



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

43rd PARLIAMENT, 2nd SESSION

Standing Committee on Indigenous and Northern Affairs

EVIDENCE

NUMBER 016

PUBLIC PART ONLY - PARTIE PUBLIQUE SEULEMENT

Thursday, February 4, 2021

Chair: Mr. Bob Bratina



Standing Committee on Indigenous and Northern Affairs

Thursday, February 4, 2021

• (1105)

[English]

The Chair (Mr. Bob Bratina (Hamilton East—Stoney Creek, Lib.)): I call this meeting of the indigenous and northern affairs committee to order. I will start by acknowledging that, when in Ottawa, we meet on the traditional unceded territory of the Algonquin people. In my personal case, I am on the traditional territories of the Haudenosaunee, Anishinabe and Chonnonton people.

Pursuant to the order of reference from the House on December 10, 2020, the committee is continuing its study of Bill C-8, an act to amend the Citizenship Act, Truth and Reconciliation Commission of Canada's call to action number 94.

I'd like to welcome officials from Immigration, Refugees and Citizenship Canada who are with us to answer questions members may have about the content of the bill, and perhaps questions from the chair as well.

I would like to provide members of the committee with some instructions and a few comments on how the committee will proceed with the clause-by-clause consideration of Bill C-8 in this hybrid meeting format. As the name indicates, it's an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively and each clause is subject to debate and a vote. If there is an amendment to the clause in question, I will recognize the member proposing it who may explain it. The amendment will then be open for debate. When no further members wish to intervene, then the amendment will be voted on.

Amendments will be considered in the order in which the clauses they propose to amend appear in the bill or they appear in the package each member received from the clerk. Members should note that the amendments must be submitted in writing to the clerk of the committee or by email for members participating virtually.

Since this is the committee's first clause-by-clause consideration of a bill in a hybrid meeting format, I'll be going slowly to allow members to follow the proceedings properly as well as to accommodate my own procedure through the process. Amendments have been given an alphanumeric number in the top corner to indicate which party submitted them. There is no need for a seconder to move an amendment. Once an amendment is moved, unanimous consent will be needed to withdraw it.

During the debate on an amendment, members are permitted to move subamendments. These subamendments must be submitted in writing or by email for members participating virtually. They do not require the approval of the mover of the amendment. Only one

subamendment may be considered at a time and that subamendment cannot be amended. When a subamendment is moved to an amendment, it is voted on first, and then another subamendment may be moved, or the committee may consider the main amendment and then vote on it.

Once every clause has been voted on, the committee will vote on the title and the bill itself, and an order to reprint the bill may be required if amendments are adopted so that the House has a proper copy for use at the report stage.

Finally, the committee will have to order the chair to report the bill to the House. That report contains only the text of any adopted amendments as well as an indication of any deleted clauses.

Thank you, all, for your attention, and let's hope for a productive clause-by-clause consideration of Bill C-8.

Now I'd like to pose a question for my own enlightenment. With regard to the schedule, on the of the agenda there's a note that if BQ-1 is adopted, then the following two NDP amendments cannot be moved. Could I have an explanation of what that entails?

• (1110)

Ms. Émilie Thivierge (Legislative Clerk): BQ-1 and BQ-2 as well as the two amendments from the NDP are seeking to amend the same line. Even though there are no numbered lines in the schedule, there are still lines, so the same rule applies as in any clause in the bill. That's why if one amendment is adopted, the other ones can't be moved, because the schedule is going to be amended and it just wouldn't make sense to amend it again.

As I said, as in any other bill, once a line has been amended in a bill, it cannot be further amended. It can only be amended once. That's why if any one of the four amendments is adopted, the other ones cannot be moved.

(On clause 1)

The Chair: Thanks very much.

Shall clause 1 carry?

Is there any discussion?

Mr. Marcus Powlowski (Thunder Bay—Rainy River, Lib.): Sorry, Bob, can you clarify? What is clause 1? Is it the first paragraph? I'm not sure.

The Chair: Madam Clerk, can you give an explanation?

Ms. Émilie Thivierge: In the bill, on page 1, we have two clauses.

There's the preamble. Pursuant to Standing Order 75(1), consideration of the preamble is always postponed. It will be voted on at the end.

We start with clause 1, which is right under "Citizenship Act".

Clause 2 is under "Coming into Force".

