



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Aboriginal Affairs and Northern Development

AANO • NUMBER 013 • 2nd SESSION • 41st PARLIAMENT

EVIDENCE

Thursday, February 6, 2014

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Chair

Mr. Chris Warkentin

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• (1540)

[English]

The Chair (Mr. Chris Warkentin (Peace River, CPC)): I call this meeting to order.

This is the 13th meeting of the Standing Committee on Aboriginal Affairs and Northern Development. Today we continue our study and are moving into the clause-by-clause consideration of Bill C-15.

We are joined by departmental officials.

Thank you for joining us and for answering our questions in our last meeting. We look forward to your assistance today. Thank you so much for being here.

We're going to move into the clause-by-clause consideration of the bill. As you know, consideration of the short title is postponed, pursuant to Standing Order 75(1), so we will move into consideration of amendments.

(On clause 2—*Enactment*)

We will start with amendment NDP-1, which I believe proposes an amendment to clause 2.

Mr. Dennis Bevington (Western Arctic, NDP): I would move that clause 2 of Bill C-15 be amended by adding after line 35 on page 5 the following:

(4) The Commissioner must, as soon as possible after receiving written instructions, make them available to the Executive Council of the Northwest Territories and cause them to be laid before the Legislative Assembly of the Northwest Territories, but the written instructions are effective when they are made.

This amendment makes instructions given to the Commissioner of the Northwest Territories from the Governor in Council of Canada public. This clause is similar to subsection 6(2) of the Nunavut Act.

A further amendment, NDP-4, would delete this clause 10 years after coming into force because we would be looking at those instructions being similar to the Yukon.

Basically the purpose is to ensure that the thinking behind the Northwest Territories Act is similar to what took place for other territories. I could say that if the Government of Canada doesn't give instructions to the commissioner, that would mean those instructions would not be public. In the case that they are, I think it's incumbent upon a government-to-government relationship that the person who represents the role of lieutenant governor to the greatest degree in a provincial type of setting should have some responsibility to the Government of the Northwest Territories in terms of information. It's a step down from the provinces, of course. We recognize that it will

remain without the full weight of a lieutenant governor for some time yet.

Still everything possible should be done to give the Legislative Assembly of the Northwest Territories equality with other legislative assemblies in Canada. The purpose of devolution—or if you look at it the other way, evolution—is to ensure that the people of the Northwest Territories have political rights that are as similar as possible to those of other people in this country. That is the operating principle here.

I think the government has indicated that's what it wants to do. The Nunavut Act of course was put forward by the Liberal government, and that is a historical fact. It doesn't mean we can't look for improvements to what is going on with this act.

I think this amendment respects the direction the government is taking. It may have been an oversight on its part not to include it, but I would ask that this amendment be considered.

• (1545)

The Chair: Thank you.

I just want to make members aware that if this is passed, it will also apply to amendment NDP-4. So if it is passed, they would both apply, and if it is defeated, both would be defeated.

Mr. Strahl, we'll turn to you.

Mr. Mark Strahl (Chilliwack—Fraser Canyon, CPC): It may surprise Mr. Bevington, but I happen to agree with him. We'll be happy to accept this amendment.

The Chair: I'm not seeing any additional speakers. Let's go to a vote. Again, it applies to NDP-4 as well.

All those in favour of NDP-1 and, by extension, NDP-4?

(Amendment agreed to)

The Chair: I believe Mr. Bevington would like to move amendment NDP-2.

Mr. Dennis Bevington: Amendment NDP-2 is speaking to page 14, line 1, and asks that Bill C-15, in clause 2, be amended by replacing line 1 on page 14 with the following:

(5) The Governor in Council may, after consultation with the Government of the Northwest Territories and on the

That speaks to the requirement that the federal government, before making regulations governing the borrowing powers of the Northwest Territories government, would have to consult formally with the Government of the Northwest Territories before making any changes to the rules and regulations that surround one of the most important aspects of any government's portfolio, that is, the fiscal ability of the Government of the Northwest Territories.

The absolute primary function of government is to be able to invest and to make good use of funds for the people it represents. The Government of the Northwest Territories, being a very responsible government that has a double-A credit rating from Moody's, has a better credit rating than many provinces.

We've gone through this debate a number of times in Parliament. There was a lot of support in Parliament for more borrowing powers for the Government of the Northwest Territories, yet within the bill, of course, this still remains the purview of the federal cabinet. It's important to note that it's not simply the dollar amount of the borrowing limit for the Government of the Northwest Territories, although that is very important. It's the type of consideration that's given to borrowing.

For instance, if self-financed loans are put into the borrowing limit for the Government of the Northwest Territories, that tremendously limits the ability of government to invest in the types of things that every other government in Canada has invested in over the course of our Confederation. When the Government of the Northwest Territories wants to invest in utilities to build hydroelectric facilities or transmission lines, those with this power that the federal government has to set the terms and conditions of borrowing could drastically impact on its ability to actually do that, even though the types of loans it would be making would be self-financed and would not be a burden to the taxpayers.

