtle. I'm not ashamed of that, and I don't care if you don't understand it. That's the fact of who I am. That's an identity shift.

I want to talk to you about something you said about leaving home. I talked to my son this morning. He's seven years old. I was driving here and he said, "Dad, what's my community like?" I said, "There's 400 people in our little community that are living there right now. Pretty much, you know most of them." And then I looked at him and I said, "You know something? They all know you, because they care about you." He said, "Dad, I love my home. I will never leave here. I'm going to get an education someday but I'm also going to come home."

Many of my people have gone on. We have lawyers, doctors, dentists and a bunch of people who have gone on and done really well. It's the same with me. I worked somewhere else. I came home. I came home to help. I came home to row the boat. It is my turn. You know why? Because somebody did it for me. My chief did it for me, and his dad did it for him. There's a lineage there that goes longer than the history of Canada. That's a reality.

We're not all Canadians. We're Anishnawbek. We have the treaty of 1850. I can go back to 1836. That's why we're there. It's not going to disappear because we're having an identity crisis about infrastructure.

Senator Raine: Probably the reality is that if you as First Nations can decide what the plan is, it would work, because you are planning for the future. You're not going to forget to put a road in; you're not going to forget to do those things because you are there.

Mr. Shining Turtle: Yes, we live it every day. You live driving to work every day. You know this better than I do. What if I told you from my community, "No, you drive left. You turn right." just as they're going along. That's what it's like. I know; I have been doing it for 13 years as the chief. That's exactly what it's like: Indian Affairs says, "You turn here now. Now you turn this way, sign this paper, fill out this form, you get this accounting piece and you do this." That's it every day.

I will start tomorrow. You start to turn left and you go over here and I don't want you to do this — I want you to do that. That's the same thing. You are going to run into an accident. Somebody is going to get hurt. You're going to ask me what happened, and I'm going to say, "Geez, I didn't know. We'll try and fix it the next time I phone you." Sorry.

Mr. Maracle: You mention about First Nations knowing the way. I will give you an example. Back in the late 1960s or 1970-71, chief and council in my Mohawk community said, “We will take this minor capital that Indian Affairs gives us for housing, and we will lend it to community members” which are revolving loans “and they will pay it back so the interest and jobs stay in the community. We set the policy and criteria who will access those loans.”

Indian Affairs said we can't do that. It's grant money. It's subsidy. It has to go out — give somebody at that time \$10,000 and let them build half a house, about 400 square feet. And the chief and council said, “No. When the money comes from the federal government to this community, we will do what we see is best for our community, and we are going to lend this money out.”

I understand that the federal government backed away, and that initial \$75,000 we had back then now has resulted in the Mohawk housing program — about \$22 million in the mortgage portfolio, solely owned by the community. We built about \$20 million worth of rental stock. Now we have a \$40-million portfolio, solely owned by the First Nation, so we decide what the houses look like. We decide what the rents and mortgages will be. We decide who will live in those houses.

Then five years ago, the federal government said, “Chris, we want you to travel the country promoting revolving loans.” My community back in 1970-71 was told by federal government we can't do that.

So we know best.

Senator Raine: This is the same as what you did in Curve Lake — exactly the same situation where you had the revolving loans.

Ms. Banks: Yes.

Senator Raine: We really need to look at that as part of —

The Chair: I'm sure we will see communities where —

Mr. Shining Turtle: The other part of that is if they didn't apply it there and didn't stick, it might have stuck in my community. If an Indian Affairs agent had come over there and said, “You can't do that,” our council would have said, “Okay, we won't do it.”

You have a whole bunch of workers, and they're not singing from the same song sheet, so across the board, they were able to do that down in Mohawks of the Bay of Quinte. They were able to do something in Curve Lake, but it wouldn't have applied in Whitefish River because the policy is there, but it is a patchwork application. It is whether they could have done it, shouldn't have done it or maybe should have done it, so you don't have this consistency. It is very inconsistent, at the very least.

The Chair: I sense some frustration with Aboriginal Affairs on your part.

Mr. Shining Turtle: No.

The Chair: I'm just wondering, we are asking ourselves why there are two main federal sources of funding for housing in Canada for First Nations. There's the CMHC and there's AANDC. What would you think about putting it all in one department or agency? I know Mr. Maracle recommended better collaboration. In your dealings with CMHC, have they been better, or have you thought more of a one-window approach? If not, we will leave it, but I wonder if you have thought of that.

Mr. Shining Turtle: To be very honest, no, I haven't. I will think about it, though, and I will talk to some colleagues about a one-window approach.

The Chair: We're trying to think outside of the box here in this committee.

Senator Meredith: Chief Shining Turtle, you talked about people leaving the community for better jobs. I'm following up on my colleague's question about folks leaving First Nations because of lack of opportunities. You talk about the Chiefs of Ontario having an economic plan. Can you talk about what you are doing in terms of sustainability within your own community? What has been the plan with respect to the rest of the chiefs?

If there are jobs within communities, folks feel a sense of pride and they're going to stay and what have you to help further that, just like you have returned home to your community.

