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# Standing Committee on Indigenous and Northern Affairs

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Chair: Mr. Bob Bratina





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• (1105)

[English]

**The Chair (Mr. Bob Bratina (Hamilton East—Stoney Creek, Lib.)):** Members of the committee, as we have quorum, I call this meeting to order, acknowledging first of all that in Ottawa we meet on the traditional unceded territory of the Algonquin people, and all of us in our own territories will have other acknowledgements. In my case it would be Akwesasne, Haudenosaunee and Chonnonton first nations' traditional territories.

Pursuant to Standing Order 108 (2) and the motion adopted by the committee on October 27, 2020, the committee is resuming its clause-by-clause study of Bill C-15.

It's going to be an interesting day. I just want to thank everyone, first of all, for the way that these meetings have been conducted with regard to Bill C-15. There's some controversy, there are some differences of opinion, but I think all of our remarks, our debates and our considerations were in the best interests of the people for whom we are working, the first nations of Canada. I appreciate that. I would anticipate that today's meeting will be conducted in the same manner.

Having looked over all of the matters that are coming before us in conjunction and in consultation with the legislative clerks, I may be making some rulings as the chair. I want to assure everybody that none of the rulings will be on a partisan basis. They all have to do with the legislative functions, protocols and precedents and so on that are found in that giant green book that only the clerks seem to have a good handle on.

I'm working my way through it. I know that our clerk has reached page 250; I'm still somewhere in the preface. We'll do our best with regard to the rules of Parliament as we move forward.

With us today we have the witnesses from the Department of Justice: Laurie Sargent, assistant deputy minister, aboriginal affairs portfolio; Sandra Leduc, director and general counsel, Aboriginal Law Centre, aboriginal affairs portfolio; and Koren Marriott, senior counsel, Aboriginal Law Centre, aboriginal affairs portfolio.

In clause-by-clause consideration, the one thing I will ask us not to do is rush things through. We want to make sure that when we're done our work today, it is in a form presentable to Parliament. We'll therefore begin slowly.

Pursuant to Standing Order 75 (1), consideration of the preamble and of clause 1, the short title, was postponed, as per the precedents and order of work that we do. I will now call clause 2.

(On clause 2)

Clause 2 of Bill C-15 provides that the Government of Canada must “take all measures necessary to ensure that the laws of Canada are consistent with” the United Nations Declaration on the Rights of Indigenous Peoples and “must...prepare and implement an action plan to achieve the objectives of the Declaration.”

**Mr. Jacques Maziade (Legislative Clerk):** Mr. Chair, may I interject?

**The Chair:** Yes.

**Mr. Jacques Maziade:** Maybe you could give the floor to the mover of the amendment. She will present it, and after that, if you have something to say, you can do so once she has presented her amendment.

**The Chair:** You're absolutely right.

Once again, the legislative clerks and our clerks will be stepping in from time to time to ensure that we're moving along in a proper manner. In this case, moving along in a proper manner provides that our guest today, Ms. Atwin, present her amendment.

Ms. Atwin, please do that, and then I'll discuss it as I had already begun to do.

Please go ahead.

**Mrs. Jenica Atwin (Fredericton, GP):** Sure. This is PV-0.1. I'm just making sure.... Okay, great.

Thanks you very much, everyone, for letting me join today. I'm really appreciative. Happy Earth Day as well.

I'm coming from the unceded territory of the Wolastoqiyik, the beautiful and bountiful river here in Fredericton, New Brunswick, where I am privileged to work, learn and live.

The amendment I would like to propose is in clause 2, by adding after line 11 on page 4 the following: “*Government of Canada* has the meaning assigned by the definition *government institution* in section 3 of the Access to Information Act.”

What this expands upon is:

(a) any department or ministry of state of the Government of Canada, or any body or office, listed in Schedule 1, and

(b) any parent Crown corporation, and any wholly-owned subsidiary of such a corporation, within the meaning of section 83 of the Financial Administration Act;

By means of explaining and defending this amendment, it actually came forward through proposed amendments from the Assembly of First Nations. The objective of this amendment is to enshrine a clear and positive statement that the legislation binds the Crown and all institutions of the government. Bill C-15 does not expressly affirm that it binds Her Majesty The Queen in Right of Canada and all of its institutions. It may be implied, but I'm certainly here just to strengthen the legislation as much as possible.

While arguments can be made that Bill C-15 would implicitly or necessarily bind the Crown, because its purpose would be frustrated and contrary to the spirit of the act if the Crown or all Government of Canada institutions were not bound, the courts on this point are by no means clear or consistent in their interpretation. Federal legislation is likewise inconsistent. In light of this inconsistency and ambiguity, clear and unequivocal expression of legislation intent is required.

Again, I'm taking the lead here from some of the discussion that the Assembly of First Nations has put forward, and I ask for your consideration.

Thank you.

**The Chair:** Thanks very much, Ms. Atwin. I appreciate your intervention.

I'll go back once again to the review of the matter, which was that Bill C-15 is providing that the Government of Canada must "take all measures necessary to ensure that the laws of Canada are consistent with" the United Nations Declaration on the Rights of Indigenous People and must "prepare and implement an action plan to achieve the objectives of the Declaration."

The amendment seeks to give the term "Government of Canada" the meaning of "government institution" as it is defined in section 3 of the Access to Information Act. Thus, the term "Government of Canada" would have a broader meaning.

*House of Commons Procedure and Practice*, that giant book I referred to, third edition, states the following on page 770:

An amendment to a bill that was referred to committee *after* second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, based on consultation with the legislative group, this new definition of "Government of Canada" is beyond the scope of the bill, and so I would rule that this amendment is inadmissible.

On that matter, unless there's further discussion, Ms. Atwin, I will leave the ruling as such, that your proposed amendment is inadmissible.

• (1110)

**Mrs. Jenica Atwin:** There's no further discussion from me. Thank you very much, Chair.

**The Chair:** Ms. Atwin, thank you for that.

We're moving along. I apologize. I think, like most people in the room, I have scads of paper all over the place, and it's sometimes hard to put my finger on the exact thing we need to refer to.

We go now to BQ-1.

Let me fish that one out and put that one away, and ask you if BQ-1 shall carry. All in favour of BQ-1?

**Mr. Jacques Maziade:** Mr. Chair, maybe Madam Gill will want to move the amendment and speak to it a little bit.

**The Chair:** Ms. Gill, please go ahead with your presentation.

[*Translation*]

**Mrs. Marilène Gill (Manicouagan, BQ):** Thank you, Mr. Chair.

It's simple. In fact, the idea of replacing "Canadian law" with "federal law" reflects Parliament's intent, which is that it should apply only to federal statutes and not provincial ones. The term "Canadian law" suggests that the provinces and Quebec are included.

[*English*]

**The Chair:** Thank you, Ms. Gill.

Shall BQ-1 carry?

The amendment is negatived.

On NDP-1, can I ask Ms. Gazan to present that?

**Ms. Leah Gazan (Winnipeg Centre, NDP):** Thank you so much, Chair.

To let everybody know, I'm having technical issues that I'm trying to resolve. I have a whole bunch of blank pages.

Are you speaking about reference 11236767?

**The Chair:** Yes, that's it.

**Ms. Leah Gazan:** This is our proposed amendment that Bill C-15, in clause 2, be amended by adding after line 25 on page 4 the following:

For greater certainty, the rights of Indigenous peoples, including treaty rights, are capable of growth and evolution, and a frozen rights theory is incompatible with section 35 of the Constitution Act, 1982.

The importance of a clear definition of the living tree doctrine has been brought up by elected and unelected leadership throughout the country, and my amendment reflects that.

**The Chair:** Thanks, Ms. Gazan.

I apologize. There are technical issues all over the place. My printer didn't work this morning, but I finally got it fixed. We'll probably be a little sluggish as we get things rolling here. I apologize for that.

On the amendment, Mr. Anandasangaree, you have your hand up.

• (1115)

**Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.):** I believe Mr. Schmale was ahead of me, Mr. Chair.

**The Chair:** Sorry about that. Please go ahead.

**Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC):** Thanks, Gary. I appreciate that.

**The Chair:** Go ahead.

**Mr. Jamie Schmale:** I have a quick question in regard to the last motion, the Bloc motion.

It failed. Was it the Liberals and the NDP who voted against it? My *Hollywood Squares* display here didn't show anything, so I didn't see who voted and who didn't.

**The Chair:** Let me ask the clerk about the most efficacious way that we could handle the matter.

**The Clerk of the Committee (Mr. Naaman Sugrue):** If the amendment is not either carried or carried on division, then the most appropriate way to deal with it would be a recorded vote. The options for decisions on amendments are consensus agreement, agreement on division and recorded vote.

**The Chair:** I thought we had consensus, but I'm open to any other suggestions.

We'll have Mr. Anandasangaree and then Ms. Gill.

**Mr. Gary Anandasangaree:** Mr. Chair, I'm going to speak to the amendment, if that's okay.

**The Chair:** Please go ahead.

**Mr. Gary Anandasangaree:** I acknowledge and appreciate the work of Ms. Gazan in this regard. We definitely support the intent behind this amendment.

The Supreme Court has repeatedly indicated that—

**Mr. Arnold Viersen (Peace River—Westlock, CPC):** Mr. Chair, can we back up for a second here? We're zooming back and forth a bit.

The last amendment seems to have failed on division. I would hope that would be the case. I didn't realize that I gave any indication whatsoever. I was sitting here waiting for a recorded division, or—

**The Chair:** Fine, we'll do that again. We'll resolve that issue.

It seemed to me, in my view of the gallery, that the motion was lost, but we'll move in accordance with your wishes.

**Mr. Arnold Viersen:** I guess if we want to do that....

All I need from Ms. Gazan is where she was on that one. I couldn't see from here where that went.

**The Chair:** I'll go back to Mr. Anandasangaree, who has the floor.

Call “on a point of order” if you wish to intervene in the future.