These are important considerations. Once again, this amendment is something to assure the Government of the Northwest Territories that it will be involved in any of those deliberations by the federal cabinet over the powers it has in borrowing. I think it's a very important amendment as well. It may well never be used, but it clearly delineates to everyone that the Government of the Northwest Territories has to be involved in these types of decisions.

I would encourage all members to support this, as they have supported the previous amendment.

The Chair: Mr. Genest-Jourdain.

[*Translation*]

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): To my mind, the amendment, as it currently stands, speaks to the multi-stakeholder dimension that is paramount to the type of agreement and procedures we're discussing. At the very least, the amendment before us would make it possible to overcome certain challenges around the balance of negotiating power. It would also address the possible use of unconscionable power, given that governments usually have much broader enforcement measures at their disposal than do private, provincial or regional parties.

My point of view is this. In its current form, the amendment would reflect that inclusive dimension and address concerns around the balance of negotiating power.

Thank you.

• (1550)

[*English*]

The Chair: Thank you.

Not having any additional speakers on amendment NDP-2, we'll go to a vote.

(Amendment negated)

The Chair: We are on amendment NDP-3.

Mr. Dennis Bevington: Amendment NDP-3 proposes that Bill C-15, in clause 2, be amended by deleting lines 13 to 22 on page 14. The amendment deletes the following:

(1) The Governor in Council may, in writing, direct the Commissioner to withhold his or her assent to a bill that has been introduced in the Legislative Assembly.

It also takes out the following:

(2) A bill in respect of which a direction is given must not become law without the Governor in Council's assent, which is not to be given later than one year after the day on which the bill is adopted by the Legislative Assembly.

I think it's clear that this gives extraordinary power to the federal cabinet, power similar to that enjoyed by the Queen. If the object of devolution is to give the NWT more power over its own affairs, this section is contrary to that objective. The Yukon Act is similar, though the Nunavut Act is not, interestingly enough. These particular clauses haven't been standard in the treatment of territories. They are put in here quite clearly so that the Government of Canada will retain rights and privileges over the laws that are passed in any legislative assembly in Canada, and I think this amendment would put the Government of the Northwest Territories more in line with those of the provinces.

The Chair: Thank you.

There not being any more debate on these additional—

Oh, I do see Mr. Hyer.

Mr. Hyer, you know you're not a member of this committee, and therefore you will speak to your amendments. This particular amendment—

Mr. Bruce Hyer (Thunder Bay—Superior North, GP): My amendment is identical to this amendment. It seems like a logical time to squeeze it in.

The Chair: We are considering at this point amendment NDP-3.

Not seeing any additional speakers to that, we will go to a vote. I should note that amendment NDP-3 will have an effect on amendments PV-2 and PV-2a. If it is defeated, so will those two be; and if it's adopted, then PV-2 and PV-2a will not be able to be put.

We will go to a vote on amendment NDP-3.

Ms. Hughes, before we go to a vote, go ahead, please.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapusking, NDP): I'm just wondering if I could have the department's view on this particular amendment that was passed as to whether it would be problematic to have that amendment in the bill. Is this not in order?

The Chair: As you referenced, it hasn't been passed. Do you have a particular technical question to ask?

Mrs. Carol Hughes: My colleague just spoke on this, and I'm wondering if the amendment would actually hamper the bill in any way.

The Chair: Is there anybody who would look to...?

I'm not sure there's any specific question in that, but I think we may get an answer that will satisfy you, Ms. Hughes.

Mr. Tom Isaac (Senior Counsel, Negotiations, Northern Affairs and Federal Interlocutor, Department of Justice): It's our view that this particular amendment wouldn't hamper the operation of the bill in a technical sense. This particular provision was to gain some uniformity with the way provincial legislatures as well as the legislature of Yukon and the legislature of Nunavut are treated with regard to laws. This was put in the bill for reasons of consistency.

•(1555)

The Chair: Thank you.

All those in favour of amendment NDP-3?

(Amendment negatived)

The Chair: That completes the amendments on clause 2.

Shall clause 2 as amended carry?

(Clause 2 as amended agreed to)

(Clauses 3 through 7 agreed to)

(On clause 8)

The Chair: NDP-5 is a proposed amendment to clause 8.

Is someone seeking to move amendment NDP-5 on clause 8?

Mr. Dennis Bevington: Yes. I move that Bill C-15, in clause 8, be amended by replacing line 24 on page 34 with the following: "Northwest Territories: consisting of the North-".

This amendment changes the name of the riding from "Western Arctic" to the "Northwest Territories", which makes it consistent with the names of the other two territorial ridings. In 2007 I polled my constituents on this particular issue and found that there was great support for this. In other polls that were done on the naming of the Northwest Territories, the overwhelming choice of people in the north was to retain the name "Northwest Territories".

The name "Northwest Territories" has historical significance for I think almost everyone in Canada. Northwest Territories was the designation for most of Canada for a long period of time. It's a name that deserves respect. The existing designation in the House of Commons does not give respect to the name "Northwest Territories". It does not suit the region that I represent, because of course 90% of the region that I'm in is in the subarctic boreal forest.

