



Indigenous Services Act 2019 - Information Sessions

Report from the Chiefs Steering Committee

April 2023

Purpose

With the *Department of Indigenous Services Act 2019 2019 (Services Act 2019)*, put forward by Indigenous Services Canada (ISC), the Chiefs Steering Committee on Technical Services for the Technical Services Advisory Group (TSAG) conducted information sessions, specifically on Infrastructure programs and services.

The intent and design of these sessions was to provide important information regarding the Federal transfer of services as it relates to First Nations on reserve with regard to Infrastructure funding and models. It also provided an opportunity to hear from those First Nations', and their front-line workers who are currently managing public works on reserve, to understand their capacity needs, and the immediate concerns and potential short and long-term risks for their Nations. It was critical, and will continue to be critical, to hear their voices and gain the insights of those who are leading this work now, as well as those who will be impacted by these changes.

First Nations input, questions and recommendations gathered from these sessions are presented in this initial report and will be shared at with First Nations Leadership and the Government at a Chiefs Special Meeting Session in April (see below). From this, a full Comprehensive Report will be shared with all First Nations in Alberta, and key government representatives and offices. Furthermore, ongoing communication and sharing of information will be supported by TSAG with any First Nation in Alberta at their request.

Information Sessions

First Nation facilitators began outreach to Alberta First Nations, on behalf of the Chiefs Steering Committee, to provide information about the Services Act 2019 in October 2022, and the three sessions were held in Calgary, Edmonton and Slave Lake, Alberta between January and March 2023 (see information below). Invitations were extended to Band Managers as well as technical staff from all First Nations in Treaty's 6, 7 and 8 in Alberta. The one-day sessions began with information about the Services Act 2019 and the current role of TSAG, with a networking lunch, and the afternoon was an opportunity for attendees to have their input into this process. Our team intends to provide continued follow-up directly with the communities at their request.



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Location & Date	# Participants	Nations represented
Calgary January 23 rd , 2023	4	<ul style="list-style-type: none"> • Montana First Nation • SikSika Nation • Tsuu Tina Nation
Edmonton January 25 th , 2023 + Zoom	11	<ul style="list-style-type: none"> • Cold Lake First Nation • Enoch Cree Nation • Little Red River • Montana First Nation • Samson Cree Nation • Paul First Nation
Slave Lake February 2 nd , 2023 + Zoom & recorded	14	<ul style="list-style-type: none"> • Fort McKay First Nation • Beaver First Nation • Whitefish Lake First Nation • Dene Tha First Nation • Saddle Lake Cree Nation • Drift Pile First Nation
Edmonton March 14 th , 2023 + Zoom & Recorded	24	<ul style="list-style-type: none"> • Saddle Lake Cree Nation • Slave Lake First Nation • Tallcree First Nation • Little Red River Cree Nation • Alexis Nakota Sioux First Nation • Sucker Creek First Nation • Big Stone Cree Nation • Stoney Nakota Nation • Piikani Nation • Montana First Nation • Fort McMurray First Nation • Woodland Cree First Nation • Beaver First Nation • Yellowhead Tribal Council • Beaver First Nation

This report will be shared in Edmonton at a Chief's Gathering Session in August 2023 on the Indigenous Services Act 2019 & Safe Drinking Water for First Nations Legislation. An invitation letter will be sent out for this meeting to the Chiefs Committees and Tribal Offices in each respective Treaty area. The meeting will be a space for First Nation leadership to share what have we heard, and to put the emerging questions from these sessions to government representatives. In the weeks following this session a full report will be shared to all Alberta First Nations, Indigenous Services Canada and other government representatives.



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What We Heard

Through these sessions our team has been able to identify the needs and concerns of First Nations regarding any potential changes to existing funding, etc. These will be used as the foundation of the Report being presented to Chiefs & Government in the coming months. This transfer of services, which was legislated without free prior and informed consent, will have generational impacts, and needs further communication, engagement, and involvement with and from Treaty 6, 7 & 8 First Nations. This feedback and insight will be used to guide a path forward for a more inclusive process of this transfer of services and identify options that may include strategic/business planning, regional solutions, negotiations, litigation, or other.

It was made clear that there is little trust by those Nations represented in these sessions for ISC and Canada. As well, some greatly value the role TSAG plays in supporting their Nation, while others were critical at times. The primary goal is to build trust across all levels, and greater is the need for transparency and enhancing communication in this process going forward. The most important message that came from the sessions was that **many of First Nations in Alberta don't know enough about the Services Act 2019; they are not ready, and/or do not want the responsibility of the potential transfer of services** – for the reasons identified below.