**Mr. Marcus Powlowski (Thunder Bay—Rainy River, Lib.):** There is a point of order, which is basically—

[*Translation*]

**Mrs. Marilène Gill:** I had raised my hand on a point of order, Mr. Chair.

[*English*]

**Mr. Marcus Powlowski:** The point of order is—

**The Chair:** I'm sorry—

[*Translation*]

**Mrs. Marilène Gill:** I raised my hand earlier, Mr. Chair.

[*English*]

**Mr. Marcus Powlowski:** I thought I was on a point of order—

**The Chair:** Everyone, please, if you are going to intervene, raise your hand.

Ms. Gill has the floor.

[*Translation*]

**Mrs. Marilène Gill:** Thank you, Mr. Chair. That greatly facilitates the roster.

I wanted to intervene after the comments from my colleague, Mr. Schmale, because I think something was left somewhat vague. For the next Bloc Québécois amendments, which are virtually in the same order, and for which it's a matter of consistency, I'm going to request a recorded vote. You can't tell what position is being held by people just by looking at them. I would therefore prefer to have their positions clearly stated and recorded.

[*English*]

**The Chair:** Go ahead, Mr. Powlowski.

**Mr. Marcus Powlowski:** I was just going to agree with Mr. Viersen. Could we not possibly be a little more specific as to where the amendment is going? You cite amendment blah, blah, blah, but I don't know which section is being amended. It's not clear to me.

Could we just say “section 2, where the proposal is to amend it in such and such”? Like Mr. Viersen, I'm just not clear where these proposed amendments are going.

**The Chair:** Thanks for that.

When the motion is presented, there is reference in the proposal to what you're asking, but we'll go over that again.

Go ahead, Mr. Anandasangaree.

**Mr. Gary Anandasangaree:** Mr. Chair, might I just ask you to resolve the previous matter? A number of people have brought it up, so maybe we could do a roll call vote on it, and with Ms. Gazan's indulgence, we can come back to her amendment.

In the meantime, for the benefit of the members, I just want to suggest that they pull out the agenda that was circulated by the clerk. The agenda has a very clear outline of what's being discussed today, corresponding to the package that was sent by the clerk last night or earlier this morning, with one addition that was sent by me this morning.

For the benefit of the members, it would be good to have all of that available, whether in print form or on the computer, so that people could follow that.

● (1120)

**The Chair:** Thank you for that. The clerks did quite a bit of work to inform members of the committee, and if you don't have the printed material in front of you, it will be somewhat laborious to reinterpret everything from the chair as we proceed. You should have quite a group of pages stating the various amendments. They're all here in front of us.

On the request of Mr. Anandasangaree and Ms. Gill, I'm going to ask that we revert to the matter that apparently wasn't clearly handled and ask about....

Let's start with Ms. Atwin's amendment.

On Ms. Atwin's amendment, I ruled that it was inadmissible, so that's clear and we move past that to the first Bloc amendment.

On the Bloc amendment—

**Mr. Jacques Maziade:** Mr. Chair, I suggest that you ask for a recorded division so it will be clear this time.

**The Chair:** On the advice of the legislative clerk, we'll do a recorded division on amendment BQ-1.

Mr. Clerk, apparently we've lost, technically, one of our members of the committee. I'm going to pause until Ms. Zann is able to return to the group.

Folks, I'm sorry about all this. Now we are good to go.

At the moment we paused, we were going to take a recorded division on the Bloc amendment.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

• (1125)

**The Chair:** We need to be satisfied with that count. That means the vote is lost. Are we satisfied with that? I hope we did that one right.

In the same manner, we go to NDP-1, reference number 11236767.

Mr. Clerk, can I call for a recorded division on that, please?

(Amendment negatived: nays 10; yeas 1)

**The Chair:** In view of the votes that have taken place, shall clause 2 carry?

**Mr. Gary Anandasangaree:** On division.

**The Chair:** Are you requesting a recorded division, Mr. Anandasangaree?

**Mr. Gary Anandasangaree:** No, Mr. Chair.

**Mr. Jamie Schmale:** “On division” is fine, isn't it?

**Mr. Gary Anandasangaree:** Yes.

**The Chair:** Is anyone opposed to clause 2 carrying?

Seeing none, clause 2 shall—

**Ms. Leah Gazan:** I just want to put on the record that we're voting against something that clearly came from first nations leadership, from people who are on the ground. It's unfortunate that on the committee, we are voting against the voice of indigenous people. I just want to have that on record.

Thank you, Chair.

**The Chair:** Thanks, Ms. Gazan.

(Clause 2 agreed to on division)

(On clause 3)

**The Chair:** Ms. Gill, your hand is up. Is that still from before or do you wish to speak now?

[*Translation*]

**Mrs. Marilène Gill:** I just want to make sure that I'm following things properly, Mr. Chair. Am I correct in saying that we've got to amendment NDP-2?

[*English*]

**The Chair:** No, we are not there yet.

[*Translation*]

**Mrs. Marilène Gill:** Okay. It's because I heard Ms. Gazan and I thought she was talking about that amendment.

That's fine. Thank you.

**The Chair:** All right.

[*English*]

Shall clause 3 carry?

(Clause 3 agreed to on division)

(On clause 4)

We have amendment NDP-2, reference number 11214963.

Go ahead, Ms. Gazan.

**Ms. Leah Gazan:** This is that Bill C-15, in clause 4, be amended by replacing line 1 on page 5 in the English version with “The purposes of the Act are to”.

It then continues forward.

**The Chair:** Is there any comment on that?

**Ms. Leah Gazan:** It's more of a grammatical correction, Mr. Chair.

**The Chair:** Mr. Clerk, it's a good question. Would we need an amendment to have the proper grammar in the published version of the bill?

**Mr. Jacques Maziade:** Mr. Chair, I will not comment on the amendment itself, but if Ms. Gazan wants to move it, she's allowed to move this kind of amendment.

• (1130)

**The Chair:** I'm just wondering if such issues could be captured in some way other than amendments.

Is there any comment on the amendment?

**Mr. Arnold Viersen:** Madame Gill has her hand up.

**The Chair:** Go ahead, Ms. Gill. I'm sorry.

[*Translation*]

**Mrs. Marilène Gill:** What I wanted to ask was a question about a lack of grammatical symmetry. In the English, the plural is used and in French it is singular. I was wondering what the reason was for this lack of symmetry in the amendment.

[*English*]

**The Chair:** Well, I think perhaps you've caught us by being more alert to these things, so I take that. I guess a friendly amendment would be to Ms. Gazan—

**Mr. Jacques Maziade:** Mr. Chair, if I may, the question could be addressed to the department. That could help answer this question on that amendment.

**The Chair:** Ms. Gazan, I'm going to ask the department to reflect on your amendment with Ms. Gill's comment in mind.

**Ms. Leah Gazan:** That's fine, Mr. Chair.

**The Chair:** Mr. Schmale, you have your hand up.

**Mr. Jamie Schmale:** I have a comment, but it's not about the bill. It's something else, so I'll wait until this is done.

Can you come back to me when we're done?

**The Chair:** Yes. Let's clear this up.

**Ms. Koren Marriott (Senior Counsel, Aboriginal Law Centre, Aboriginal Affairs Portfolio, Department of Justice):** Do you want—

**Ms. Laurie Sargent (Assistant Deputy Minister, Aboriginal Affairs Portfolio, Department of Justice):** Mr. Chair, I'm not sure if we're being called upon, but I would be happy to pass it to Koren Marriott to speak to that issue of drafting.

**The Chair:** Okay.

**Ms. Koren Marriott:** The Interpretation Act already provides that singular text is read to include the plural and that plural is read to include the singular. Because the French version is drafted in the singular, most often they try to draft the English "purpose" clauses also in the singular to keep that symmetry, as was discussed.

**The Chair:** Could I ask the clerks, then, how we should resolve this amendment?

**Mr. Jacques Maziade:** Mr. Chair, the amendment is on the floor. It's up to the committee to decide if they want to adopt it or to defeat it.

**The Chair:** Ms. Gazan, is there any further comment?

**Ms. Leah Gazan:** I think we could just put this to a vote so that we can move on, Mr. Chair.

**The Chair:** It's to move on.

**Ms. Leah Gazan:** Yes, thank you.

**The Chair:** Anyone opposed to the amendment, please raise your hand.

**Mr. Arnold Viersen:** It's Arnold.

**The Chair:** You're opposed?

**Mr. Arnold Viersen:** I'm opposed.

**The Chair:** Is there any further opposition?

I'm seeing none, so that is carried, and the legislative advice that we have is that it will be translated in the plural as well in the French.

Is that okay, Ms. Gill?

**Mr. Jacques Maziade:** Mr. Chair, no, the amendment says that it's going to be plural in English and that it's going to—

[*Translation*]

**Mrs. Marilène Gill:** It's only in English.

[*English*]

**Mr. Jacques Maziade:** —stay like this in French. It won't be changed because the amendment only changes the English version.

**The Chair:** Okay.

[*Translation*]

**Mrs. Marilène Gill:** Mr. Chair, I also raised my hand because I wanted to express my disagreement. I'm voting against the amendment.

[*English*]

**The Chair:** You vote against it.

[*Translation*]

**Mrs. Marilène Gill:** Yes.

[*English*]

**The Chair:** We're delaying on somewhat of a subtle matter.

**Mr. Jacques Maziade:** Mr. Chair, if I may suggest...

**The Chair:** Yes, go ahead.

**Mr. Jacques Maziade:** On all amendments, maybe having a recorded division will clarify this kind of grey area all the time. Ask for a recorded division on each amendment, and it's going to be clear for everybody.

**The Chair:** On this amendment, the advice is that we go to a recorded division, so we'll do that.

Mr. Clerk, let us have a recorded division on NDP-2, please.

(Amendment agreed to on division: yeas 9; nays 2 [*See Minutes of Proceedings*])

• (1135)

**The Chair:** Now we move to CPC-1, which is Conservative amendment 11253431.

Who will present that? Is it Mr. Viersen?

