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CHIEFS OF ONTARIO

**FOR IMMEDIATE RELEASE:
Friday, November 6, 2009**

ONTARIO REGIONAL CHIEF ANGUS TOULOUSE RESPONDS TO THE SUPREME COURT DECISION TO DISMISS SHARON MCIVOR'S APPEAL

Toronto, ON – Yesterday the Supreme Court of Canada dismissed Sharon McIvor's application to appeal the decision of the British Columbia Court of Appeal (BCCA) handed down on April 6, 2009. The federal government was given one year to amend section 6(1)(a) and 6(1)(c) of the *Indian Act*.

Sharon McIvor decided to appeal the decision of the BCCA to the Supreme Court of Canada as she felt strongly that the decision failed to fully address the discrimination based on sex within the sections of the *Indian Act* that deals with Indian Status registration.

The dismissal of the *McIvor* case by the Supreme Court of Canada does not resolve the larger policy and equality issues affecting all First Nations relating to the determination of Indian Status under the *Indian Act*. The subsequent proposed legislative response from the federal government is reflective of the narrow perspective espoused by the BCCA and fails to respect the right of First Nations to control the determination of our collective and individual identity.

The federal government announced their approach in response to the BCCA McIvor decision and proposed legislative response on August 24, 2009 and have indicated to First Nations across the country that we have until November 13, 2009 to provide input on their proposed legislative amendment.

Serious objections arise with respect to the approach and proposed amendment being imposed by the federal government. Firstly, they are failing miserably in fulfilling their duty to consult with First Nations on the action that they are proposing. The failure to properly consult with First Nations as required by the Canadian Constitution raises the risk of repeating the same type of analytical mistakes that led to the equality gaps identified in the *McIvor* case. Second, the legislative amendment proposed by the federal government is far too narrow and does not recognize the fact that determining who is and who is not an "Indian" is not the business of government. The federal government has never acknowledged or shown respect for the right of First Nations to determine who their members are. The fact that the federal government feels that it can dictate who is a First Nations person, and who is not a First Nations person, clearly illustrates the racism and paternalism inherent in the *Indian Act*.

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The imposition of the Indian Status registration requirements outlined in the *Indian Act* violate our Charter rights, and the failure to properly consult with First Nations on this fundamentally important matter violates the *Constitution*; furthermore, the failure to recognize the right of the First Nations to self-determination violates the United Declaration of the Rights of Indigenous Peoples.

I call on Chuck Strahl, Minister of Indian and Northern Affairs Canada, to halt this unjust process and determine in conjunction with the First Nations the most appropriate and effective way to deal with this matter. The First Nations in Ontario find this situation unacceptable and will strongly oppose the imposition of a legislative amendment that fails to address the larger priority issue of the right to determine our own citizenship.

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