Communication

- Almost all of the First Nations representatives at the sessions had heard nothing / very little about the transfer of services before the letter being sent out by TSAG in January 2023. Some outreach had been done by James (Treaty 8) and Cynthia (Treaty 6 & 7) on a one-to-one basis in late fall 2022.
- This Act was passed by Canada in 2019 within an 800-page legislation document, it was not communicated to First Nations at this time. TSAG was made aware of the transfer of services in 2020, and they started with a Disaggregation Analysis which assessed the cost to close the gap of services provided by TSAG. Once complete their next step was the information sharing and engagement for the transfer of services.
- Going forward there needs to be a central communication chain specific to transfer of services with all Nations being able to opt in or out. This will also include a specific email address for Nations to reach out for information, provide input, etc.
- Communications around what the transfer of services includes, timelines, changes and potential impacts needs to be created and shared with all Nations, as well as a space on the TSAG website specifically for this information.



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Engagement

- Need to make sure every Nation has the right (and adequate) representation – this must include leadership as well as those doing the work (Band Manager, Operations Directors, etc.), and that they are aware of the transfer of services, as well as the support that TSAG is providing in this process.
- Further information and input sessions are required, to ensure all First Nations are informed and are supported in this process.
 - *“Leaders and communities have a lot on their plate right now, so with these engagement sessions that we’ve been doing we need to educate this back.” (Session participant)*
- Outreach and engagement at the community/grassroots level is needed so all citizens know of the impending changes to their Nation and what that means – this will also support leadership for transparency and engagement in this process.
- Future training sessions will be needed for those who will lead this transfer in their Nation – both from an operational and governance perspective.

Leadership / Ownership

- Clarity is needed on what is the purpose of this process. A lot of **decisions are being made at the government level; FN Chiefs must take a leading role going forward**. There is a need for an Alberta FNs position on this process.
- This is another exercise for Canada that is blatantly demonstrating their lack of understanding of the Treaty relationship they have with First Nations on Canada.
 - *“We know they will dangle carrots in front of us and our communities, a big influx of money for this agreement, but that’s not enough.” (Session Participant)*
- How CRA and Services Canada have the ability to “claw back” (withhold funding) for any of their own reasons; ISC has the authority to make recommendations to the Treasury Board on amendments/changes to authority that make the agreements.
- Many see this as the government relieving themselves of their fiduciary responsibilities.
- This is an incomplete approach to the issues; this is not just a cost/expense issue.
- The political segregation across many Nations is a big challenge, there is division rather than unity which may impede/harm this process.
- What is ISCs commitment to make sure the infrastructure is fully operational and up to standard ahead of the transfer.
- Some fear that if they opt out, they’ll be punished by the government and many current issues will not be addressed/fixed.
- Need for comprehensive legislation, policy, and legal frameworks for the Nations.



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- There is a push to have us incorporate as an entity and not be a Nation – moving us towards becoming a municipality.
- We need legal advice to understand, address and breakdown this agreement.
- We need to protect our Treaties – Non-Derogation Clause.
- The process to date is just manufactured consent.

Capacity

Assets

- Some Nations don't have a functioning Band office to administer services and provide workspace.
- Many lack paved roads to build/repair other critical infrastructure; can't bring in machinery, etc. (also a safety issue).
- Many don't have the current equipment needed to support and maintain their infrastructure and services.
- Many lack of adequate water and drainage infrastructure; many have issues of open sewer systems.
- Need the systems in place (e.g., GIS, software) to support the maintenance costs of vehicles, equipment, etc.; technological transfer is a huge undertaking.
- Many believe that this transfer of services is to make Nations into municipalities (or reliant there on) that will have to pay taxes.
- Data Protection, management and sovereignty is a big concern for communities creating issues with their information leaving the communities by Engineers and consultants.
- Need environmental management and capital management.

People

- Increasing burden – this transfer is just putting further work, stress, and pressure on those already struggling to do the work due to lack of people, funds, etc.
- Education – this is true for many AB First Nations. The access, quality and relevance of education needs attention and support within communities.
 - *“Why should we be building capacity to implement their plan – yes we should be teaching our kids, but we also can't compete with the big engineering firms – who were spoiled by ISC, and we won't be able to keep them working for us.”*
- Training – this includes access to programs (partly related to improved education so students will qualify) as well as on-site and real-life training opportunities.
- Mentorship – need more knowledge transfer within the current operations teams and leadership to support new staff and skills development. There is also a need for external consultants to mentor



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citizens when they are working on Nation projects, as well as outside of the Nation so they can gain further experience.