**Mr. Jamie Schmale:** Arnold will.

**Mr. Arnold Viersen:** Yes. Thank you, Mr. Chair.

I move to amend Bill C-15 in clause 4 by deleting lines 2 to 4 on page 5.

We heard repeatedly from testimony that this piece of the bill does not really do anything. It is merely a notional statement. It doesn't change the way the laws in Canada operate. I recommend that we just strike that from the bill and that this bill be only to provide a framework for the government to implement the declaration.

We heard from Adam Bond, the legal counsel for NWAC, that this was merely window dressing. I would say that it would be better not to have this piece in the bill so that it would not signal in any way that the declaration becomes Canadian law. I think it's important that we strike this from the bill so that we are saying what we mean and meaning what we say when we're legislating in this country.

Thank you, Mr. Chair.

**The Chair:** Thanks, Mr. Viersen.

I take it that it's the wish of the committee that we go on recorded division throughout the rest of our work today.

I will ask the clerk to record this division.

**Mr. Jacques Maziade:** If I may, Mr. Chair, when the mover moves an amendment, other members may want to add something or ask a question before we move to the final question.

**The Chair:** You mean the division?

**Mr. Jacques Maziade:** Yes. It's just to make sure that everybody....

**The Chair:** I'm not seeing any hands up....

I see one now.

Go ahead, Mr. Anandasangaree.

**Mr. Gary Anandasangaree:** Mr. Chair, just for the record, this really undermines the purpose of the bill. This is fundamental to the bill. We believe it should stay.

I can comment a lot further on this, but I think I'll keep it at that for brevity.

**The Chair:** Is there any further discussion?

**Mr. Arnold Viersen:** Yes, Mr. Chair.

**The Chair:** Go ahead, please.

**Mr. Arnold Viersen:** I would say that we heard repeatedly that this does not change the outcome of the bill substantially. There is no need to have this in the bill, as the declaration is something that is used in Canadian courts already as a framework. Taking this out of the bill will just clarify the fact that the declaration doesn't have any substantial effect on the Canadian law.

We're looking at ensuring that the framework comes in, not necessarily that the declaration is Canadian law. I think I've said that already. I think it's important that we don't signal that this is something new. As we heard from the department, no other UN declaration has this been applied to. The application in Canadian law of a UN declaration is novel in this bill. For clarity around drafting of Canadian law, we should just strike this out.

Thank you, Mr. Chair.

**The Chair:** Are there any further comments?

Mr. Clerk, we will have a recorded division.

**Mr. Jacques Maziade:** Again, Mr. Chair, I am sorry to intervene. Maybe before going to the vote, you might want to inform the committee of the consequence on the following amendment if CPC-1 is adopted.

**The Chair:** There's quite a bit of subtlety in our agenda today, and I've just been reminded of a further one.

If CPC-1 is adopted, then BQ-2, the following amendment, cannot be moved because of a line conflict.

Let's go back now to the recorded division on CPC-1.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

• (1140)

**The Chair:** Thank you. That amendment is defeated.

Now we go to the BQ-2, reference number 11249061.

Go ahead, Ms. Gill.

[*Translation*]

**Mrs. Marilène Gill:** Mr. Chair, it's for the same reasons as those mentioned earlier. For us, "Canadian law" includes the provinces and Quebec. It would encroach on their areas of jurisdiction. Moreover, if this wording were kept, it would not be in agreement with the legislator's intent, which was not what this wording says.

That's why, once again, I am suggesting substituting "federal" for "Canadian".

[*English*]

**The Chair:** Thank you.

Mr. Schmale, you had your hand up.

**Mr. Jamie Schmale:** Thank you, Chair.

This was just in regard to a process question. I didn't want you to move on until I had a chance to address this. I don't know if now is the time, because we're now discussing a motion.

**The Chair:** Could I conclude this motion and then ask you to bring your matter up?

**Mr. Jamie Schmale:** Okay. Don't forget. Awesome.

Thank you.

**The Chair:** Go ahead, Mr. Powlowski.

**Mr. Marcus Powlowski:** I'm new to this, but I would like to know exactly what I'm voting on. I do have the proposed amendments, the documents sent to me on this computer. On my other computer, I actually have Bill C-15, but the proposed amendment is saying line 3 on page 5. In my Bill C-15, I don't have any page number or line number. I'm not sure where the amendment is going. It would be nice to know exactly what the proposed change is.

Is there a document that I'm missing here that would make this easier for me?

**The Chair:** Mr. Clerk, in reference to that...?



**The Clerk:** Mr. Powlowski, I don't know if you have page 5 of your bill in front of you.

**Mr. Marcus Powlowski:** I just don't have a page number on the bill. I have a bill, but the computer version, as far as I see, has no page number on it.

**The Clerk:** The line number is in the middle, between the two columns. You have a little 5, little 10, little 15, 20, 25. These are the line numbers in English. In French it's on the right side of the page.

The page number is at the bottom of the page in the middle. You have the line numbers and the page number.

**Mr. Marcus Powlowski:** They're not in the version that I'm looking at, but I'll figure it out. Thanks.

**Mr. Eric Melillo (Kenora, CPC):** Marcus, I think Jaime is trying to give you a demonstration.

**Mr. Jacques Maziade:** Yes, someone is showing the page number. Mr. Battiste is showing the page number right now.

**Mr. Marcus Powlowski:** Yes, but the version I have doesn't show that. I'll try to find out.

**The Clerk:** If you can see paragraph 4(a), it says,  
affirm the Declaration as a universal international

In the second line, starting with "human rights" the amendment changes this line to read "human rights instrument with application in federal".

**Mr. Marcus Powlowski:** Okay. Thanks.

**Mr. Arnold Viersen:** Mr. Powlowski, I had the same problem. You have to click on the PDF. If you scroll up to the top, there's a little red square that says "PDF". Then you'll get the page numbers and line numbers.

**The Chair:** Thanks, Arnold. Thanks, Marcus.

On the Bloc amendment, shall it carry?

• (1145)

**Mr. Arnold Viersen:** Yes.

**The Chair:** It will be on a recorded division.

Sorry; go ahead, Ms. Gill.

[Translation]

**Mrs. Marilène Gill:** Is it going to be a recorded division, Mr. Chair?

[English]

**The Chair:** It will be a recorded division on everything today.

[Translation]

**Mrs. Marilène Gill:** Thank you.

[English]

**The Chair:** Okay.

(Amendment negatived: nays 6; yeas 5 [See Minutes of Proceedings])

**The Chair:** The amendment is lost.

Shall clause 4 carry?

**Mr. Jamie Schmale:** Hang on, Mr. Chair. I want to go back to my—

**The Chair:** At that point, do you want to intervene?

**Mr. Jamie Schmale:** Yes, I do, please.

With everything going on, I think we all have papers everywhere. Clearly, there's back-and-forth. At some points, I'm having the same problem that Mr. Powlowski is having.

There are amendments that we wanted to raise in a previous section. Can we go line by line? I think that would be a lot easier for everyone, rather than bouncing around from place to place. Otherwise, I need to go back, because there are motions I wanted to raise in the clarification section. Going line by line is how I used to do it in previous committees, so is there a possibility of doing that?

**The Chair:** There is.

Mr. Anandasangaree has his hand up. I'll ask him.

**Mr. Gary Anandasangaree:** Just to clarify, Jamie, all the motions relating to the preamble are going to be at the end, if I'm not mistaken.

We started off with clause 2, which had the first amendment. What I can see from the agenda that was provided is that there are a number of CPC amendments that are coming forward. At the end, for the preamble, I don't see any CPC amendments in the preamble, but all the others....

I'm sorry. I believe that there is only one CPC amendment that's here, and then, for the rest of them, I don't see any.

Could Mr. Clerk clarify if there are more?

**Mr. Jamie Schmale:** We do have some from the floor, Gary, that I was hoping to raise.

**Mr. Jacques Maziade:** If I may, Mr. Chair, we received only one CPC amendment. In the package, we have only one CPC amendment.

**Mr. Gary Anandasangaree:** Jamie, the only thing we're not doing right now is the preamble, which will be at the end.

We are going clause by clause right now. We're just completing clause 4. We will proceed, I think, as per the agenda, right through, so if there are amendments that are from the floor, then I would respectfully submit that you bring them up when they come up.

**Mr. Jamie Schmale:** That's the problem. We're trying to. I think there are people even on your team who are having issues with this, right? I think going line by line would clarify this a lot more easily.

Am I the only one bouncing around here and going from page to page?

**The Chair:** Well, my—

**Mr. Gary Anandasangaree:** Just to clarify, right now we're on clause 4. We're at the stage where we've dealt with the amendments were given notice on clause 4, and we're about to pass clause 4.

If there is an objection, or if you want to bring something up on clause 4, this may be the time. The chair could rule on its....

• (1150)

**The Chair:** Its admissibility.

**Mr. Gary Anandasangaree:** Yes, on its admissibility, and then we go on to clause 5.

There is one amendment for clause 5, and again, if there is discussion on that, or if there are additional amendments from the floor, I believe they can come forward at that point.

We are essentially going clause by clause right now, Jamie.

**The Chair:** Jamie—

**Mr. Arnold Viersen:** Mr. Chair, I think what Mr. Schmale is getting at is that I think we had an amendment that we were going to try to move from the floor for clause 2 on page 4, around line 25, and the point is that we skipped right over that.

Could we go line by line? When I've done bills line by line in the past, the chair would go, "Does line 3 carry?", "Does line 4 carry?", "Does line 5 carry?", and then, when we would get to the end of the clause, we would go, "Does the entire clause carry?"

The trouble is that you're moving very quickly, and by the time we get organized, you're already on to the entire clause being carried, rather than.... Believe me, I have a mess of papers going on here as well. I'm busy trying to find the next amendment that I'm going to be working on, and you're already on the entire clause being carried. I think that's the challenge we're up against.