It's simply not correct to continue this. I've tried for many years to get this done. Here's an opportunity where we can all work together to get this done very simply in this bill, and I would ask that the committee find support to do this.

The Chair: Mr. Strahl.

Mr. Mark Strahl: Thank you, Mr. Chair.

This is certainly not something that we heard from any of the witnesses who appeared before the committee, that this was something they were looking for... We've all had an opportunity as members of Parliament to make presentations to the electoral boundaries commissions over the last couple of years, so I think this is external to the purpose of the bill. Certainly, there are ways to make that amendment. I would encourage Mr. Bevington to avail himself of those, but it's not appropriate to make that amendment in this particular bill.

The Chair: Mr. Bevington.

Mr. Dennis Bevington: Well, I just want to point out that through the process of time we've tried many ways to get this name changed. Actually, in the boundaries commission there is no opportunity to change the name, because the three names of the northern ridings are held in a different part of the act that governs the names and the districts in Canada, so it's simply not going to be changed under the boundaries commission. That's the reality of it. There was no opportunity to do that.

If the government would give some indication that it has other plans to change the name, that might be one thing that I'd love to hear from them here. But this is simple. This will do it. This will do the job. What would be anyone's disagreement with this particular change?

The Chair: Thank you.

I'm not seeing any additional speakers, so we'll go to a vote on amendment NDP-5.

(Amendment negatived)

The Chair: Shall clause 8 carry unamended?

(Clause 8 agreed to)

(Clauses 9 to 111 inclusive agreed to)

(On clause 112)

The Chair: On clause 112, we have two proposed amendments. There is an amendment that has been deemed put, and it is PV-5a.

Mr. Hyer, would you like to give a short introduction to that amendment?

•(1600)

Mr. Bruce Hyer: Thank you, Mr. Chair.

With regard to clause 112, this amendment would restore the words "and land and water boards" to the preamble of the Mackenzie Valley Resource Management Act.

These changes to the land and water boards are not required for devolution and restrict first nations input into decision-making. Regional land and water boards are a stipulated requirement of multiple land use claims agreements between aboriginal groups and the government. The federal government is now, as we see it, unilaterally reinterpreting these requirements.

Alternatives North, a social justice coalition in the NWT, questions whether this "significant reinterpretation" is even legal.

To quote them further, they believe that “eliminating regional boards will result in considerable damage to the relationship between public and Aboriginal governments, to the detriment of all parties...”. Further, they say that the “changes are counter-intuitive, counter-productive, and will not achieve the desired and intended effect: a more effective, efficient, and timely land and water use management system”.

Those are our comments, Mr. Chair. Thank you.

The Chair: Thank you, Mr. Hyer.

Mr. Bevington.

Mr. Dennis Bevington: I would agree with this particular amendment. It clearly speaks to the nature of the agreements that were signed for the first nations governments in the Northwest Territories. They are the ones who have said very succinctly that what is happening here within this act is inappropriate to their land claims.

The government has taken this road. This particular amendment is symbolic. Nonetheless, we will support it.

The Chair: Thank you.

I should just remind members of the committee that PV-5 and PV-5a are identical, and therefore voting on one will be the same for both.

All those in favour of PV-5a?

(Amendment negatived)

(Clause 112 agreed to)

(Clauses 113 to 119 inclusive agreed to)

(On clause 120)

The Chair: The NDP has proposed an amendment to clause 120, amendment NDP-6.

Mr. Bevington.

Mr. Dennis Bevington: I move to amend clause 120 of Bill C-15 by replacing line 19 on page 96 to line 11 on page 97 with the following:

- 12.(1) The chairperson of a board shall be appointed by the federal Minister from persons nominated by a majority of the members.
- (2) If a majority of the members does not nominate a person acceptable to the federal Minister within a reasonable time, the Minister may appoint any person as chairperson of the board.
- (3) A board may designate a member to act as its chairperson during the absence or incapacity of the chairperson or a vacancy in the office of chairperson, and that person while so acting may exercise the powers and shall perform the duties and functions of the chairperson.

This amendment changes the proposed process for appointing the chair of the super-board. Under the current MVRMA, section 12, the chair of the board, except in the case of the Wek'eezhii Land and Water Board, is a person nominated by the majority of the board.

Bill C-15 removes the role of the board members in choosing a chair. This change is contrary to devolution by removing the opportunity for anyone other than the minister having a say in the appointment of a chair. This amendment also ensures that the board

members, who do the work in this regard, have a say over those who do the administration.

The chairperson of a board is—

• (1605)

The Chair: Mr. Bevington, maybe I'll just jump in now. I do have a ruling with regard to this. You have introduced the motion, so I will now rule.

Mr. Dennis Bevington: Oh, sorry.

The Chair: Clause 120 of Bill C-15 provides for the position of a chairperson of a board, and creates several exceptions to the case in the Mackenzie Valley Land and Water Board. The amendment proposes to remove these exceptions.