Then there is the schedule, which includes the text of the oath.

The Chair: You're quite right; I skipped through my script.

Pursuant to Standing Order 75(1), consideration of the preamble is postponed.

Mr. Powlowski, clause 1 reads as follows:

The schedule to the *Citizenship Act* is replaced by the schedule set out in the schedule to this Act.

(Clause 1 agreed to)

(On clause 2)

The Chair: Shall clause 2 carry?

The clause reads as follows:

Day after royal assent

This Act comes into force on the day after the day on which it receives royal assent.

(Clause 2 agreed to)

(On schedule)

The Chair: On the schedule, I have BQ-1.

I will recognize Madame Normandin, *s'il vous plaît*.

[Translation]

Ms. Christine Normandin (Saint-Jean, BQ): Thank you very much, Mr. Chair.

I imagine that you can guess my arguments in support of the Bloc's amendment, but I will take the liberty of reiterating them. I will try to do so in a relatively concise manner, but I would still like to present them in full for those members who did not attend the other meetings.

First, I would like you to remember that the Bloc Québécois is entirely in favour of the spirit of Bill C-8 and its purpose, namely the recognition of the rights of indigenous peoples and the educational opportunities for new citizens when they take the oath.

As a reminder, the Bloc Québécois has always been in favour of defending the rights of indigenous peoples. It has always presented itself as an ally of indigenous peoples. In fact, I mentioned this in a question I asked at a previous meeting of the committee.

Even before the United Nations Declaration on the Rights of Indigenous Peoples was signed, the Bloc Québécois had participated in its development. In 2004, in Geneva, when the working group met on this project, the Bloc Québécois supported the process to have the indigenous peoples' right to self-determination recognized by the United Nations.

In 2006, as the declaration by the United Nations was adopted, the Bloc Québécois once again worked hard alongside indigenous peoples to have their rights recognized by the international community. We went all the way to the floor of the United Nations General Assembly to support the draft declaration. In 2007, when Canada expressed its intention to vote against the declaration, the Bloc Québécois raised the issue and maintained pressure in the House before the Conservative government of the day to ensure that the government signed the declaration, which finally happened in 2010.

Bill C-8 is about new citizens recognizing the rights of indigenous peoples. They are being asked to know not only their history, but also their rights. There is an educational aspect to this. We must remember that among the newcomers to Canada, I would say that some—and I hope most—will be Quebecers.

The current wording of the oath of citizenship in the bill means that they will be asked to recognize something that Quebec has never recognized, namely the Constitution, or rather the Constitution Act, 1982. In his testimony, Professor Cardinal explained the difference between the Canadian Constitution and the Constitution Act. The Constitution is the set of rules and court decisions that govern Canadian law. The oath of citizenship refers specifically to the Constitution Act, 1982. There is a small typo that needs to be corrected.

Future Canadian and Quebec citizens will be asked to recognize the Canadian Constitution when no Quebec government, either sovereigntist or federalist, has signed the Constitution with honour and enthusiasm. A question arises. Is it necessary to mention the Constitution in the oath of citizenship?

If I refer to the appearance of the various leaders of the indigenous communities, I note that no one mentioned that this addition was absolutely necessary. It was pointed out as a useful addition. Furthermore, it was not in call to action number 94, which is the original call to change the oath of citizenship.

Chief Poitras even mentioned that she would have been comfortable if Bill C-8 had included the text of call to action number 94 as it stands, without reference to the Constitution. At best, a reference to the Constitution is not absolutely necessary in the wording of the oath of citizenship. At worst, I would argue that it is unnecessary, if not downright wrong.

• (1115)

In that respect, let me refer you to the testimony of Professor Cardinal. He reminded us that the text dealing with the oath, as it reads, recognizes the Constitution, but does not specifically recognize rights. The Constitution is what is really being recognized. It recognizes the Constitution, which includes rights, but it does not specifically recognize rights.

I would like to quote Professor Cardinal as follows:

To be fully consistent with the concept of reconciliation and the principles of nation-to-nation relations, I believe that the reference to the Constitution should be removed and that the declaration should simply, directly, refer to a solemn promise to respect the indigenous and treaty rights of first nations, Inuit and Métis peoples.