**The Chair:** I understand, Mr. Viersen, but we've had the bill for weeks, if not months. I would think that if amendments have not been brought forward in the timeline that was prescribed, I'm not sure I'd like to admit further ones.

As the chair, I'm wondering why we need to go line by line over a document that we've had for so long, considered amendments for and for which we've had the amendments in our files. I'm open to any discussion by the committee on that, but I'm reluctant to slow everything.

Believe me, the first thing I think I may have referred to is that we want to be careful that we do this properly so that our work is correct at the finish. If we need to go line by line, then I've got to add more papers to a very terrible-looking desk. I don't mind doing that if it's in the best interests of the work we're doing.

Ms. Gazan, you have your hand up.

**Ms. Leah Gazan:** I just want to share, Mr. Chair, that we were provided with adequate time to put in our amendments. I have only received one from the Conservative Party in terms of the clauses of the bill. I think it's very clear that we will go line by line in the preamble after we complete this part.

It's pretty clear to me. It says "clause 4", and then you just have to look at the number "4". This is not rocket science, and I think we just need to move on with this.

**The Chair:** Thank you.

Go ahead, Mr. Schmale.

**Mr. Jamie Schmale:** Chair, we're are trying to move on from this. I don't consider myself a veteran, but this is the first time I've been in this kind of situation, reviewing and going clause by clause like this. This is new to me, and this is my second term.

I think it would be a lot quicker if we did, because we're just bouncing around here. It's true that we've had the bill for a while, but we also have the right and the ability to raise amendments from the floor, and that's what we plan on doing.

If you want to move this quickly, let's go line by line and get this done. We're bouncing around from place to place and trying to figure out where we are. You can't just say it's the Conservatives either, because there are other members on this committee who have raised the same concern.

**The Chair:** Go ahead, Mr. Anandasangaree.

**Mr. Gary Anandasangaree:** Mr. Chair, in order to move on, I'm going to suggest that right now we've dealt with the first three clauses and we're at the point of passing clause 4, so if there's no objection to carrying clause 4, let's carry clause 4.

Moving forward, let's go to the amendments for which notice has been given. Once they're dealt with, we open the floor to Mr. Schmale to see if he has amendments relating to clause 5. In the absence of any, we pass it. If there are amendments, I would invite you to rule on that.

I believe that's probably the most efficient way of dealing with this, rather than doing it line by line. This is called a clause-by-clause meeting, from what I understand, which means that we do typically deal with the entire clause. I think this is probably a midpoint, where we're a bit more efficient, but at the same time it allows Mr. Schmale to bring up issues that are pertinent within the context of each of the clauses we are addressing.

Right now, just to clarify, we're on clause 4. We've addressed three amendments for which notice was given. If there are no additional amendments from the Conservative side, then we should go on to carry clause 4 and then go on to clause 5.

• (1155)

**The Chair:** Ms. Gill is next.

[*Translation*]

**Mrs. Marilène Gill:** Mr. Chair, since the division process for this clause is already under way, I agree that we should finish it.

I nevertheless have two requests for my colleagues.

First, I would encourage all members to be prepared and to have in hand all documents required for the study, because we would not want to extend the process unduly. Doing so should ensure that everything goes smoothly. I can only hope that this will be done for next time, if we are unable to finish the work today.

Second, if Mr. Schmale and the Conservative Party had any amendments to put forward, we could, out of concern for democracy, go over the study clause-by-clause from the beginning, as suggested by Mr. Anandasangaree. It should not take long at all.

If other amendments had to be added, however, we could always receive them prior to the next meeting.

[*English*]

**The Chair:** Thank you.

Mr. Schmale, I'm going to ask that we move on clause 4 right now. I'm going to ask that we take a recorded division on clause 4 to carry.

**Mr. Arnold Viersen:** Mr. Chair, I do believe we have another amendment for clause 4.

**The Chair:** Mr. Viersen, can I ask if there are substantive issues that need to be raised, in view of the fact that we've had this material before us for so long and asked for timely submissions of the amendments? What is the necessity of doing what you're asking?

**Mr. Jamie Schmale:** Chair, does Arnold have the floor, or...?

**The Chair:** I asked Mr. Viersen the question.

**Mr. Arnold Viersen:** Mr. Chair, I'd like to cede my time to Mr. Schmale.

**Mr. Jamie Schmale:** Thank you, Mr. Viersen.

If, in fact, we do have the ability to raise motions, I would like to raise a motion on an amendment to clause 4. Do you want me to raise that now? Again, if we have the chance to do this at the end of the meeting and go line by line, I'm fine with that too. Maybe you could just give us some clarification.

**The Chair:** Well, I am curious to hear what you've suddenly come up with after all this time.

Why don't you go ahead with your amendment?

**Mr. Jamie Schmale:** That's perfect. Thank you.

In clause 4, under "Purpose", after "The purpose of this Act is to", I would like to strike "affirm the Declaration as a universal international human rights instrument with application in Canadian law" and replace it with "acknowledge the Declaration as a universal human rights instrument containing valuable guidance for reform of federal law".

That's the first one.

The second one is, after "provide a framework for the", strike "Government of Canada's implementation of the Declaration" and replace it with "examination of federal law in light of the Declaration."

**The Chair:** Mr. Schmale, can you tell me why this suddenly came up?

**Mr. Jamie Schmale:** It didn't come up, Chair. This is how I've done it in the previous Parliament and this Parliament. This is the first time I've ever done it the way we're doing it today. We do have amendments, and when we go line by line, any time I've ever done this in the past, this is how we've done it.

• (1200)

**The Chair:** Weren't you doing it line by line in your deliberations prior to this meeting, or did you just suddenly come across those lines?

**Mr. Jamie Schmale:** Well, we have the ability to raise motions from the floor, and that's what we plan on doing. If we had gone line by line at the beginning, we would have been able to sail through this.

**The Chair:** I'm not getting a sense that there's a wish from certain people on the committee to sail through this, and I know that—

**Mr. Jamie Schmale:** I'm sorry you're getting that impression.

**The Chair:** —with the work that has gone on previously, Mr. Schmale, we were in a position today to complete our work in the timelines projected, and I'm thinking that it's not the intention today, so it concerns me.

**Mr. Arnold Viersen:** Mr. Chair, with all due respect, Mr. Chair—

**The Chair:** I'm sorry; you don't have the floor. Mr. Schmale has the floor.

I'll go to Mr. Anandasangaree, who has his hand raised.

**Mr. Gary Anandasangaree:** Mr. Chair, I'd like to get some clarification, perhaps from our legislative clerk, in terms of process, and then, if it is appropriate, we are prepared to go to a vote on these amendments.

**Mr. Jacques Maziade:** Okay, I can intervene.

As for the process we're using, when we get to an amendment, we're going kind of line by line, and when we get an amendment, the amendment is proposed and disposed of.

The fact is that these amendments are not in the package, and we cannot say, "Okay, Mr. Schmale, you have an amendment here. Do you want to move it?" It's up to you, because I don't have it. I don't know where your amendments are.

When we go through like this, we cannot go back unless we have unanimous consent to do that. This is the problem you're facing right now. When we start a clause, unless you tell us right at the beginning that you have an amendment on that line, that line and that line, and when we get there, you say you have an amendment and you can tell us.

Also, could you provide us with a written copy of the amendment? This is because we also have to look at the admissibility of the amendment and make sure that it goes with other previous amendments that were adopted.

I don't know if I'm clear with my explanation, but this is the way we proceed all the time.

**The Chair:** Mr. Anandasangaree, are you wishing to comment?

**Mr. Gary Anandasangaree:** Mr. Chair, we'd be prepared to go to a vote on these two amendments.

**The Chair:** All right.

Is the amendment before the Bloc in French translation?

**Mr. Jamie Schmale:** It doesn't have to be. It's from the floor.

**The Chair:** Madame Gill, are you satisfied?

Could we have the amendment again?

**Mr. Jamie Schmale:** Sure.

In clause 4, after "The purpose of this Act is to", I'd like to strike "affirm the Declaration as a universal international human rights instrument with application in Canadian law" and replace it with "acknowledge the Declaration is as a universal human rights instrument containing valuable guidance for reform of federal law".

**The Chair:** All right.

I'll take a recorded division, unless there are any further comments on the amendment.

We will have a recorded division on the amendment, Mr. Clerk.

**Mr. Philippe Méla (Legislative Clerk):** Mr. Chair, may I intervene? I'm the other legislative clerk.

**The Chair:** Yes.

**Mr. Philippe Méla:** If Mr. Schmale could provide us with a written version of the amendment, regardless of the amendment being carried or not, it would be—

**Mr. Philippe Méla:** Thank you. It will appear in the minutes. We need to have it for that purpose.

Thank you.

**Mr. Jamie Schmale:** It's on its way.

**The Chair:** Mr. Clerk, we will have a recorded division, please.

[*Translation*]

**Mrs. Marilène Gill:** I have a point of order, Mr. Chair.

**The Chair:** You have the floor, Mrs. Gill.

**Mrs. Marilène Gill:** I haven't done so on this committee, but I did previously request the adoption of a motion that would allow us to have a French translation of amendments put forward spontaneously. It was negated. However, as the clerks can receive the English version of these amendments, would it be possible for us to have it? This would be out of consideration for members who cannot receive a translation of these amendments in their language.

Thank you, Mr. Chair.

• (1205)

[*English*]

**The Chair:** Thank you.

Clerk, please go ahead with a recorded division on the amendment to clause 4.

**The Clerk:** This is recorded division on CPC-2.

(Amendment negated: nays 7; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** Mr. Schmale, please go ahead with your next amendment.

**Mr. Jamie Schmale:** Thank you, Mr. Chair.

In paragraph 4(b), after the words "provide a framework for the", strike "Government of Canada's implementation of the Declaration" and replace it with "examination of federal law in light of the Declaration."

That amendment is intended to ensure that the division of powers is respected so as to avoid impacting provincial jurisdiction. It also affirms that the declaration is not immediately being applied to Canadian law. Rather, it's a source to assist in implementing federal law.