As the *House of Commons Procedure and Practice*, second edition, states on page 166, “An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.” In the opinion of this chair, the amendment aims to remove the essential element of the bill, which is contrary to the principle of the bill, and therefore the amendment is inadmissible.

We will now move to the consideration of and a vote on clause 120, unamended.

(Clause 120 agreed to)

(Clause 121 agreed to)

(On clause 122)

The Chair: I believe the Liberals have a proposed amendment.

Ms. Yvonne Jones (Labrador, Lib.): My amendment proposes that Bill C-15, in clause 122, be amended by replacing lines 38 to 40 on page 97 with the following:

implement that right and the number of other members, not including the chairperson, reflect, respectively and to a reasonable degree, the population composition of the area affected by the board's decision.

This amendment I've brought forward simply because in the presentations we heard in the Northwest Territories, people were very concerned that when decisions directly related to their area were going to be made that they would have adequate representation at the board level to make those decisions. We're not increasing the size of the board, but we're ensuring that there is proper composition to take into account the areas that are being looked at.

I would ask the committee to accept the amendment.

The Chair: We're voting on amendment LIB-1.

(Amendment negatived)

(Clause 122 agreed to)

(Clauses 123 to 130 agreed to)

(On clause 131)

The Chair: On clause 131, the NDP has proposed amendment NDP-7.

Mr. Bevington.

Mr. Dennis Bevington: I move that Bill C-15, in clause 131, be amended by adding after line 37 on page 100 the following:

(4) These policy directions shall be published in a newspaper of general circulation and on the planning board's website.

Proposed section 50.1 allows for the minister to issue written policy directions that are binding on the planning board with respect to the exercise of any of its functions. This amendment, simply, would require that these directions be made public. Certainly, within the scope of understanding what is going on.... Actually, having policy decisions be binding on the land use planning boards is a serious change under this act. We would have probably proposed motions to eliminate them, but quite obviously the chair would have ruled against those as he did on the even lesser issue of the chairperson.

We have put forward this amendment simply to ensure that the public understands quite clearly what's happening with the direction.

Land use planning boards can make decisions that are very important in terms of the disposition of protected areas and the use of land. Policy decisions that come ahead of those decisions can be a great influence on how those decisions are made. We obviously look at this as being a time when the public has a right to know why a planning board would be making changes and what the rationale is for those. Certainly the politicians responsible for making these types of policy decisions have a responsibility to ensure that they are made in front of the public as well.

That's the purpose of this amendment. I would look for the support of the committee.

• (1610)

The Chair: Mrs. Hughes.

Mrs. Carol Hughes: Thank you very much.

I would hope the committee would actually support this. During the discussions on the Elections Act, I know there was an issue with respect to transparency and making sure that first nations would actually put the information on websites as well.

I can't see that the government side would actually have a problem with this. It's part of transparency. I don't think it impacts negatively at all. Maybe if the department wants to weigh in as to whether it would affect the bill negatively in any way, I would welcome that, but I think it would actually be a good addition to the bill.

The Chair: We will now move to a vote on the amendment.

(Amendment negated)

(Clause 131 agreed to)

(On clause 132)

The Chair: We have three different amendments proposed, two of which are identical, PV-6 and PV-6a.

Amendment PV-6a has already been moved.

Mr. Hyer, please go ahead and speak to it.

Mr. Bruce Hyer: Thank you, Mr. Chair.

Mr. Chair, this amendment deletes the repeal of the definition of "management area" from the Mackenzie Valley Resource Management Act. It is the opinion of many, including Alternatives North, that this amendment means that Canada and the MVRMA no longer recognize the distinct nature of settlement areas within the NWT.

One would think, Mr. Chair, that each settlement area would continue to be considered a unique environmental management area given the distinct resource management systems and commitments that continue to apply within these respective settlement areas through land claims agreements, which are a matter of public policy.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Hyer.

Mr. Bevington.

Mr. Dennis Bevington: Certainly there still will remain land use planning boards within the act. There still will remain renewable resource boards within the act that are of a regional nature. So by repealing this definition, I think quite clearly we're missing something in terms of those boards that will remain as part of this act.

I would ask the government witnesses if they would want to comment on that.

The Chair: Mr. Bevington, do you have a specific question?

Mr. Dennis Bevington: Yes. Will the removal of the definition of "management area" affect the other regional boards that will exist after this act has passed?

The Chair: Ms. Lobsinger.

Ms. Alison Lobsinger (Manager, Legislation and Policy, Department of Indian Affairs and Northern Development): No, it won't affect the other regional boards, as "management area" is specifically in relation to the regional land and water boards.

• (1615)

The Chair: Thank you very much.

We will now move to a vote on amendments PV-6 and PV-6a, which are identical.

(Amendments negated)

The Chair: I believe the NDP would like to move NDP-8.

Mr. Dennis Bevington: I move to amend Bill C-15 in clause 132 by replacing lines 27 and 28 on page 102 with the following:

(a), (b) or (c) of the definition "use", for subsistence purposes.