Our proposed amendment is intended to set the record straight by advocating the direct recognition of these rights. We are also making an addition to the first proposed amendment that we submitted to you and that we are currently debating, namely the recognition of inherent rights. Once again, I will take the liberty of quoting Professor Cardinal. I asked him to further explain what inherent rights are. We had talked about them but we did not define them. He said the following:

An inherent right is a right that exists independently of state or constitutional recognition. For indigenous peoples, this is very important. As you know, before the Europeans came here and created New France, New England and eventually Canada, there were peoples who had lived on these lands for thousands of years. We're talking about time immemorial. This ancestral occupation was well organized. There were organized societies, what we can call normative orders. When I teach indigenous law, I always describe a circle to represent indigenous normative orders, and this circle is not completely included within the larger framework of what might be called the Canadian Constitution, where the normative order is of a Canadian type. The Supreme Court recognizes that before the assertion of Crown sovereignty, there were pre-existing sovereignties, therefore indigenous sovereignties. Among these are rights that are recognized—not completely yet, but increasingly—by the Canadian state, notably by the Constitution Act, 1982, but also by other laws or provisions, as well as by court judgments. These rights are therefore said to be inherent. It has long been thought that it was the Royal Proclamation that conferred rights on indigenous people. This is not the case. Indigenous people have special rights within Canada because they existed prior to the assertion of Crown sovereignty. These are called inherent rights.

Professor Cardinal also mentioned that the recognition of indigenous rights by the Constitution Act, 1982, is a promise that has not been fully honoured. When I asked him to give me some examples, he said that negotiations were still under way and many indigenous nations were still waiting for the state to recognize their rights. In addition, the Supreme Court's interpretation of section 35 of the Constitution Act, 1982, has limited its scope by allowing governments, in some cases, to infringe on indigenous and treaty rights. In my view, recognizing the Constitution without specifically recognizing indigenous rights is incomplete.

In conclusion, I invite my colleagues to vote in favour of the Bloc Québécois amendment for two main reasons. As I mentioned in my questions, when we defend the rights of indigenous peoples, we are defending the rights of all nations, including those of another minority nation, Quebec. Bill C-8 seeks to recognize the rights of nations because it enshrines the general principle of recognizing the history and rights of nations. However, the current wording of Bill C-8 ignores part of the history of one of the nations, of Quebec. I am afraid that by voting for Bill C-8 as it stands, the guiding principle of recognition of nations and this important message will be somewhat watered down, eroded. It seems to me that the recognition of the rights of nations must be the heart, the cardinal principle, that guides oaths.

I will now talk about the other reason for inviting my colleagues to vote in favour of the Bloc Québécois amendment.

● (1120)

As Chief Poitras mentioned, in the spirit of reconciliation, it is important that the goal of Bill C-8 be affirmed unanimously. This would send a clear message in terms of reconciliation.

I therefore extend a hand to my colleagues. By passing our amendment, they would ensure that we achieve that unanimity. We

can even hope to pass this bill more quickly; it has died on the Order Paper a little too often.

● (1125)

[*English*]

The Chair: Thanks very much, Madame Normandin.

Gary, please go ahead.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Thank you, Mr. Chair.

I thank Madame Normandin for her intervention. I note the work that the Bloc has done on UNDRIP, and we're hoping to get the support of the Bloc as we move Bill C-15 through the House and this committee.

Without getting into a prolonged constitutional discussion, I just want to put on the record the importance of having this work within Bill C-8, the term “Constitution Act, 1982”. It is very important in the sense that it recognizes some very specific rights of indigenous people, defined in section 35.

Bill C-8 is a document that had consultation through a number of different indigenous organizations and peoples, and we believe it's an important outlet to reaffirm the importance of the Constitution and the constitutional rights of indigenous peoples as enshrined therein.

I will probably stop there. We are going to be opposing the amendment, and while we appreciate the suggestions put forward by Ms. Normandin, I do think it's an important element to incorporate into a citizenship oath.

The Chair: Are there any further comments?

[*Translation*]

Ms. Christine Normandin: Mr. Chair, is it possible to request a recorded vote?

[*English*]

The Chair: A request for a recorded vote is accepted by the chair.

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: Madame Normandin, you have a further amendment to bring forward.

[*Translation*]

Ms. Christine Normandin: Thank you, Mr. Chair.

My remarks will be much shorter in this case, since everything I mentioned the first time around can apply in turn to the second amendment. My comments will therefore be limited to that.