To my Bloc friend, I do apologize for the lack of French translation.

**Mr. Jacques Maziade:** Mr. Chair, I would just ask Mr. Schmale if he could provide us with that in written form as well for the minutes.

**Mr. Jamie Schmale:** I think we're sending everything over.

**Mr. Jacques Maziade:** Perfect.

**The Chair:** Thank you.

We will go to recorded division on CPC-3.

(Amendment negated: nays 7; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** Shall clause 4 carry?

We will have a recorded division, please.

**Mr. Jacques Maziade:** Just for the benefit of the members, it's clause 4 as amended, because NDP-2 was adopted.

**The Chair:** Correct. It's on clause 4 as amended.

(Clause 4 as amended agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

**The Chair:** Thank you.

(On clause 5)

We move now to clause 5.

I have before me an amendment 11247926.

Go ahead, Ms. Atwin.

• (1210)

**Mrs. Jenica Atwin:** Mr. Chair, I just noticed that Mr. Melillo has his hand up.

**The Chair:** I'm sorry about that. There are too many grids to look at here.

Eric, please go ahead.

**Mr. Eric Melillo:** I'm sorry, Mr. Chair. I have a quick question or comment.

I'm not sure if the members would agree, but I think once we get through all the amendments of a clause, I do believe that there should be consensus to move through the clauses on division, without a recorded vote. That might help to get through this a bit more quickly.

**The Chair:** Right now my understanding is that it is the wish of the committee to record everything, so that's what we're going to do. We're on clause 5.

Ms. Atwin, I'm sorry; go ahead.

**Mr. Jacques Maziade:** Mr. Chair, if I may, before Madame Atwin begins, if Mr. Schmale has an amendment to clause 5, maybe he should let us know right now, and we would inform him of the time to move the amendment. I don't know if the committee agrees to proceed this way.

**The Chair:** I think that's a fair approach, in view of what we've discussed.

Go ahead, Mr. Schmale.

**Mr. Jamie Schmale:** Perfect. Thank you, Chair. I do have two amendments.

In clause 5, I'd like to add the word “reasonable” after “take all”, so it would read, “The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all”, and then add “reasonable measures necessary to ensure that the federal laws of”. Nothing else changes, except adding the word “reasonable”.

It's just as a way to ensure the division of powers is clear.

**The Chair:** That does it for clause 5?

**Mr. Jamie Schmale:** I have one more. Did you just want a separate vote on each? Shall I just put them all on the table and we'll vote?

**The Chair:** I think the clerk wants an advance notice, so when the time comes....

Ms. Atwin will have her amendment first, and then we'll get to yours, but the clerk needs to—

**Mr. Jamie Schmale:** Okay. Yes, I do have two.

**Mr. Jacques Maziade:** Where is the other one?

**Mr. Jamie Schmale:** It's to add a subclause here, number 2, adding the words “Any such measures that propose to amend a federal law of Canada shall be identified in the action plan and nothing in this Act, by itself, shall be constructed as amending the federal laws of Canada.”

That's a comment by CAP.

**The Chair:** Mr. Clerk, have you captured those matters?

Of course, I assume you'll get an email with the text. Then we can proceed with Ms. Atwin.

**Mr. Jacques Maziade:** I'm opening the email right now.

As I understand, Mr. Chair, we will begin with amendment that I will call “CPC-4”, adding the word “reasonable” at line 6, after “all”. After that we will go to PV-1 and then CPC-4, which I understand goes after line 10.

**The Chair:** We'll have a recorded division on the amendment that adds the word “reasonable”.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** The amendment is defeated. Mrs. Atwin, you can present your amendment.

● (1215)

**Mrs. Jenica Atwin:** Thank you, Mr. Chair.

I move:

That Bill C-15, in Clause 5, be amended by replacing line 10 on page 5 with the following:

tent with the Declaration and must, in cooperation with Indigenous governing bodies, implement the Declaration in a manner that respects the laws, traditions and practices of each governing body.

2) The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are drafted in a way that reflects non-binary gender identity and two-spiritedness.

I would like to provide a quick explanation for the benefit of the committee. The objective of this amendment, as put forward by the Assembly of First Nations, is to ensure that the federal ministers will work in collaboration with indigenous governing bodies on implementing UNDRIP in a manner that respects each indigenous government's laws, traditions and practices as unique and diverse entities.

The second objective is to ensure this legislation and all future legislation that will be drafted will reflect, both in English and French texts, the various gender identities of indigenous peoples by being gender inclusive. This can be achieved by not deferring to the masculine form by default in a French version of the text.

For context, “two spirits” refers to a person who identifies as having both masculine and feminine spirit and is used by some indigenous people to describe their sexual gender and/or spiritual identity. It is necessary that the language used in this bill includes space for this recognition.

This amendment is also in line with recommendation 25 issued from a July 2020 report investigating systemic racism at the Canadian Museum for Human Rights. The report recommended that gender pronouns be pluralized and be non-binary in all internal and external documents.

Finally, this amendment is consistent with the vision of this government to promote human rights, including respect for diversity and inclusion, protecting 2SLGBTQ+ rights and addressing discrimination.

This proposed amendment is a concrete step toward this objective as well as towards decolonizing Canada.

**The Chair:** Thank you, Mrs. Atwin.

[*Translation*]

Do you have anything to add, Mrs. Gill?

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

I just want to propose a subamendment. Is this the right moment to do that?

[*English*]

**The Chair:** Yes.

[*Translation*]

**Mrs. Marilène Gill:** My subamendment is in fact very straightforward. I propose deleting subclause (2), which is to say everything from “The Government of Canada” to “two-spiritedness”, because we feel that it's superfluous. I don't want a debate on this matter, but am putting forward this subamendment to Mrs. Atwin's amendment.

**Mrs. Jenica Atwin:** I support the subamendment, Mr. Chair.

[*English*]

**Mr. Jacques Maziade:** Mr. Chair, if I may, just for the process, the committee will vote on the subamendment first, and after that it will vote on the amendment as amended, if the subamendment is adopted or not.

The first thing is to vote on the subamendment.

**The Chair:** We'll vote on the subamendment.

(Subamendment negated: nays 6; yeas 5 [*See Minutes of Proceedings*])

**Mr. Jacques Maziade:** One moment, Mr. Chair; there is a technical issue....

Now we can proceed to the recorded vote.

**The Chair:** We'll now vote on the amendment.

(Amendment negated: nays 11, yeas 0 [*See Minutes of Proceedings*])

**The Chair:** The amendment is lost.

Go ahead, Mr. Schmale.

• (1220)

**Mr. Jamie Schmale:** I'd like to add a section that reads, “Any such measures that propose to amend a federal law of Canada shall be identified in the action plan and nothing in this act, by itself, shall be construed as amending the federal laws of Canada.”

**The Chair:** We'll vote on that second amendment.

(Amendment negated: nays 7; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** I wish I could apply the vote, but I think I'll have to ask once again.

Shall clause 5 carry?

We'll have a recorded division.

(Clause 5 agreed to: yeas 7; nays 4)

(On clause 6)

**The Chair:** We have an amendment proposed by Mr. Anandasangaree, reference number 11252702.

**Mr. Jacques Maziade:** Mr. Chair, I think Mr. Schmale has an amendment, which would be to line 15. Am I correct, Mr. Schmale?

• (1225)

**Mr. Jamie Schmale:** That's correct, sir.

**Mr. Jacques Maziade:** It's going to be CPC-6.

**The Chair:** Thanks for pointing that out.

Is there anything further, Mr. Schmale?

**Mr. Jamie Schmale:** Do you need me to read it?

**The Chair:** The clerk has it. We'll get to it.

**Mr. Jamie Schmale:** It's just to change the word "include" to "identify" in subclause 6(2).

**The Chair:** We'll move on, then, once again to Mr. Anandasangaree.

Will you present the Liberal amendment?

**Mr. Gary Anandasangaree:** Yes, Mr. Chair. It's—

**Mr. Jacques Maziade:** Mr. Chair, I think we didn't vote on amendment CPC-6, Mr. Schmale's amendment. We still have to vote on Mr. Schmale's amendment first, replacing the word "include" with "identify".

**The Chair:** I apologize for that.

We have that before us. Once again, is the committee clear on the amendment?

We'll take the recorded vote on amendment CPC-6.

(Amendment negated: nays 7; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** Go ahead, Mr. Anandasangaree.

**Mr. Gary Anandasangaree:** Mr. Chair, this is a very simple amendment to ensure that the wording correctly identifies racism as well as violence and discrimination against indigenous people. This is an amendment on lines 18 and 19 on page 5.

**The Chair:** My advice on this is that if the amendment is adopted, amendment NDP-3 could not be moved, as they are identical. If the vote is negative, NDP-3 is lost for the same reason.

Also, if amendment LIB-1 is adopted, amendments PV-2 and PV-3 become moot, as they contain the same provisions as LIB-1.

With that subtlety, Mr. Clerk, please record a division on the Liberal amendment.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

**The Chair:** I think we can take that as a pass. The amendment is accepted.

That means, in view of what I said earlier, that we can now move beyond the NDP and PV amendments to—

**The Clerk:** I believe you are on amendment PV-4, Mr. Chair.

**The Chair:** Thank you; it's amendment PV-4.

Ms. Atwin, please go ahead.

**Mrs. Jenica Atwin:** Thank you, Mr. Chair.

[*Translation*]

I would like to change the wording of subparagraph 6(2)(a)(i) to have it read as follows:

(i) à lutter contre les injustices, à combattre les préjugés et à éliminer toute forme de violence et de discrimination, notamment la discrimination systémique, auxquels se heurtent les peuples autochtones, ainsi que les personnes âgées, les jeunes et les enfants autochtones, les femmes, les hommes et les personnes de diverses identités de genre ou bispirituelles autochtones et les personnes autochtones handicapées,

• (1230)

[*English*]

**The Chair:** Thank you.

There is no discussion to the recorded division.

I'm sorry; Ms. Gill, did you have your hand up?