- Retention – bringing citizens back to work on their Nation once they’ve had experiences living in cities, municipalities, etc. and have potentially earned higher salaries externally is an ongoing challenge.
- Competition – many Nations have had to compete with external consultants doing the work, they can’t compete with the expertise and scale; as well, those external bodies often retain / withhold data and knowledge gained / collected during the work.
- Outsider mistrust – too many Nations have had to outsource their work to outsiders, some of whom have charged huge rates, not delivered on commitments, and withheld data and other critical information owned by the Nations.
- Our people need healing – mental, emotional, spiritual, and physical – this needs to be considered as part of the transfer process.

Finances

- What financial support will be offered (and is needed) in getting the infrastructure to operational, safe and sustainable.
- How will immediate and long-term costs be assessed, distributed, compensated.
- What financial support will be offered in capacity building.
- The liabilities alone will be too great, while it is important to be autonomous – will any insurance company even take on First Nation’s with the additional/new liabilities.
- Many FNs do not have their own source of revenue – and what about those who’ve been denied their resources that lie below their land; need economic development plans.
- Need to develop a funding model for buildings and replacement costs.

Scale

- Population – there is such difference across AB FN’s – some as small as 30 Members on Reserve, some with ~8,000, how do you assess this in the Transfer? How is it done equally?
- Urban vs. Rural – some Nations have access to urban infrastructure and services (fire, etc.) while others are hours from services and infrastructure – limited by ice roads, etc. – so they differ in their needs and capacity to provide for their citizens.
- Multiple Reserves – how does this work for those with multiple reserves (many of which already dealing with the above-mentioned size and location issues), how do they address the infrastructure needs and operations.
- Regional approach – even this has challenges, in the North just the distance alone between Nations, and their populations, is huge.
- On and Off-Reserve Equity - leadership needs to have an inclusive approach – and don’t allow it to perpetuate division; and we need the data to ensure this inclusivity.



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Timelines

- This is a generational transition that is needed; this is not possible in 5-10 years.
- How has the government determined these timelines, why was FN's leadership not consulted / included in the process.
 - *"We should not be pigeonholed into this and many of our Nations are not ready for this."* (Session Participant)
- Canada needs to provide FN's with their Business Plan/Model from 2008/9 and some want to proceed with co-development in 2015.
- Nations should be determining the timelines based on their own assessment not Canada's.
- First Nations are concerned about the uncertainty of timelines and inadequate funding.

Planning

- **A Needs Assessment for all Nations should have been done at the start** rather than the 'closing the gap' survey last year – and how do they know what they're assessing? Was this based solely on Government data?
- There needs to be a proactive approach rather than the reactive approach that so many Nations are forced to have. This includes data collection, research, and analysis, as well as community engagement and input.
- Financial commitments are not enough, what is the support that ISC will provide now and after the Transition? They cannot just walk away.
- Need **FN's leadership to be one united voice**, they need to sit and talk together.
- Need a plan in place that is designed by FN's and led by FN's.
- The Risks & Liability in inspections need to be considered – mandatory inspections and recertifications will be a huge undertaking for many Alberta FN's.
- Need to think about population growth and need to factor this into assessments and planning.
- Need to protect our land for cultural practices.
- This plan does not set us up for success – FN's will be forced to disband after failure and the Canadian government will come back and take the land afterwards.
- Need templates for feasibility studies.



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Questions to put forward to Canada, and FN Leadership Considerations

- To what level of service are we going to? Canada's or Alberta's? There's a lot not included in ISC's domain (e.g., airports, search & rescue, etc.).
- Where can Nation's access information about the other transfer of services (not infrastructure and operations)? What support/engagement is being done for these?
- What happens to the fiduciary responsibilities and where do we stand with the Treasury Board with all of this?
- Does Canada's assessment/planning account for population growth?
- What does climate adaptation look like as part of this transfer of services?
- How is each reserve going to be assessed?
- What type of emergency funding will be accessible? Will there be contingency funds?
- How will this affect our Treaty Rights?
- Is there a case for a Human Rights Action lawsuit?
- Is there a mediator for this process?
- FNs have always been made to feel that what they need is not essential or a priority. How does Canada feel that the transfer is going to change that?
- Will there be funding for community consultation & training? For legislation/policies and mitigation?
- Why is this happening now? Or why are they trying this now?
- How will the rising cost of inflation be factored into the cost assessments and the financial provisions?
- What is going to happen with all of the historical data that has been collected?