● (1130)

[*English*]

The Chair: Would the mover accept, on division, the results based on the previous vote?

[*Translation*]

Ms. Christine Normandin: Yes, Mr. Chair.

[English]

The Chair: Ms. Dancho, please go ahead.

Ms. Raquel Dancho (Kildonan—St. Paul, CPC): Thank you, Mr. Chair.

I want to put a few quick remarks on the record for the amendment. I know the two amendments are similar.

I appreciate Ms. Normandin's remarks very much, and I notice that in the opening of her remarks she mentioned that the Bloc recognizes the rights of indigenous people.

One of the concerns we have with her amendments was that they actually take out the words “recognize and affirm”. Our understanding is that they are quite symbolic words for the indigenous peoples, and she said them in her remarks. That was one of our concerns with that. We thought that language was very important to include, so that's one of the reasons we will be opposing the amendment.

The Chair: Mr. Powlowski.

Mr. Marcus Powlowski: I'd like to say that I understand where the Bloc is coming from. Of course, it will not want to reference the Constitution; however, it fought the good battle, it tried. I hope the Bloc might reconsider when it comes to the vote, and give this bill support, because it is important that all parties agree on it. It would be a nice gesture on the part of the Bloc.

The Chair: Ms. Kwan, please go ahead.

Ms. Jenny Kwan (Vancouver East, NDP): I will be very quick, Mr. Chair. I do have amendments to the bill as well, with language that incorporates the AFN's suggestion, which then provides both aspects.

I will be voting against the amendment, but I do appreciate the work that Ms. Normandin has done.

The Chair: Ms. Normandin, do you have something further?

[Translation]

Ms. Christine Normandin: I just want to thank my colleagues for their warm words about the work that we do.

In addition, I would like to respond to the comment that my colleague Ms. Dancho made. If she had suggested a subamendment to include the term “recognition,” and if this would have enabled her to support our amendment, I would have liked us to know beforehand. It would have been a friendly amendment that we would clearly have accepted.

[English]

The Chair: Thank you very much.

(Amendment negatived on division [See Minutes of Proceedings])

The Chair: We go now to the New Democratic Party's amendment.

Ms. Kwan, please go ahead.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

Everybody has a copy of the amendment, so I don't need to read it out.

I will highlight the proposed language that's being added to the language in the bill. It basically adds “including the inherent rights and titles of and the treaties and agreements with first nations, the rights and agreements with Inuit and Métis peoples”, and then it goes on to the part about the Constitution.

This language was actually proposed by the AFN from the committee's work. Subsequent to that, I also canvassed other witnesses to see whether or not they would support this language, and those witnesses who responded indicated their support.

It is important for the citizenship oath to put emphasis here, as well as to highlight the inherent rights and titles, as indicated by the AFN.

It is important for newcomers to understand both the language in the Constitution, and what preceded the Constitution and the historical rights. That's the reason I have proposed this amendment.

I hope committee members will support it moving forward.

The Chair: Mrs. McLeod, please go ahead.

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Thank you, Chair.

The NDP has indicated that through UNDRIP, especially legislation that directly impacts indigenous peoples, a co-development process needs to be developed and put forward. In spite of the AFN indicating some thoughts around a language change, we do have other organizations, peoples...Of course, the AFN is an advocacy group, but does not have rights in its own sense.

To move these kinds of motions at this stage of the game is actually contrary to the process that has been put in place, whereby engagement with ITK, Métis and first nations has brought us to this stage.

We would not be supporting the amendment at this time.

• (1135)

The Chair: Thank you.

Ms. Normandin.

[Translation]

Ms. Christine Normandin: Thank you, Mr. Chair.

I would like to propose a subamendment.

Shall I introduce the wording?

[English]

The Chair: Yes.

Madam Clerk, a subamendment is permitted at this point, right?

[Translation]

Ms. Émilie Thivierge: Yes, Ms. Normandin, you can submit a subamendment. However, it would be good if you could forward the written version to the clerk, if you have it.

Ms. Christine Normandin: Okay.

I will dictate it. You will see that it is relatively simple. We can send you the written version.

After the words “First Nations,” I would delete “title rights and the Constitution, which recognizes and affirms,” and simply replace it with “and”.

I will read the entire subamendment to you:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada, respect the inherent, Aboriginal and treaty rights of First Nations, Inuit and Métis peoples and fulfil my duties as a Canadian citizen.

