



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS  
312-345 Chief Alex Thomas Way  
Kamloops, BC V2H 1H1  
Office: (250) 828 - 9757 Fax: (250) 828 - 9893  
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October 16, 2017

Standing Committee on Access to Information, Privacy and Ethics  
Sixth Floor, 131 Queen Street  
House of Commons  
Ottawa ON K1A 0A6  
Canada

Sent via e-mail: [ETHI@parl.gc.ca](mailto:ETHI@parl.gc.ca)

Re: National Claims Research Directors' Submission on Bill C-58, An Act to Amend the Access to Information Act and the Privacy Act and to Make Consequential Amendments to Other Acts

Dear Standing Committee Members,

Please find enclosed a copy of Resolution #23/2017 passed by the Chiefs of the BC Assembly of First Nations (BCAFN) at our Annual General Meeting on October 12, 2017. The BCAFN represents 203 First Nations in British Columbia. Our resolution gives full endorsement to the National Claims Research Directors' submission to the Standing Committee studying Bill C-58. It also fully endorses the recommendations to improve Bill C-58 made by the Information Commissioner of Canada in her September 2017 report.

We fully agree with the concerns outlined in the Research Directors' submission and urge the Standing Committee to withdraw Bill C-58 and engage in full and meaningful consultation with First Nations regarding legislative reforms to access to information. Pushing ahead with Bill C-58 undermines Canada's commitment to reconciliation, UNDRIP, and access to justice and information for First Nations that is critical to researching and pursuing claims against the Crown.

The Crown has a fiduciary obligation to make relevant documents available that will assist First Nations in furthering their claim. Any censorship that detracts from that duty diminishes the honour of the Crown and is an unacceptable infringement on First Nations' right to access information relevant to their claims.

Sincerely,

Regional Chief Terry Teegee



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**BCAFN ANNUAL GENERAL MEETING**  
**Musqueam Community Centre, Vancouver, BC**  
**October 11-13, 2016**

**Resolution 23/2017**

**SUBJECT: WITHDRAWAL OF BILL C-58 (AN ACT TO AMEND THE ACCESS TO INFORMATION ACT AND THE PRIVACY ACT AND TO MAKE CONSEQUENTIAL AMENDMENTS TO OTHER ACTS)**

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**MOVED BY: TYRONE MCNEIL, PROXY, SEABIRD ISLAND BAND**

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**SECONDED BY: KUKPI7 WAYNE CHRISTIAN, SPLASTIN**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. **Article 8** of the UN Declaration on the Rights of Indigenous Peoples, which Canada and BC has committed to enact without qualifications, states that:
- 2. States shall provide effective mechanisms for prevention of, and redress for:
    - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- Article 19** states that States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
- B. Since being elected in October 2015, the Liberal government has committed to an open and transparent government, which includes reforming the federal Access to Information Act and the Privacy Act;
- C. On June 19, 2017 the Government of Canada, through its President of the Treasury Board, introduced Bill C-58, An Act to Amend the Access to Information Act and the Privacy Act and to Make Consequential

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**Certified copy of a resolution adopted on the 12<sup>th</sup> day of October, 2017, at Musqueam, ex<sup>w</sup>məθk<sup>w</sup>əyəm**

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**Terry Teegee, BC Regional Chief**

Amendments to Other Acts to the House of Commons Standing Committee on Access to Information, Privacy and Ethics;

- D. Bill C-58 passed second reading in the House on September 27, 2017;
- E. Bill C-58 was developed unilaterally, without any effort to consult First Nations, contrary to Canada's commitment to a Nation-to-Nation relationship and to work in equal partnership with First Nations;
- F. The Bill will compromise any attempts by Canada to meet the standards of redress for historical wrongs articulated in the UN Declaration on the Rights of Indigenous Peoples, as it represents a significant regression of First Nations' existing rights of access to information;
- G. Bill C-58 will greatly impair the ability of First Nations to document their claims, grievances and disputes with the Government of Canada and will significantly impede First Nations' access to justice in resolving their claims. As such, Bill C-58 contravenes the Government of Canada's commitment to reconciliation with First Nations;
- H. First Nations' right of access to information is articulated in section 8(2)(k) of the Privacy Act; The Federal Court of Canada has also recognized and affirmed that Canada must disclose government records to First Nations conducting research to pursue claims against the Crown in accordance with section 35 of the Constitution Act, 1982, by virtue of its fiduciary duty, and to uphold the honour of the Crown; and
- I. The National Claims Research Directors have prepared a submission to the Standing Committee reviewing Bill C-58 which includes the recommendation that in keeping with Canada's commitment to reconciliation, the UN Declaration, and access to justice for First Nations, we call on the committee to withdraw Bill C-58 and engage in full and meaningful consultation with First Nations regarding legislative reforms to access to information, as well as fully endorsing the recommendations to improve Bill C-58 made by the Information Commissioner of Canada in her September 2017 report.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BC Chiefs-in-Assembly call on the House of Commons Standing Committee on Access to Information, Privacy and Ethics to withdraw Bill C-58 and engage in full and meaningful engagement and collaborate with First Nations regarding legislative reforms to access to information, as well as fully endorsing the recommendations to improve Bill C-58 made by the Information Commissioner of Canada in her September 2017 Report; and
- 2. The BC Chiefs-in-Assembly fully endorse the National Claims Research Directors submission on Bill C-58.
- 3. The BC Chiefs-in-Assembly request the BC Regional Chief to correspond with the Attorney General of Canada regarding impacts of Bill C-58.

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**Certified copy of a resolution adopted on the 12<sup>th</sup> day of October, 2017, at Musqueam, ex<sup>w</sup>məθk<sup>w</sup>əyəm**



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**Terry Teegee, BC Regional Chief**