[*Translation*]

**Mrs. Marilène Gill:** I have a question for Mrs. Atwin.

If, after the comma, we were to add the words “ainsi que” and all the people listed afterwards, does this mean that they are not indigenous peoples? Without this addition, are they excluded or is it simply a list given as an example?

[*English*]

**The Chair:** Thank you. Go ahead, Ms. Atwin.

**Mrs. Jenica Atwin:** The objective of this amendment is to ensure that the legislation is gender-inclusive by reflecting in both the English and French texts the various gender identities of indigenous people. This can be achieved by not referring by default to the masculine form in the French version of the text.

This is simply to add further context around gender inclusivity. It's in line with the recommendation I mentioned from the Canadian Museum for Human Rights in their review of systemic racism. It's consistent with the vision of this government to promote human rights. It has more of a technical nature.

**The Chair:** Thanks, Ms. Atwin.

Seeing no further comment, we turn to you, Mr. Clerk, for a recorded division on PV-4.

(Amendment negatived: nays 11; yeas 0)

**The Chair:** Thank you. The amendment is defeated.

Are we finished, Mr. Schmale?

**Mr. Jacques Maziade:** No, I think it's Mr. Schmale's turn now. He wants to move something on subparagraph 6(2)(a)(ii). He will talk about this amendment.

**The Chair:** Go ahead, Jamie.

**Mr. Jamie Schmale:** Perfect. Thank you.

I have some amendments I'd like to add here.

One, as the clerk was saying, is striking out the word “and” and going into a subparagraph 6(2)(a)(iii). I'd like to add “measures relating to improvement of Indigenous peoples' economic and social conditions through sustainable development”. That addition contin-

ues the amendment proposed in the preamble to introduce economic reconciliation.

**The Chair:** Is that the complete amendment?

**Mr. Jamie Schmale:** That's for that one, yes. There are a few others, but I'll try to make this as quick as possible.

Did you want to vote on this, and then I'll get to the next one?

**The Chair:** Yes.

**Mr. Jamie Schmale:** Okay.

**The Chair:** Mr. Clerk, would you please take the vote on amendment CPC-7?

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** Go ahead, Mr. Schmale.

• (1235)

**Mr. Jamie Schmale:** The next is adding a subparagraph 6(2)(a)(iv): “adding resources required to implement the action plan;”.

That addition is intended to introduce a requirement on the government to identify resources to create additional accountability for effective implementation.

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

**Mr. Gary Anandasangaree:** It's just a clarification, Mr. Chair. That would be subparagraph 6(2)(a)(iii), because proposed subparagraph 6(2)(a)(iv) was defeated.

**Mr. Jamie Schmale:** Oh, right. Thank you, Gary. That's correct.

**Mr. Jacques Maziade:** Can I clarify, Mr. Schmale? Do you move all of amendments—CPC-5, CPC-6, CPC-7, CPC-8a and CPC-8b, CPC-9a and CPC-9b?

**Mr. Jamie Schmale:** No, we're going to cut this down for time, because I'm getting the theme of the meeting here. We've already done amendments CPC-3 and CPC-4, and I'm going to introduce CPC-5, CPC-6, and CPC-7.

**Mr. Jacques Maziade:** It's amendments CPC-5, CPC-6 and CPC-7. Okay.

**Mr. Jamie Schmale:** I'll cut this down, because there seems to be a common theme.

**Mr. Jacques Maziade:** Are you moving them all at once or one after the other?

**Mr. Jamie Schmale:** I'll move one after the other, because I think that's the way the committee agreed to do it.

**Mr. Jacques Maziade:** Okay.

**The Chair:** I'm prepared, in the interest of time, Mr. Schmale, to take them as a group, if that works.

**Mr. Jamie Schmale:** How do you intend to vote that if someone wants a particular motion? How do they vote?

**The Chair:** Okay, we'll skip that and we'll go individually.

**Mr. Jamie Schmale:** I'm hoping the theme of the meeting breaks here and that we're able to... I guess this would be subparagraph 6(2)(a)(iii), then: “resources required to implement an action plan”.

**The Chair:** Okay. We'll vote on the amendment, Mr. Clerk.

**The Clerk:** Yes, Mr. Chair; just one moment while I confer with my legislative colleagues.

It will be a recorded vote on amendment CPC-8.

**The Chair:** The vote is on the amendment.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** Go ahead, Mr. Schmale.

**Mr. Jamie Schmale:** Okay, I guess this, then, would be the new subparagraph 6(2)(a)(iii), potentially.

It would add “foster a common understanding of the Declaration, including provisions related to the principle of free, prior and informed consent (FPIC), the federal government, in collaboration with Indigenous peoples, must involve provinces, territories, industry, and the public in the development of the action plan”.

That's it for that one.

**The Chair:** Thanks.

Mr. Schmale, I'm lost for a moment. Exactly where does this come into the document?

**Mr. Jamie Schmale:** This would be subparagraph 6(2)(a)(iii). It would have been (v) or (vi), but we've voted down a couple of those proposed amendments, so this is the new number (iii).

**Mr. Jacques Maziade:** Mr. Chair, it goes under subclause 6(2), paragraph (a). Mr. Schmale would add a subparagraph, the text he just read.

**The Chair:** Thanks very much for that.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** Mr. Schmale, do you have one more?

• (1240)

**Mr. Jamie Schmale:** There are two more. These are really quick.

This would be the new subparagraph 6(2)(a)(iii): “ensure that final decision-making authority on major projects rests with the Crown in order to maintain clear legal jurisdictions and accountability”.

**The Chair:** Go ahead, Mr. Clerk.

(Amendment negatived: nays 7; yeas 4)

**The Chair:** Do you have a final one, Jamie?

**Mr. Jamie Schmale:** I have a final one, Chair.

It is “ensure that all national Indigenous organizations will be included on an equal basis with no preferential treatments given by government to any organization over any other in the development of the action plan and annual reports”.

**The Chair:** We'll go to the clerk for a recorded division.

(Amendment negatived: nays 7; yeas 4)

**The Chair:** I believe those are all the amendments. Did I miss any?

**Mr. Gary Anandasangaree:** Mr. Chair, there is one more.

**Mr. Jacques Maziade:** It's LIB-2.

**The Chair:** I'm sorry. Is this LIB-2?

**Mr. Gary Anandasangaree:** Yes, Mr. Chair. I do have one more.

**The Chair:** My apologies. Please go ahead.

**Mr. Gary Anandasangaree:** I'll make it very brief.

This is something we've heard extensively throughout the discussions over the past several weeks. LIB-2 would amend the timeline, from three years to two, for the development of the action plan.

**The Chair:** Go ahead, Mr. Clerk, on LIB-2.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

**The Chair:** That brings us to clause 7.

Jamie, did you have something to add?

**Mr. Gary Anandasangaree:** Mr. Chair—

**Mr. Jacques Maziade:** Mr. Chair, we have to vote on clause 6 as amended, because LIB-1 and LIB-2 have been adopted. The last vote was on LIB-2, so now we have to vote on clause 6 as amended.

**The Chair:** My head is spinning here today. Sorry about that.

**Mr. Jacques Maziade:** Before that, Mr. Chair, I just want to make sure that Mr. Schmale doesn't have any other amendments on clause 6.

**Mr. Jamie Schmale:** No. Thank you for checking on that, Clerk. In the spirit of time, I'll pull back.

**Mr. Jacques Maziade:** Perfect.

Now we can go back to vote on clause 6 as amended.

**The Chair:** On clause 6, Clerk, can we take a recorded division on clause 6 as amended?

(Clause 6 as amended agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

(On clause 7)

**The Chair:** We now move on to clause 7.

Mr. Schmale, did you want to insert anything here?

• (1245)

**Mr. Jamie Schmale:** Not in clause 7.

**The Chair:** Committee, I believe we're able to take a recorded division on clause 7.

(Clause 7 agreed to: yeas 7; nays 4)

**The Chair:** Mr. Clerk, I need to be clear as we move forward through the agenda.



Are we at the schedule now?

(On the schedule)

**Mr. Jacques Maziade:** Yes, we are.

**The Chair:** Is there any comment on the schedule?

If not, I'll ask for a recorded division on the schedule.

(Schedule agreed to: yeas 7; nays 4)

(On the preamble)

**The Chair:** Mr. Clerk, just to make sure I have my pages in order, I believe we are at the preamble.

**Mr. Jacques Maziade:** Yes, we are at the preamble, Mr. Chair.

If I may, I would ask Mr. Schmale if he has amendments to the preamble, and where. Which line is it?

**Mr. Jamie Schmale:** I have four amendments, Clerk.

Do you want me to do them now?

**The Chair:** I think the clerk would like you to clarify this for him, so go ahead.

**Mr. Jamie Schmale:** The first one is on page 2, line 3.

**Mr. Jacques Maziade:** Okay.

**Mr. Jamie Schmale:** The second one is in line 37.

**Mr. Jacques Maziade:** Is it on page 2, line 37?

**Mr. Jamie Schmale:** Yes.

**Mr. Jacques Maziade:** Okay.

**Mr. Jamie Schmale:** The next one is on page 3, line 3.

**Mr. Jacques Maziade:** Okay.

**Mr. Jamie Schmale:** The next one is in line 9, on page 3.

**Mr. Jacques Maziade:** Okay.

**Mr. Jamie Schmale:** The other one is on line 16.

**Mr. Jacques Maziade:** It's line 16. Okay.

**Mr. Jamie Schmale:** The last one is on line 36.

**Mr. Jacques Maziade:** Okay.

Hold on a second, Mr. Chair. Give me 30 seconds just to make sure that I...

Okay, Mr. Chair. We just wanted to make sure that everything is okay.

We're going to start with CPC-12, which is on line 4 of page 2.

• (1250)

**Mr. Gary Anandasangaree:** Mr. Chair, before you proceed, I do have a procedural question. This is for the legislative clerk. I just want to confirm that you received an amendment from me earlier this morning with respect to the preamble at line 19.