If this subamendment is adopted, I would be pleased to support my colleague Ms. Kwan's amendment.

[*English*]

The Chair: Mr. Anandasangaree, do you wish to speak to the subamendment?

Mr. Gary Anandasangaree: I wish to speak to the actual amendment itself, but substantively it's the same issue.

We believe we have consulted extensively on Bill C-8. I appreciate Ms. Kwan bringing the original amendment forward. I do note her concerns about newcomers, especially, understanding treaty rights as already covered in the oath as presented.

Bill C-8 does represent the work of many different stakeholders who have come forward and who have given input. At this stage, we understand the intention, but we believe Ms. Kwan's amendment does not necessarily reflect the consensus that was built throughout the process of developing this legislation.

The Chair: Ms. Kwan, please go ahead.

Ms. Jenny Kwan: Thank you very much, Mr. Chair. I'm speaking to the subamendment.

I will unfortunately not be supporting the subamendment. I do think it's really important to recognize title rights. Many of the court cases that we have seen centre around the acknowledgement of title rights or lack thereof. To be honest, I also think just relying on the Constitution is deficient. If we're going to be true to the history of indigenous peoples and their rights, adopting the language as proposed by the AFN is essential. Therefore, there should be a recognition of both inherent rights and title rights.

• (1140)

The Chair: Thanks, Ms. Kwan.

I'm going to go to the legislative clerk for a comment now.

Ms. Émilie Thivierge: Thank you, Mr. Chair.

[*Translation*]

Ms. Normandin, we just want to check something.

At the moment, Ms. Kwan's amendment has the reference number 11087213. I have the impression that your subamendment is related to the following NDP amendment. I followed what you said, and it's not consistent with the amendment that we are talking about right now. So I'm wondering if your subamendment is not related to the next amendment that Ms. Kwan might want to move if this one

is defeated, or if you want to make an amendment to that amendment.

Right now, what you are reading is not consistent with Ms. Kwan's amendment that's being debated at the moment, which is the one with reference number 11087213.

Ms. Christine Normandin: You are right, I apologize.

I could make a similar subamendment to the amendment that ends with the number 213.

[*English*]

The Chair: Thank you. We will go back to the amendment itself.

Ms. Kwan, you've made your comments. Is there anything further before we put it to the committee?

Ms. Jenny Kwan: Yes, just to ask if we could get a recorded vote, please.

Mr. Gary Anandasangaree: On a point of order, Mr. Chair, are we voting on the subamendment that's going to be presented by Ms. Normandin or are we not doing the subamendment at this point—

The Chair: No.

Mr. Gary Anandasangaree: —on this particular amendment brought forward by Ms. Kwan?

The Chair: We've agreed that the subamendment wasn't appropriate to this current amendment. We have reverted back to the amendment itself, and we've asked the clerk to do a recorded vote on NDP-1.

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: We move on now to the second amendment offered by Ms. Kwan.

Please go ahead.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

The second amendment is a simpler version, but again it simply acknowledges the inherent rights of first nations and title rights.

The language being added to the proposed Bill C-8 language is this. After the words “that I will faithfully observe the laws of Canada, including”, I'm adding “the inherent rights of first nations, title rights”.

Then it goes on to talk about the Constitution. It simply just acknowledges the fact that they do have inherent rights and title rights.

The Chair: Next I have Mr. Powlowski.

Mr. Marcus Powlowski: With respect to the NDP, I think that in the Sparrow decision, the whole kind of decision was based on the fact that they recognized inherent rights—in this case fishing—as being part of the rights that were protected under section 35, so I don't think that has to be in there.

• (1145)

The Chair: Madame Normandin.

[Translation]

Ms. Christine Normandin: This will come as no surprise. I am going to move a subamendment.

As I said earlier, I would delete the words “title rights and the Constitution, which recognizes and affirms,” which I would replace with “and.” This also has the advantage of correcting a translation error, since “découlant du titre” does not apply in French.

[English]

The Chair: Madam Clerk, could you comment on that reference?

Ms. Émilie Thivierge: Yes. Thank you, Mr. Chair.

[Translation]

Ms. Normandin, would it be possible to read the oath in its entirety with your subamendment, since we do not have it in writing?

I think it would be clearer.