This amendment removes the term "to earn income" from the definition of an instream user.

The term "instream user" is used in proposed paragraph 72(2)(b), proposed subparagraph 72.03(5)(b)(i), and proposed paragraph 72.04(2)(c).

The term "to earn income" introduces a vague term while any authorized use is included in these sections. By this term, a person earning money through an unauthorized use of lands and waters would be protected. If your unauthorized use of land and waters is as protected as a licence user, why go through the process of getting a licence?

We're looking at very much a definition of how people use the land here, and I would urge the support of the committee for this amendment.

The Chair: Not seeing any additional speakers to NDP-8, I will go to a vote.

(Amendment negatived)

(Clause 132 agreed to)

(Clauses 133 to 135 inclusive agreed to)

(On clause 136)

The Chair: For this clause, the Liberals are proposing amendment LIB-2.

Ms. Yvonne Jones: Thank you, Mr. Chair.

We're proposing that the bill, in clause 136, be amended by replacing lines 23 to 27 on page 105 with the following:

(b) two members appointed on the nomination of the Gwich'in First Nation;

(c) two members appointed on the nomination of the Sahtu First Nation;

(d) two members appointed by the Tlicho

Again, we're recommending that it doesn't change the context or the consistent makeup of the board. What the amendment does, basically, is allow the aboriginal governments to have more representation. The bill itself stipulates that the board would consist of eleven members; however, it only accounts for how eight of them would be selected. What we propose is that the additional three members be divided up and an additional member be given to the Gwich'in, the Sahtu, and the Tlicho governments.

I hope the committee will support that. Certainly, when we were in the Northwest Territories, we heard that from all three groups as well.

The Chair: Not seeing any additional speakers on Liberal....

Pardon me, Mr. Bevington.

Mr. Dennis Bevington: I have a question for the government. Before any of the other non-settled land claims groups would be approached to join this, is it correct that there would be a requirement for amendments to this act?

Mr. Tom Isaac: Can you repeat the question, Mr. Bevington?

Mr. Dennis Bevington: Basically, what you've done with the act is keep a number of positions on the board open. I assume that's for future consideration with other settled land claims. If it's not, I would suggest, then, that any future additions to this board from other accepted land claims—if that's what happens with them—would require further amendments to this act.

Ms. Tara Shannon (Director, Resource Policy and Programs Directorate, Northern Affairs, Department of Indian Affairs and Northern Development): The three additional members are Government of Canada appointees to the board.

Mr. Dennis Bevington: Okay.

The Chair: Ms. Jones.

Ms. Yvonne Jones: Thank you.

My motion is asking that those three appointees be appointed from the first nation governments. In the context of additional land claim agreements being reached with first nation governments in the Northwest Territories, the composition of the board doesn't speak to that, from what I understand.

• (1620)

Ms. Alison Lobsinger: I'm sorry. Could I could just clarify? Are you proposing that three of the eleven members on the Mackenzie Valley Land and Water Board, the three government members, would no longer be appointed by the government and would instead be appointed by the Gwich'in, the Sahtu, and the Tlicho?

Ms. Yvonne Jones: No, that's not what my amendment is. My amendment is basically saying that instead of having one member from each of the first nations, there would be two, because the bill only really addresses the appointment of eight. What we're saying is that for the other three members, whoever appoints them, they should be appointed from those particular governments.

The Chair: Mr. Isaac.

Mr. Tom Isaac: The structure of the board was intended to maintain a balance between government members and members that are appointed directly or on the nomination of a first nation. Currently, five of the members are appointed on a nomination of or directly by government. Five of the members are appointed on a nomination of or directly by aboriginal groups.

What you're suggesting would take three of the five government members and put them as being appointed by first nations. It would change the balance of appointments and nominations between first nations and government that is contemplated in the land claim agreements.

Ms. Yvonne Jones: Excuse me, but I think—

The Chair: Ms. Jones.

Ms. Yvonne Jones: I think the amendment is very clear. I'm not talking about changing who appoints them. What I'm saying is that they should be appointed from those three groups.

The Chair: Mr. Isaac, do you have a response to that?

Mr. Tom Isaac: I understand what you're saying, but what I'm saying is that if that were to occur, there would be eight members appointed on the nomination of or directly by first nations, and only two plus the chair appointed on the nomination of or directly by government.

The Chair: Thank you. That is clear.

(Amendment negatived)

(Clause 136 agreed to)

(Clauses 137 to 198 agreed to)

(On clause 199)

The Chair: Clause 199 has two proposed amendments, NDP-9 and NDP-10.

Mr. Bevington, would you like to speak to amendment NDP-9?

Mr. Dennis Bevington: I move that Bill C-15, in clause 199, be amended by adding after line 20 on page 174 the following:

111.2 The federal Minister shall only exercise the powers and perform the duties and functions referred to in section 111.1 after consulting with the minister who was the responsible minister for the purposes of the provisions referred to in that section before the coming into force of section 111.1.

The Chair: Thank you, Mr. Bevington.