**Mr. Jacques Maziade:** Yes, I got this amendment. It's for line 19 on page 3.

**Mr. Gary Anandasangaree:** That's correct.

Could you maybe advise me on at what point that will be discussed, or would that be at the end?

**Mr. Jacques Maziade:** This one will be discussed as the second-last amendment on the preamble.

**Mr. Gary Anandasangaree:** Okay. Thank you.

**Mr. Jacques Maziade:** Okay.

**The Chair:** It's the second-last amendment on the preamble. Alert me when the time comes, okay?

**Mr. Jacques Maziade:** Yes.

**The Chair:** I believe, Mr. Clerk, that you suggested that CPC-2 is the first matter of business on the preamble amendments.

**Mr. Jacques Maziade:** Yes, it's on the preamble, and it's CPC-12.

**The Chair:** Sorry; it's CPC-12, yes. My ink ran out. I only got a "2" in there. Sorry about that.

Jamie, please go ahead.

**Mr. Jamie Schmale:** Thank you very much, Mr. Chair.

I'd like to add on line 4:

Whereas the Declaration further emphasizes that Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions and the right to determine and develop priorities and strategies for exercising their right to development;

**The Chair:** All right, that's duly noted.

**Mr. Jacques Maziade:** Excuse me, Mr. Chair. Do we have the text?

**Mr. Jamie Schmale:** You should. It should be in that email.

**Mr. Jacques Maziade:** Hold on a second.

**Mr. Jamie Schmale:** It's on the first page, I believe.

**Mr. Jacques Maziade:** Ah, okay.

**Mr. Philippe Méla:** Mr. Schmale, if I may...?

I'm the other legislative clerk. Is your amendment on line 4 to replace the whole paragraph, or...? I'm not exactly sure.

**Mr. Jamie Schmale:** It's a new paragraph.

**Mr. Philippe Méla:** It's to add a new paragraph after "resources"?

**Mr. Jamie Schmale:** Yes, that's correct.

**Mr. Philippe Méla:** It's on line 6—after line 6.

**Mr. Jamie Schmale:** Yes, sir.

**Mr. Philippe Méla:** Thank you.

**The Chair:** On amendment CPC-12, we're ready for the vote, Mr. Clerk. We'll have a recorded division.

(Amendment negatived: nays 7; yeas 4)

**The Chair:** I believe now, with advice from the clerks, that we have LIB-3, reference number 11253231.

**Mr. Jacques Maziade:** As I understand it, I think Mr. Schmale has another paragraph that he would like to insert after line 6 on page 2.

Am I correct, Mr. Schmale?

**Mr. Jamie Schmale:** You are correct, sir.

**Mr. Jacques Maziade:** Okay. This is CPC-13.

**The Chair:** Go ahead, Jamie.

**Mr. Jamie Schmale:** Thank you, Chair. It's lucky 13. It reads, "Whereas the Government of Canada acknowledges that providing clarity with respect to Indigenous rights and the Crown's duty to consult and, if appropriate, accommodate is fundamental to enhancing regulatory certainty and improving Canada's competitiveness;".

**The Chair:** The clerk has that text.

• (1255)

**The Clerk:** Yes, Mr. Chair.

**The Chair:** We'll take a recorded division.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** Are we ready for the Liberal amendment yet? Mr. Clerk, what's next on our business?

**Mr. Jacques Maziade:** Give me just 15 seconds, because Mr. Schmale has another amendment at the end of... I'm trying to find the paragraph, and I don't know if it goes before amendment LIB-3. Hold on a second.

**Mr. Jamie Schmale:** I believe it's line 37.

**Mr. Jacques Maziade:** Is that on page 2?

**Mr. Jamie Schmale:** It's on page 2, in addition to line 37.

**Mr. Jacques Maziade:** Okay. That's perfect.

Now we're going to amendment LIB-3.

**The Chair:** Thank you very much.

Gary, could you present the amendment?

**Mr. Gary Anandasangaree:** This is again just to be consistent by ensuring we add the words "combat prejudice and eliminate all forms of violence, racism, and discrimination, including systemic racism and discrimination".

Mr. Chair, there may also be implications for other amendments, so maybe you could advise on that before we go to a vote.

**The Chair:** Of course.

If this is adopted, amendment NDP-4 cannot be moved, since they are identical. If amendment LIB-3 is negatived, so is NDP-4, for the same reason. Also, if LIB-3 is adopted, then PV-5 and PV-6 become moot, as they contain the same provisions as LIB-3.

With that in mind, we go to the recorded division.

(Amendment agreed to: yeas 10; nays 0 [*See Minutes of Proceedings*])

**The Chair:** That brings us to amendment PV-5.

**Mr. Jacques Maziade:** One moment, Mr. Chair. We're not going to PV-5, because since LIB-3 was adopted, PV-5 and PV-6—

**The Chair:** You're right. I'm sorry.

**Mr. Jacques Maziade:** We're going to amendment PV-7. I think you have a note on this one, Mr. Chair.

**The Chair:** I do.

Go ahead, Ms. Atwin.

**Mrs. Jenica Atwin:** I will withdraw it, since it has the same content as others that have been discussed previously.

**The Chair:** Okay. PV-7 is not brought forward.

Thank you.

**The Clerk:** Mr. Chair, if I may, PV-7 is deemed to have been moved, so it would require unanimous consent to withdraw it. That's my understanding.

**The Chair:** Do we have unanimous consent to withdraw?

I see that we do. Thanks, Ms. Atwin.

We're on LIB-4, reference number 11253219.

Go ahead, Jaime.

• (1300)

**Mr. Jaime Battiste:** Mr. Chair, this amendment would add reference to the doctrine of discovery and terra nullius in the preamble clause referring to "all doctrines, policies and practices based on or advocating the racial superiority peoples" to clarify that such doctrines are among these references.

**The Chair:** Thanks very much, Mr. Battiste.

In consultation—and thank you for having that amendment to us in a timely manner—I am advised that the amendment seeks to make a substantive modification by adding new elements to the preamble.

*House of Commons Procedure and Practice*—my famous big green book—says on page 774:

In the case of a bill that has been referred to a committee *after* second reading, a substantive amendment to the preamble is admissible only if it is rendered necessary by amendments made to the bill. In addition, an amendment to the preamble is in order when its purpose is to clarify it or to ensure the uniformity of the English and French versions.

It's my opinion that the proposed amendment is substantive and that no amendment was made to the bill itself to that effect, and that therefore the amendment is inadmissible.

I have Mr. Anandasangaree with his hand up, and then Mr. Battiste.

**Mr. Gary Anandasangaree:** Mr. Chair, I respectfully have to disagree with your position on this. We've made three amendments that add the terms "racism" and "systemic racism" throughout the text, both in the preamble and in the body of the text. I think the amendment that's put forward by Mr. Battiste really does speak to the issues of racism; therefore, I would submit that this is a result of amendments that have been made and approved by this committee.

**The Chair:** Go ahead, Mr. Battiste.

**Mr. Jaime Battiste:** I agree with what Gary just said.

**The Chair:** Is there further discussion?

The legislative discussion that we had—and I'm hearing an echo in my headset, so it's hard to talk—outlined the matter in a manner that I described; however, I am willing to put this to a vote.

Mr. Anandasangaree, do you wish to add to this?

**Mr. Gary Anandasangaree:** Just to underscore the point, Mr. Chair, the issues of racism and systemic racism have been brought forward throughout the discussion over the last several weeks. As a result, the government took the position that it's important to add to, clarify and strengthen the bill in that respect.

The issues that are in the amendment brought forward by Mr. Battiste really speak to the racism that's existed and the notion of terra nullius as a racist doctrine. That's precisely the reason I believe this is appropriate to move forward, and it's an amendment that should be allowed to go to a vote. I think we're prepared to vote on it.

**The Chair:** I'll accept that and put the matter to the clerk for a recorded division.

**Mr. Jacques Maziade:** Mr. Chair, just to clarify, is your decision challenged, or are we voting on the amendment? I just want to make sure that the committee knows exactly what it is voting on. You have two options here.

Mr. Anandasangaree can propose a motion to challenge the decision of the chair, because you made a decision that declared it as inadmissible. This is the option that committee has. I don't know if Mr. Anandasangaree wants to propose that.

**The Chair:** I'm prepared to take a motion on a challenge, of course, I have to.

**Mr. Jacques Maziade:** The consequence to it, if your decision is overturned, is that the amendment becomes admissible for debate on the motion and a vote on the motion.

**Mr. Gary Anandasangaree:** Mr. Legislative Clerk, with respect, I would submit that the position I have taken is in line with the amendments that have been already passed. Therefore, the underlying premise that the chair indicated with respect to the admissibility of this particular amendment is, in my submission, incorrect. I'm therefore asking the chair to reconsider the position and not necessarily have it go to a vote.

Perhaps you and the chair could discuss the appropriateness of moving forward with the vote and the chair reconsidering the decision.

• (1305)

**The Chair:** To the legislative group, I'm perfectly willing to proceed as Mr. Anandasangaree suggested, or does policy render a challenge in this case?

**Mr. Jacques Maziade:** Mr. Chair, if you wish to withdraw your decision, that's fine. We would go to the debate on the amendment and a vote on the amendment.

**The Chair:** We will skip past the remarks that I made in the context of what was said and go to the amendment on LIB-4.

**The Clerk:** This will be a recorded vote for LIB-4.

(Amendment agreed to: yeas 9; nays 2 [*See Minutes of Proceedings*])

**The Chair:** Thank you. The amendment is carried.

Clerks, I need some clarification on BQ-3.

**Mr. Jacques Maziade:** Since BQ-1 and BQ-2 were not adopted, it means that there is a problem with BQ-3. The rule is that if you want to change something in the preamble, you have to change something in the text.

The decision is in your hands, Mr. Chair.

**The Chair:** My impression, as I said earlier, was exactly as you said. In the case of the bill, a substantive amendment to the preamble is admissible only if rendered necessary by amendments.