Ms. Christine Normandin: With pleasure. It reads:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada, respect the inherent, Aboriginal and treaty rights of First Nations, Inuit and Métis peoples and fulfil my duties as a Canadian citizen.

[English]

The Chair: Mr. Anandasangaree.

Mr. Gary Anandasangaree: Mr. Chair, I would like to register the same concerns I had with the previous amendment.

Again, thank you, Ms. Kwan, for bringing this forward, but we will be voting against both the subamendment and the amendment.

The Chair: Ms. Kwan.

Ms. Jenny Kwan: Just speaking very quickly to the subamendment for the same reasons I stated earlier, to the points around inherent and title rights that Mr. Powlowski and Mr. Anandasangaree raised, I think the issue is, of course, that indigenous peoples, first nations peoples, have always had to take their matters to court to get clarity. Even then, as we saw on the situation with the dispute around the fishing rights, it's a prolonged process. That does not have clear indication of action from the government.

If we're going to educate newcomers about indigenous history and the rights of first nations, I do think explicitly saying that they do have inherent rights and titles is essential.

That's why the language as I propose it is being put forward.

The Chair: I'm going to ask the legislative clerk to comment.

Mr. Philippe Méla (Legislative Clerk): Good morning, Mr. Chair.

[Translation]

I have a question for you, Ms. Normandin.

Do you want to amend only the oath or do you want to amend the affirmation as well?

If you want to amend the affirmation, you would have to propose a subamendment. Otherwise it won't work.

Ms. Christine Normandin: Yes, I can move a subamendment. In the same way, it would apply automatically.

I think the body of the text is exactly the same. I understand that the debate on both will present the same arguments.

Mr. Philippe Méla: That's great. Thank you very much.

[English]

The Chair: I need some help on how we will proceed with subamendments. We have added a subamendment, and I believe we have to deal with the first one.

Mr. Clerk, can you advise?

Mr. Philippe Méla: Mr. Chair, since the two subamendments have to work together and one cannot live without the other, the vote on the first one would apply to the other.

● (1150)

The Chair: At this point then, we will take the vote on the first subamendment.

All in favour of the subamendment?

Go ahead.

[Translation]

Ms. Christine Normandin: Mr. Chair, I request a recorded vote.

[English]

The Chair: That's fine. That's your entitlement.

(Subamendment negated: nays 10; yeas 1)

The Chair: We have dealt with the matter of both subamendments, and we can now move to the amendment.

The Clerk of the Committee (Mr. Naaman Sugrue): Correct.

The Chair: Go ahead on the amendment NDP-2, Ms. Normandin.

[Translation]

Ms. Christine Normandin: Thank you, Mr. Chair.

With respect to the amendment by my colleague Ms. Kwan, I clearly agree with the principle of adding inherent rights. We did so in our own amendment.

However, for the reason I mentioned earlier, namely the recognition of the Constitution, I will have to vote against it, unfortunately.

[English]

The Chair: Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair.

Mr. Anandasangaree mentioned the consultation process, as did Ms. McLeod. I requested from the officials, through the committee, the list of stakeholders with whom they consulted. I also asked for a list of the groups that led to the difference in the suggested language in the TRC 94 calls for action versus the language proposed under Bill C-8.

Of course, the information provided to all committee members came eventually—yesterday—and provided only the list of stakeholder groups. As you can see from that list, after five years of consultation it is a very small list. I was quite taken aback, truth be told, with the level of consultation that the government might have embarked on with this important bill.

On the question that was asked about the groups that led to the differences in the language, there was no answer with respect to that. Then we heard from the committee where the committee took it upon themselves to invite a variety of people to the table. NWAC, for example, indicated that they were never consulted by the government on this. I asked NWAC specifically whether or not they would support language in terms of the amendment, as I indicated earlier, and they said yes. The witnesses all indicated the importance of recognizing inherent rights and title.

That is why I think this amendment is important, in reduced language, as proposed by the AFN. It's simply to acknowledge that inherent rights and titles actually existed with indigenous peoples.

• (1155)

The Chair: Thanks, Ms. Kwan. I appreciate your intervention.

I think there has been a consultation process. We are at the point today where the first nations are eager, I think, to get a response from this committee and have the bill move on through its normal process. I will ask that we now vote on your amendment.

If you would like a recorded vote, we can do that.

Ms. Jenny Kwan: Yes, please.

The Chair: We will have a recorded vote on the amendment NDP-2 moved by Ms. Kwan.

