

EXECUTIVE SUMMARY

In 2013, the Standing Senate Committee on Aboriginal Peoples began hearing from witnesses and visiting First Nations communities to better understand housing and infrastructure challenges on reserve and researching best practices to address these challenges. In its report entitled, *On-Reserve Housing and Infrastructure: Recommendations for Change* (June 2015) the Committee made a total of 13 recommendations to address housing and infrastructure challenges on reserve. Recommendation 12 of this report addressed financing aspects of housing and infrastructure and stated:

“That Aboriginal Affairs and Northern Development Canada take immediate steps to convene a national roundtable with the National Aboriginal Economic Development Board and other First Nations organizations to explore ways to facilitate First Nations access to Indian moneys, whether through amendments to the First Nations Oil and Gas Moneys Management Act (FNOGMMMA) or through other appropriate legislative or policy measures.”

In response to this recommendation the National Aboriginal Economic Development Board held the Roundtable on First Nations Access to Indian Moneys on September 22, 2016 at the Tsuut’ina Nation in Alberta. It was attended by thirty-three First Nations and First Nation Organizations participated as well as 15 government officials.

The goal of our report and the recommendations contained within it is to discuss the legislative framework under which Indian Moneys exist, to examine various mechanisms that are currently enabling First Nations access to Indian Moneys through optional legislation, and to make recommendations for improving First Nations access to Indian Moneys. Through our consultations, the Board has heard an overwhelming expression of resentment at the existence of this antiquated system, one that symbolically and economically hinders the growth and development of their communities.

The Board believes strongly and has expressed in the past that moneys management provisions of the *Indian Act* present a significant barrier to economic development for First Nations people



and communities and that First Nations are most successful when they have the statutory authority to make decisions about their own economic development. To address these concerns, the Board, through this report will present the following five recommendations to the Minister of Indigenous and Northern Affairs Canada:

1. The Board recommends INAC should make every effort to work with First Nations and First Nation institutions to overcome internal policy, and legislative barriers that impede First Nation control over Indian moneys, including streamlining processes and removing or changing the assessment of financial capacity and where applications to take over its moneys are made, that First Nations should be afforded this opportunity.
2. The Board recommends that First Nations who pass Financial Administration Laws and obtain financial performance certification under the *First Nations Fiscal Management Act*, be recognized by INAC as a proxy for other “financial capacity tests”, such as those under the FNLMA, FNOGMMMA and relevant INAC policies.
3. The Board recommends INAC extend the *First Nations Land Management Act* to include jurisdiction over the collection of capital moneys.
4. The Board recommends enabling First Nations to include a direction in land designation votes that moneys derived from the designated lands be paid directly to the First Nation.
5. The Board recommends that INAC renew this model in a nation to nation context with the objective of strengthening First Nation jurisdiction and control, including options that would result in First Nations having authority over the collection and expenditure of Indian moneys.

It is our hope that these recommendations will support approaches that will provide First Nations with greater access to and collection of Indian Moneys.