Not seeing additional speakers to amendment NDP-9—

Mr. Dennis Bevington: I'll speak to it then, so we can explain it. I was just giving you time in case you had—

The Chair: I do have a point to note, and maybe I'll do that now.

Mr. Dennis Bevington: Okay.

The Chair: A vote on amendment NDP-9 will also apply to amendment NDP-10, so you may want to speak to both.

Mrs. Carol Hughes: It will also apply to what?

The Chair: Amendment NDP-10.

Mr. Dennis Bevington: Okay.

Section 111.1 of Bill C-15 gives the federal minister the power to make decisions that would normally be made by another minister; for example, the anticipated federal minister would be the Minister of Aboriginal Affairs and Northern Development, who would, under this section, be able to authorize actions that would normally be authorized by, say, the Minister of Fisheries.

The danger here is that the minister's department would not have the experience or competence to adequately determine whether the action should be authorized. This amendment would require that before the federal minister make this decision, he or she would have to consult with the minister—meaning the department—who would have the competence to determine whether the action should be authorized.

In other words, it's simply recognizing that the power to make these decisions still resides in the federal government, but has been consolidated under one minister though in many instances that may not be appropriate for decision-making. That's why this amendment is in front of you.

•(1625)

The Chair: Thank you.

Not seeing additional speakers, we'll go to a vote on amendment NDP-9. Again, I'll reference that this will apply to NDP-10 as well.

(Amendment negatived)

(Clause 199 agreed to)

(Clause 200 agreed to)

The Chair: The Liberals have proposed new clause 200.1.

Ms. Jones, do you want to introduce it? I do have a ruling with regard to this.

Ms. Yvonne Jones: Thank you, Mr. Chair. I'm very pleased to introduce this amendment to Bill C-15.

We're suggesting that it be amended by adding after line 7 on page 175 the following new clause:

200.1 (1) Paragraph 114(b) of the Act is replaced by the following:

(b) to ensure that, before actions are taken in connection with proposed developments, their impacts on the environment are carefully considered, taking into account the nature, duration and intensity of those impacts;

(2) Section 114 of the Act is amended by adding the following after paragraph (c):

(d) to enable responsible economic development of the natural resources of the Mackenzie Valley for the benefit of its residents and that of other Canadians.

This was a direct recommendation that came to us through our committee hearings in the Northwest Territories and it was proposed by the chamber of mines in their presentations.

The Chair: Thank you, Ms. Jones.

The amendment seeks to amend section 114 of the Mackenzie Valley Resource Management Act.

As *House of Commons Procedure and Practice*, second edition, states on pages 766 and 767, “an amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent Act, unless the latter is specifically amended by a clause of the bill”.

Since section 114 of the Mackenzie Valley Resource Management Act is not being amended by Bill C-15, it is the opinion of this chair that this amendment is inadmissible.

•(1630)

Ms. Yvonne Jones: That's unfortunate.

The Chair: We will move to the consideration of clauses 201 to 205. There are no proposed amendments.

(Clauses 201 to 205 inclusive agreed to)

(On clause 206)

The Chair: On clause 206, we have four separate amendments, two of which are identical to two others. PV-7, PV-7a, PV-8 and PV-8a have been moved. I do have a ruling.

Clause 206 of Bill C-15 provides for the completion of the environmental assessment by the review board. It also provides that in some instances the federal minister or the Governor in Council may extend the limit to complete the assessment. The amendment proposes to provide the review board with the discretionary power to also extend that limit.

As the *House of Commons Procedure and Practice*, second edition, states on page 766, “An amendment to a bill that was referred to committee after second reading is out of order if it is beyond the scope and the principle of the bill.”

It is my opinion that such is the case, so we will see PV-7 and PV-7a as inadmissible. It is the same case with PV-8 and PV-8a. We will move to a vote on clause 206 unamended.

(Clause 206 agreed to)

(Clauses 207 to 223 inclusive agreed to)

(On clause 224)

The Chair: On clause 224, we have proposed amendment NDP-11.

Mr. Dennis Bevington: I move that Bill C-15 in clause 224 be amended by adding after line 16 on page 203 the following:

(4) The policy directions given under this section shall be published in a newspaper of general circulation in the Northwest Territories, as well as on the Review Board's website.

Basically, proposed section 142.2 of Bill C-15 allows for the minister to issue written policy directions that are binding on the review board with respect to the exercise of any of its functions.

Once again, this amendment would simply require that these directions be made public, in terms of public government and in terms of respect for those that fall under this act and who don't have the opportunity to vote, as in a province, where you have the opportunity when a minister is putting policy directions that you don't agree with to vote them out of office at the next election. It's a Canadian tradition to actually hold ministers responsible. Here, we are simply asking that the minister let the public know what his policy directions are that are binding on these boards.

It's a simple matter. It's a democratic principle that public governments provide information to the public. This means that will be followed through on and that the review board's policy directions will be well understood by the public that has to live with the consequences of their decisions. I think it's useful. It's not threatening in any way. It doesn't change the direction of this bill. It may provide for some better understanding of the workings of this board.