(Amendment negated: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: Now, members of the committee, we get to the actual oath or affirmation, which is noted as “Schedule”. I will ask for a recorded vote on the oath or affirmation of citizenship.

Prior to that, are there any further comments anyone would like to make?

Ms. Kwan, please go ahead.

Ms. Jenny Kwan: I will be supporting the language as proposed by Bill C-8. I would have preferred that one of my amendments pass. It is important to get on with it. It's only taken five years, and this is the third bill.

I've indicated to Mr. Anandasangaree, on different occasions, that it was always my intention to move forward with the 94 calls to action. That was something that the New Democrats supported long ago. Prior to this, the former member, Romeo Saganash, and I had actually written to the predecessors of the current minister offering our support in moving forward with this.

I will be supporting this.

(Schedule agreed to: yeas 10; nays 1 [*See Minutes of Proceedings*])

The Chair: Shall the preamble carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill to the House?

Some hon. members: Agreed.

The Chair: With regard to a reprint of the bill, Mr. Clerk, is that a requirement?

• (1200)

The Clerk: No.

The Chair: Members of the committee, we've reached a historic moment. I'm very happy, except perhaps with the lack of unanimity. Nevertheless, we're able to move forward. I want to thank our legislative staff for assisting me, and all of us in this process. I believe we attached our names to something significant, and that's much appreciated.

Mr. Gary Anandasangaree: Mr. Chair, I wish to thank the staff from IRCC for their assistance, and for being here today.

The Chair: We do have a bit of committee business. I'm not sure we need the legislative staff to hang on if they have other work to do. We can get through this just fine.

First, I need to approve the project budget and the amount requested of \$1,650. Is anyone opposed to that?

I don't see anyone in opposition, so we'll say that's approved.

Mrs. Cathy McLeod: Certainly I have no opposition, Chair, but I'd be very curious to do a comparison year over year in terms of our virtual hybrid model and the general committee costs. I expect they're significantly down. We have lost some benefit in that process but it would be kind of interesting at some point for us to engage in that kind of dialogue, whether it is through our committee or more broadly.

Thank you.

The Chair: That's a very good point. It probably applies to many other items of parliamentary business. I think we can work through that as well.

I also need to have approval, members of the committee, of the draft work plan for our committee. On the document that I have, some dates are a bit off for the obvious reason that things have moved around. Is there any opposition to the work plan that we have already discussed?

Mr. Anandasangaree.

Mr. Gary Anandasangaree: I'm sorry, Mr. Chair.

I must have missed the document. Which plan are you referring to?

The Chair: Mr. Clerk.

The Clerk: If I may, it's an updated version of the food security and northern communities work plan, to reflect meetings held in late December and the one witness we heard from earlier in January.

I believe it was sent yesterday or the day before. I will resend it to your personal email now.

Mr. Gary Anandasangaree: Great.

If we are going to be talking about witnesses, should we be going in camera or are we able to continue the conversation here?

The Clerk: That would be entirely up to the committee.

Mr. Gary Anandasangaree: My understanding is that if we are going to be talking about witnesses then usually it's in camera but I'm open to what other committee members want.

The Chair: We have a list of witnesses for each panel. Would there be anything, Mr. Clerk, that would be contentious in the people who are listed as witnesses?

• (1205)

The Clerk: I can ask the analyst to comment on that.

In response to Mr. Anandasangaree, it is typical for committees to hold such discussions in camera.

Mr. Olivier Leblanc-Laurendeau (Analyst): This is basically the same work plan that the committee considered in December of last year. The only difference is that one of the witnesses appeared last week.

The Chair: The witnesses scheduled are representative of the submissions from all of the parties?

Mr. Olivier Leblanc-Laurendeau: Yes, that's correct.

The Chair: Mr. Anandasangaree, would you like to suspend for a moment and go over that?

Mr. Gary Anandasangaree: If we could, Mr. Chair, just for maybe five minutes, I would propose that we go in camera.

The Chair: That's fine. I'm just wondering whether you want to quickly peruse a message that the clerk can send you with regard to this or whether we should just suspend, go in camera and work it out?

Mr. Gary Anandasangaree: I think while we go in camera, I'll be able to look at this.

The Chair: The meeting will be suspended for five minutes. Thank you.

[Proceedings continue in camera]

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>