

MEDIA RELEASE

Wednesday, November 6, 2019

FOR IMMEDIATE RELEASE

## **MATAWA FIRST NATIONS STATEMENT ON HIDDEN MINING ACT AMENDMENTS IN THE PROPOSED 'BETTER FOR PEOPLE, SMARTER FOR BUSINESS ACT'**

**THUNDER BAY, ON:** – Today, the Chiefs of the nine Matawa First Nations (MFN) released the following statement in response to the Government of Ontario's newly proposed legislation, Bill 132 [Better for People, Smarter for Business Act](#) tabled on Monday, October 28, 2019 during the 1<sup>st</sup> session of the 42<sup>nd</sup> legislature of the Ontario Legislative Assembly by the Hon. Prabmeet Sarkaria, Associate Minister of Small Business and Red Tape Reduction.

"The proposed *Better for People, Smarter for Business Act* is deeply problematic for the Matawa Chiefs for a number of reasons. Notwithstanding the fact that the proposed bill, in its current omnibus form, covers a number of diverse and unrelated topics that were not brought forward in advance publicly for consultation, debate and scrutiny—we oppose the proposed amendments in relation to the *Ontario Mining Act* as they impact on our pre-existing inherent rights embodied in our jurisdiction and also protected by 35(1) of the *Canada Constitution Act, 1982*.

As the 4<sup>th</sup> annual Treaties Recognition Week is celebrated this week in the province, the proposed *Better for People, Smarter for Business* is a move to diminish these rights and instead prioritizes the interests of business and the economy. Meaningful Reconciliation must be a priority for all.

Our First Nations are not 'red tape or regulatory burdens' but Treaty partners in this country with rights and jurisdiction that pre-date any new proposed laws including this proposed bill. Any regulatory environment in Ontario must ensure our pre-existing rights are accurately reflecting Canada's Supreme Court decisions.

It is the position of the Matawa First Nations that we retain our jurisdiction over lands, water, air, resources and this includes surface and sub-surface rights and interests.

Matawa First Nations invite other First Nations in Ontario to share our concerns with the proposed amendments to the Mining Act as the new wording proposed related to the duty to consult and accommodate will potentially impact the interpretations of all preceding provisions in the Mining Act and its policies and regulations that govern the day-to-day operations of the Government of Ontario and its interactions with First Nations. First Nations situated in Ontario that have exploration, advanced exploration and mine production within its traditional territory or Treaty lands will be procedurally or regulatorily impacted.

Other key areas of concern shared by the Matawa Chiefs include:

- **The use of a proposed 'red tape reduction' bill to address Aboriginal consultation.** Specifically, wording changes to sections 140, 141, and 143 of the *Ontario Mining Act* under the newly revised section proposed as *Advanced Exploration and Mine Production - Closure Plans* will give strengthened decision-making power under the discretion of the MENDM Director of Exploration. Ontario's 'red tape reduction' approach impedes on First Nations' rights to provide free, prior and informed consent (FPIC) on legislation affecting a people group as stated in Article 19 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).

- **The lack of consideration for implications on the proposed repeal of the Far North Act.** No where in Bill 132 is this process mentioned. When the Far North Act is repealed, all provisions and protections for First Nations in the Far North will be stripped from the Mining Act. In April 2019, the Matawa Chiefs [rejected the proposed repeal of the Far North Act](#).

Matawa First Nations will not accept the unilateral amendments of the Mining Act proposed in Bill 132; nor will Matawa First Nations accept the repeal of the Far North Act and consequential imposition of the Public Lands Act or other legislative, policy or regulatory changes.

For the reasons that we have outlined, the Matawa First Nations call on the Ontario legislature to not provide unanimous consent on Bill 132, and that it not proceed to 3<sup>rd</sup> Reading; and instead refer Bill 132 Schedule 8 – Mining Act provisions specifically to a Standing Committee as the unilateral imposition of this legislation impacts the Inherent Aboriginal and Treaty Rights of Matawa First Nations and our members. Moreover, the Matawa Chiefs call on Ontario to enter into meaningful discussions on these critical matters related to mining that affects us.

In conclusion, we would like to reiterate that our Treaty came first and supercedes all existing and new legislation that may be proposed in order to ensure certainty.”

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