The Chair: Mrs. Hughes is next, and then we will go to Mr. Genest-Jourdain.

Mrs. Carol Hughes: Again, I think I spoke to it on a similar motion earlier. In looking at transparency, I think this is a correct inclusion that should be in the bill. It provides an opportunity for others to effectively know what the policy is and ensure that the functioning of the committee is doing what it should be doing.

For anybody else who might be interested in getting involved at a later date, at least they'll have a clear understanding of the policies themselves.

I think that it's imperative.

The Chair: Thank you.

Mr. Genest-Jourdain.

[*Translation*]

Mr. Jonathan Genest-Jourdain: The policy directions set by the minister are highly binding in nature. So, to prevent the possible use of arbitrary power and to address any argument around that aspect, it would be beneficial, if not essential, to inform the Canadians affected by these measures. And that is why it would also be necessary to make all of that information available to Canadians on the Internet.

Thank you.

[*English*]

The Chair: Thank you.

We will move to a vote on NDP-11.

(Amendment negated)

The Chair: Moving to a vote on clause 224 unamended, all those in favour?

(Clause 224 agreed to)

(Clauses 225 to 252 inclusive agreed to)

The Chair: I believe the Liberals have a proposed amendment for clause 253, Liberal-4.

Ms. Yvonne Jones: Thank you, Mr. Chair.

We're proposing an amendment to clause 253, that it be amended by replacing line 44 on page 228 with the following:

subsection 213(1) come into force on a day, not earlier than one year after the day on which this Act receives royal assent, to

Mr. Chairman, I proposed that particular amendment because we feel that the delay in implementing the changes, in particular to the Mackenzie Valley Resource Management Act, by one year would allow the additional time that the government will need to sort out many of the concerns that have been raised by various stakeholders and hopefully would help strengthen the bill and make it more effective as a whole for all those who are impacted.

Thank you.

• (1635)

The Chair: Thank you, Ms. Jones.

Mr. Bevington.

Mr. Dennis Bevington: I think in the testimony that was received on Tuesday from the government officials, they indicated that they were now engaged in a process of determining how they could best provide some other answers for those regional boards that are being taken away. They indicated that they're looking for ways to put resources into the regional structures.

They have concerns about it. Quite obviously, the plans of this government for an immediate change to the regional board seems to be inappropriate with the kind of information that's been given to this committee.

Why would this amendment not be accepted? It's reasonable. It's rational. It follows the evidence that we've received. If the Conservatives wish to ram it through, then I guess that's what they're going to do.

Mr. Chair, I appeal to the members of this committee to remember what they've actually heard from the witnesses, including their own government witnesses, when they deal with this particular amendment.

The Chair: Mrs. Hughes.

Mrs. Carol Hughes: I just want to know the technical aspect from the department on this particular piece, as to whether or not it would hinder the bill in any way or whether it would be an enhancement to the bill.

Thank you.

The Chair: Was there a specific question? Maybe you could ask the officials a specific question.

Mrs. Carol Hughes: The question is whether the change would actually hinder the bill in any way.

The Chair: I think you're seeking an opinion in that question. If you could ask for a specific technical...if there is something specific you'd like to ask, they'd be happy to answer it.

Mrs. Carol Hughes: The question is this. Would the change hinder the functioning of the bill?

The Chair: I don't know if there's any....

Ms. Alison Lobsinger: The amendment that you are proposing ties into clauses that relate to devolution and the move of the waters act into the MVRMA, not restructuring. This amendment as written would affect devolution.

The Chair: We'll vote on amendment LIB-4.

(Amendment negatived)

(Clause 253 agreed to)

The Chair: That brings us to the short title.

Shall clause 1 carry?

(Clause 1 agreed to)

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Mr. Bevington.

Mr. Dennis Bevington: Thank you.

I think quite clearly we've been very careful to deal only with the issues we've had here in front of us, but I want to make a point about our voting patterns here so that people fully understand that while this party supports devolution, we've suggested changes to the devolution part of the bill that in every way were only to improve the aspects for the people of the north.

The changes to the Mackenzie Valley Resource Management Act, on the other hand, are ill-conceived. They're poorly executed. They're going against the land claims spirit and intent, and not only the spirit and intent but also the practice that's been put in place for over 20 years of regional boards. This is something....

What we're seeing here is a political move that's been made. We had evidence from Mr. McCrank in front of us that no one in the Northwest Territories asked for these regional boards to be disbanded. That idea, he admitted, came from himself, or perhaps from his political bosses, but it didn't come from anyone in the Northwest Territories.

That, I think, was a statement that spoke volumes about what's happening here with this bill. The Conservative government has chosen to put things in the second part of this bill that are really universally not accepted by the people of the north.

We're in a position now where in order to get something that as citizens of this country we're fully entitled to—that's a legislative assembly that can properly make decisions for us on issues, such as everyone else has in this country—we have to accept the heavy hand of this government in its dealings with our first nations people. That is totally unfair; totally unfair.