Mr. Shining Turtle: Everybody wants a sense of hope. We go back home, we all see the young people in our community and we want to give them a sense of hope. A lot of us that are invested in this thing, whether it is in the housing end, whether it is at the chieftain level or the entrepreneurs, we're trying to build seeds of hope. We have seen the hopelessness. There's a report out on suicide. There are massive rates of suicide on First Nations. In the last six years, I have had six suicides of teenagers in my community. I live it. You think I want that level of hopelessness to continue in my community? Absolutely not. There's not a chief I know of from coast to coast to coast that doesn't share that same philosophy.

Do we have partners that are willing to invest in our plans? No. We have amazing ideas. We've got intelligence galore, but we just don't seem to have a partner that says, "We have an I-can attitude towards getting it done." We want to outsmart each other. An agency knows better, this knows better. How about just digging in and staring at the reality of what's there and determining the first step? The first step is identifying where you are at. When I came home 13 years ago, that's where we were. Yes, we have grown the community by a hundred people and made a \$30 million investment. It was very strategic, but all of that for six suicides? Sorry, it doesn't work.

There's something deeper. It's the assimilation process, the identity loss. That's what we're invested in. It is going to take a lot of work. But if we continue to grow this hopelessness, man, we've got big problems coming. I don't want to be a part of it, so I'm going to row the boat as hard as I can, with or without you, but I'm going to get there. We have a lot of leaders doing that.

Senator Watt: Thank you for your presentations. They were quite clear. This is something I'm very familiar with.

At one point, we had probably gone through similar things in the Arctic, but we have to find some alternative way of coming up with some answers because this is not the way to go.

Up to now, we have been talking about one level of government in terms of being your partner, and they don't seem to be willing to really work out the partnership arrangement, or they're not listening at all, one or the other. We have also learned over the years that it doesn't matter which government or party, they always have this notion of unloading their responsibility onto somebody else in order to cut the costs down, looking at it strictly from an economic standpoint, in a general sense.

Do you have any room for other government-level authorities like provincial government? Do you have a role to play and to use them as leverage, as a way of putting pressure on the federal government? That seems to work for us in the area where there are Aboriginal people; I'm talking about Quebec, like the James Bay Cree, for example, and the Inuit of Nunavik. They have been quite successful in terms of involving the provincial government and not necessarily allowing the federal government to unload their responsibility. Their responsibilities remain, but they use the two levels of government as a way to activate because the provincial governments have the expertise in a lot of areas that require the expertise that you have mentioned. Some of our communities don't necessarily have the know-how at this point, but that is coming. We appreciate that.

In order to find a way to make that jump, because we are so far behind in a lot of our First Nations communities, would you be prepared if this committee comes to the conclusion that provincial government have to be involved now in the housing and infrastructure areas? That's their expertise. It is not the federal government's expertise, and I think that's a big part of the reason why the federal government always makes mistakes when dealing with First Nations, trying to pretend they know what they're dealing with when they don't.

Could you elaborate on that a bit on the provincial side? Would you be prepared to accept help from the provincial government?

Mr. Shining Turtle: In one of my recommendations, I talk about the potential for provincial and private partnership arrangements, so I think it should be explored, only to this point; I have been involved in a lot of tripartite discussions over the last 13 years with Ontario, the federal government and First Nations, and if we can marshal that and move beyond dialogue and get something done, sure. But if it's just going to create another table where we're just sitting around talking — what happens is the province says, "I'm not moving until the feds do," and you can't control the province. It is difficult.

If we're going to move beyond dialogue, sure. If we're going to sit around and have coffee and donuts and point fingers at each other and say, "Liar, liar, pants on fire," don't waste my damn time. I'm not going to hold my breath. The current tripartite discussions aren't doing that, anyway; they're just sitting around pointing the finger at each other. I wish we could break new ground, but it requires strength and some leadership and some get-up-and-go.

Right now, with those tripartite arrangements going on, “I don't have a mandate.” Have you heard that word? Geez, I have heard that for 13 years. Then go home and stay there.

If it's about really moving the yardstick, we're there; but if it's going to be just another chance for the government to talk and devolve services and talk more about devolution that started in 1984 under Prime Minister Mulroney, I'm not interested. Mulroney ushered in the devolution problem. They sized up the problem and then said, “Let's start devolving.”

If you could ever get to the point where there's going to be a tripartite discussion that is real and will move beyond dialogue, I will have the conversation, but right now it isn't working and there are many models you can look at and study at a different time.

The Chair: Colleagues, we have Senator Dyck and Senator Moore and I'm afraid we don't have much time, so judge accordingly, please.

Senator Dyck: I'll be brief. Thank you for your presentations. I was very much taken by the example of the landfill site with no road. That, to me, indicated the lack of a good relationship between the partners involved, either at the funding levels or literally on the ground when something is being built and the First Nation community doesn't seem to have any kind of real input into what's happening.

Then you talked about having to think outside the box. You kept saying that you were told over and over again “no, you can't do that,” and that came from several of you in terms of thinking. I'm wondering, how does one get outside of that relationship of finger pointing and the department saying to you “no, you can't do that” and get to the point where the parties sit at the table, talk to each other and create something different? Is there a way of getting around that? Is there a way to jump-start that change in relationship?

Mr. Shining Turtle: Yes, it's easy; very simple. It's called political will. If you want to model my community, just come here. You'll see it. But it all comes out of leadership. My council has a behavior; it's set from upstairs. My council is very aggressive in terms of doing things. You're looking at their leader. If I get laid back here, loosen my tie and put my feet up, that's what it takes. It takes political will. If you have that political will you can bust through those barriers. You can say no, it shall be done.

In response to that — this current government and the political will we get when we talk to them — they tell us off like little bureaucrats. I've been told off, swore at. That never happened under the Liberals. My first 13 years here, the last half, we were told by Indian Affairs; I get so many letters from Minister Duncan, Prentice, Valcourt to “go talk to my staff.” We tried to meet with the RDG, but she doesn't have time for us. Ontario hasn't had leadership at that level for a long time. I know, I've gone through it. There's been no leadership there. They just appointed this new lady as the new leader; she doesn't have time.

She comes to my community on April 10 and she's going to get an earful. You know why? It's all been backed up. The previous RDG didn't come here because they got their political taskmasters they don't have to meet. You can tell them off.

If you don't have the political will, if it's not going to be there and they're just head men for doing nothing, then nothing will get done. That's just a political reality. We're happy to get involved if they want.

The Chair: That was a clear answer. Senator Moore, we don't have very much time.

Senator Moore: Thank you, witnesses, for being here. I really appreciate it. Chief Shining Turtle, following up on Senator Dyck's question with regard to that landfill project, who was the funding party there?

Mr. Shining Turtle: Indian Affairs.

Senator Moore: So when they sent you up to troubleshoot after the fact and you found the tractor sunk in —

Mr. Shining Turtle: Bulldozer.

Senator Moore: — bulldozer, sorry, sunk in the permafrost and then you went back and told the department with your report, what happened?

Mr. Shining Turtle: I haven't a clue.

Senator Moore: What do you mean?

Mr. Shining Turtle: At that stage?

Senator Moore: You gave a report to somebody.

Mr. Shining Turtle: Yes, I gave it to my boss. He went to have a meeting with Indian Affairs and I never saw anything after that. I'm assuming something is up there now. I don't know.

Senator Tannas: What year was that?

Mr. Shining Turtle: That was about 1998.

The Chair: And you haven't been back?

Mr. Shining Turtle: I've flown in to do spiritual work up there, but I haven't checked their infrastructure, nor have they invited me. I'd love to.

Senator Moore: With regard to the septic system project and the bulldozer stuck in the clay, was that the same funding agency, same department?

Mr. Shining Turtle: Yes. Around the same time, 1998-99.

Senator Moore: What was the process? Did you report back? What happened then? Do you know?

Mr. Shining Turtle: In that case they ultimately built a sewage lagoon. There was one reported on their capital asset inventory system. I reported there was none because the ditch that I saw was not a sewage lagoon. I did hear that two years after there was major infrastructure work that included a lagoon for that community. That perhaps had a good outcome.

Senator Moore: Did you get asked to go in at the commencement stage of a project when you talk to the chief and elders, see what the conditions are in the ground and give advice to the department or whoever is doing the fund, and say have you thought about that? Do you ever get asked to go in at the beginning?

Mr. Shining Turtle: I don't, but I'll tell you generally what happens is that the department allows the band. For my capital planning study we hired a consultant who acts for the band, completes the report, the report has to be signed off by the council. You're lucky in my case that you have somebody qualified at the table to understand that, but in many communities they may not have that. You have to rely on technical services, the tribal council to come in and provide that. When you're in such flux, with political turnovers, you may not be able to get that continuity and one of the key issues is about the continuity.

Senator Moore: Your community is fortunate because you're there with qualifications and experience, but they don't have that.

Mr. Shining Turtle: They don't have that across the board. I'm not saying there should be one at every table, but you don't always have that access. In some of those communities you have political changes, so there might have been a presentation to one group.

Senator Moore: When you went up in those two instances and you did your visit to the sites and so on, do you know whether or not the department had spoken to those respective chiefs as to what the conditions were on the ground that they had to be concerned with? Did you find that out when you did your inspection?

Mr. Shining Turtle: There was a capital planning study done. To the extent that was understood and the capacity was there, I don't know. I can only assume —

Senator Moore: So you don't know if somebody said, "Chief so and so, anything to note on the ground? Yes, we have permafrost." Did anybody talk about the practical side of stuff that you're aware of?

Mr. Shining Turtle: That's the consulting engineer's role.

Senator Moore: Okay, thanks.

The Chair: Colleagues and witnesses, thank you very much. There has been a lot of detail, and a lot of ideas and advice. We're grateful for that. The meeting is adjourned.

(The committee adjourned.)