This has ramifications that may only play out in court. We may find that the relationships that have been built between industry and first nations in our territory will be affected over the next while.

The only solution I see here is a change in government, when we can actually reverse these decisions that have been made by this very

An hon. member: [*Inaudible—Editor*]

Mr. Dennis Bevington: It's worse than that, actually, but I thank you for setting the parameters of where I can go with that comment.

I'd say that this government is authoritarian. It has a serious bias towards the corporate presence in the Northwest Territories, and to an extent that is even not appreciated by groups such as the chamber of mines.

In other words, it's been an exercise where this decision-making process in the Government of Canada is so top-heavy that the members of its party can't even look at the evidence in front of them. They have no ability to actually deal rationally and fairly with the people of the north on this particular aspect, and as such, it simply leaves us with a process....

I don't believe this bill should go out of this committee at this time. That's why we won't vote for the bill to carry, because it shouldn't leave the committee. What happens in the House of Commons may be a different thing, but what happens in this committee is really unfortunate, because you as Canadians are not taking your job seriously—

• (1640)

The Chair: Mr. Bevington, could you please direct your comments to the chair?

Mr. Dennis Bevington: Well, Mr. Chair, I find that in your process over the last while, you have acted in a fashion that's consistent with a chair who recognizes only one side of the argument, and I really don't appreciate that.

The Chair: Mr. Bevington, if you'd like to challenge the chair, you're free to do that. Otherwise I'd bring you to order.

Mr. Dennis Bevington: I'm not challenging you, Mr. Chair. I'm offering you some comments for your own improvement.

Some hon. members: Oh, oh!

The Chair: Thank you, Mr. Bevington.

Ms. Jones, we'll turn to you.

Ms. Yvonne Jones: Mr. Chair, I thank all my colleagues around the table for their input.

This is the first bill that I've dealt with as a new member of Parliament, and it has been an interesting experience to say the least.

First of all, I want to say that I'm very supportive of the devolution agreement with the Northwest Territories. I want to congratulate the people of the Northwest Territories and their government for negotiating this particular agreement.

What's unfortunate is that what is supposed to be a very proud moment for many people in the Northwest Territories, a dream that is being realized is also being clouded by changes to the Mackenzie Valley Resource Management Act that are not coinciding with what the aboriginal people in the region feel are proper in terms of what their role and position should be.

It was very interesting to go to the Northwest Territories and to hear directly from the people who live there, people in all different capacities of life, whether they be with self-governments or they be with the chamber. They came to us with recommendations for change, change that would make things better for them, that would give them more control, give them more opportunity. I listened very attentively, as I'm sure most of my colleagues did, to what they had to say.

We came forward today with amendments that we were hoping would pass through committee to give them the degree of comfort they needed to carry forward with this.

It's unfortunate we could not have accomplished more on their behalf in the committee, especially in terms of their having more control and more input over what happens. I can only hope, Mr. Chair, that as this agreement moves forward and is implemented, the government will be more flexible in looking at changes that are needed as they move along, things that can be changed to make it better for the people of the Northwest Territories.

In conclusion, I want to say that I support them and I wish them well. I'm proud of what they've been able to accomplish thus far. I'm proud of the fact that they were not afraid to speak up and tell us how they feel as part of this country, and how their government can respond more positively to them.

• (1645)

The Chair: Thank you, Ms. Jones.

Mr. Morin.

[*Translation*]

Mr. Marc-André Morin (Laurentides—Labelle, NDP): I'd like to make a brief comment.

I am very proud of my aboriginal heritage. My grandmother was Mohawk and she would roll over in her grave if she knew what was going on here.

Most aboriginals—people I know well, having lived among them for years—have a longstanding oral tradition. For aboriginals, a person's word is their bond and is considered to be sacred. It carries more weight than anything else. In a society where nothing is written down, no contracts are drawn up and no documents are drafted, people learn to take others at their word. If the government negotiates with aboriginals by presenting something good, while adding a myriad of details that ultimately prevent the agreement reached by the two parties from being implemented, aboriginals will no longer trust the interlocutor and further discussions will be impossible. It reaches the point where the value of the interlocutor outweighs the topic being discussed, because, in the eyes of aboriginals, when you make a commitment and you give your word, it has to be genuine and you have to follow through on it.

Every time things are not presented clearly, every time the government takes with one hand what it gives with the other, it taints the relationship. It will take years for Canada to rebuild an acceptable relationship with aboriginals. Governments at every level behave in the same way. And I can attest to that fact because I have lived all over the country.

[*English*]

The Chair: Thank you.

We'll move to a vote on the bill as amended. Shall the bill as amended carry?

Some hon. members: Agreed.

The Chair: Shall I report the bill as amended to the House?

Some hon. members: Agreed.

The Chair: Shall the committee order reprints of the bill?

Some hon. members: Agreed.

The Chair: Thank you, colleagues.

We will adjourn momentarily, but I'll just remind committee members that the Monday meeting was intended to complete this. As we have done that today, we will not meet on Monday. We'll wait to hear from the clerk about a future meeting.

The meeting is adjourned.

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