Reading through it, as we did in our preparation, I came to the opinion that the proposed amendment is substantive. No amendment was made to the bill to that effect, therefore rendering this amendment inadmissible.

I'm going to stay with that opinion that it is inadmissible. However, Ms. Gill, I know you wish to speak to it.

[*Translation*]

**Mrs. Marilène Gill:** I'm just trying to understand it clearly, Mr. Chair.

We just proceeded differently for amendment LIB-4. You initially deemed it inadmissible, and then reversed your decision, and yet you are maintaining it for this amendment. I am wondering whether this is to prevent a challenge to your decision and that we will have to resolve the issue with a vote.

[*English*]

**The Chair:** No—

[*Translation*]

**Mrs. Marilène Gill:** Could you just clarify why we were able to rule on amendment LIB-4, but not this one?

Thank you, Mr. Chair.

[*English*]

**The Chair:** What would be substantial would be an amendment to the bill itself that related to the preamble. That's the issue before us.

[*Translation*]

**Mrs. Marilène Gill:** Mr. Chair, my question was the other way around. I wanted to know what, substantively, amendment LIB-4 added to the bill. It didn't seem to me that it added anything. I was simply pointing out that the decision was different. When all is said and done, amendment LIB-4 did not add anything more than this one to the bill.

[*English*]

**The Chair:** Thank you. In my opinion, based on the discussion, the notion of racism that was introduced was relevant to the wording in the preamble.

Would that be your opinion, Mr. Clerk? I see you have your hand up.

• (1310)

**The Clerk:** Well, I can't give my opinion on that. A ruling of the chair is not debatable. Either it can be challenged by a motion or we would move to the next item on the agenda.

**The Chair:** Go ahead, Mr. Battiste.

**Mr. Jaime Battiste:** Just to clarify the doctrines that we were discussing, the terra nullius doctrine says that anyone who was not of Christian descent was not a person. When we introduced racism, we introduced the ability to question some of the international doctrines, such as the doctrine of discovery, that make it so that indigenous people aren't people in the realm of the law.

This is absolutely racism and this is absolutely discrimination, so when we introduced the new substantive clauses on racism, we allowed the ability to refer to these racist doctrines. That's where the discussion was, and that's why we were able to change the previous one and introduce LIB-4, whereas we're not able to do so with—

[*Translation*]

**Mrs. Marilène Gill:** Are we still within the permissible limits of the debate or have we overstepped them?

[*English*]

**The Chair:** Yes, Ms. Gill.

[*Translation*]

**Mrs. Marilène Gill:** I'm asking because I believe that the clerk said we could not debate the chair's decision. I was therefore wondering whether we had begun another debate.

[*English*]

**The Chair:** No, I'm just asking for clarification from your perspective so that I can review the ruling that I made based on the discussions and work that were done previously.

Was there a substantial change earlier that relates to what you are wishing to amend, something else that we changed within the body of the bill, as did occur in the case of the previous decision?

[*Translation*]

**Mrs. Marilène Gill:** In my humble opinion, Mr. Chair, that was not the case for amendment LIB-4. That's why I asked the question. That's not what I understood when you withdrew your decision so that we could finally rule on amendment LIB-4.

I will simply comply with your decision, because we have not adopted any amendments to the bill that would have made this amendment admissible. I thought that a similar decision had been made earlier, but in any event, we can now close the debate. Thank you, Mr. Chair.

Thank you, Mr. Chair.

[*English*]

**The Chair:** I appreciate very much the discussion, because we're trying to make sure that the bill is properly brought forward in terms of all of the protocols, precedents and practices of the parliamentary procedure. I was convinced that there had been substantive change within the bill that led to the preamble, but in the case of this BQ-3, I didn't see it.

My view is that the amendment is inadmissible, and I will stand by that opinion. Thanks, Madame Gill, for the discussion.

Now, that brings us to the preamble and—

**Mr. Jacques Maziade:** Mr. Chair, if I may...?

**The Chair:** Yes.

**Mr. Jacques Maziade:** I think we have to go to Mr. Schmale's amendment on lines 36-37.

**The Chair:** Oh, that one; sorry.

**Mr. Jacques Maziade:** We still have still a couple of others—three or four, I think.

**The Chair:** Okay. Sorry about that. I have things jotted down all over, and I can't find my notes.

I have Mr. Anandasangaree with his hand up.

**Mr. Gary Anandasangaree:** It's just to make sure that I'm still on the roster there, Mr. Chair.

**The Chair:** Yes.

Go ahead, Mr. Schmale.

**Mr. Jamie Schmale:** Thank you, Chair.

Before we get to this motion, I do want to point out that we have gone over time by what looks like 14 minutes now. I think we have to decide what we're doing first.

**The Chair:** There's no need for a motion to extend on the discussion that we're having currently. There could be an issue later that would cause the members of the committee to depart, but my understanding of our procedures is that in the case of today we're good to go, to extend the meeting, because we're almost where we need to be.

I have the clerk, and I have Ms. Gazan. Perhaps they wish to speak to this.

**The Clerk:** I have confirmed that services are available to support this meeting until 2 p.m.

**The Chair:** Okay. We can continue until 2 p.m.

Ms. Gazan is next.

• (1315)

**Ms. Leah Gazan:** I just want to support that.

I think particularly it would be good of our Conservative colleagues to accommodate our continuing, considering their lack of preparedness for this meeting and how we have accommodated that.

You certainly have my support for extending the meeting.

**The Chair:** Jamie, can we carry on? Can you bring your amendments forward now?

**Mr. Jamie Schmale:** I think Ms. Gill has her hand up, Chair.

**The Chair:** I'm sorry. Where are you...?

Oh, there you are. The screen changes and people go.

[*Translation*]

**Mrs. Marilène Gill:** I would just like to add something to Ms. Gazan's comments. Because I don't want to ostracize anyone, I'll simply say that several members from several parties were not really ready. That being the case I would kindly invite you all to be better prepared for the next meetings.

Thank you, Mr. Chair.

[*English*]

**The Chair:** Go ahead, Mr. Schmale.

**Mr. Jamie Schmale:** Thank you.

I would argue that we were ready with these amendments. We just had a different process of doing it. We'd still have to go line by line on each of these anyway. Had we gone line by line at the beginning, we'd be done by now.

At any rate, at line 37 on page 2, we would like to add a comma after "self-government" and then add "by virtue of which Indigenous peoples freely pursue their economic, social and cultural development".

This amendment echoes the first amendment on economic reconciliation that I moved earlier, using language from the UN declaration itself.

**The Chair:** How many do we have coming forward now, Jamie?

**Mr. Jamie Schmale:** After this, it looks like there are three more, plus a minor one that's just a wording change. There are three of substance and then a wording change, so there are four more to come.

**The Chair:** Is the text available for the clerks?

**Mr. Jamie Schmale:** Yes. They should have it already.

**The Chair:** Okay.

We have heard the first one, which is at line 37.

Mr. Clerk, please go ahead with recorded division for CPC-14.

(Amendment negated: nays 7; yeas 4)

**The Chair:** Jamie, go ahead with the next one.

**Mr. Jamie Schmale:** Perfect.

On page 3, we're looking at adding, at line 3, after "Whereas the Government of Canada acknowledges", "and respects that provincial, territorial and municipal governments each have jurisdiction and the ability to establish their own approaches to the Declaration by taking various measures at their discretion that fall within their authority, and the Government of Canada will respect these various approaches to the Declaration in formulating its own action plan;".

**The Chair:** Thank you.

The clerks are good with the text.

Let's go to a recorded division, Mr. Clerk, on CPC-15.

(Amendment negated: nays 7; yeas 4)

**The Chair:** Go ahead, Jamie.

**Mr. Jamie Schmale:** At line 9 there would be a little striking and a little adding. Where it says, "Whereas the Government of Canada welcomes opportunities to work cooperatively with", I would take out the next word, which is "those", and the wording would read as follows:

Whereas the Government of Canada welcomes opportunities to work cooperatively with provincial, territorial and municipal governments, Indigenous peoples and other sectors of society towards achieving the objectives of the Declaration;

The amendment is intended to clarify the status of the declaration in Canadian domestic law and align with the government's stated intention that UNDRIP is to be used as an interpretive tool in Canada.

• (1320)

**The Chair:** Thank you.

We'll vote on the amendment.

(Amendment negated: nays 7; yeas 4)

**The Chair:** Mr. Schmale, where are we now?

**Mr. Jamie Schmale:** We're at line 16, Mr. Chair.

I would like to remove "Whereas the Declaration is affirmed as a source for the interpretation of Canadian law;" and replace it with "Whereas the Declaration is an international human rights instrument that is available as a resource to assist with the interpretation of the domestic federal laws of Canada;".

**The Chair:** Is that in line 16?

**Mr. Jamie Schmale:** Correct.

**Mr. Jacques Maziade:** It's line 14.

**Mr. Jamie Schmale:** Oh, sorry.

**The Chair:** I have astigmatism, so I wasn't sure if I was reading the right line.

We'll have a recorded vote on this amendment.

(Amendment negated: nays 7; yeas 4)

**The Chair:** Is there anything further, Mr. Schmale?

**Mr. Jamie Schmale:** There was just one more—

**The Clerk:** I'm sorry, Mr. Schmale; before we go to your last amendment, we have to go to the new LIB amendment from Mr. Anandasangaree on line 19.

**The Chair:** Mr. Anandasangaree, go ahead.

**Mr. Gary Anandasangaree:** Thank you, Mr. Chair.

After the paragraph with "Whereas the protection of Aboriginal and treaty rights", I wish to add "and Canadian courts have stated that such rights are not frozen and are capable of growth and evolution;".

I believe this reflects the intent of Ms. Gazan's earlier motion with respect to the amendment. We also believe this is a very important clarification that is required to the preamble in order to clarify the purpose.

Therefore, we would like to move forward on this amendment.

**The Chair:** I'm going to ask the legislative clerk whether it's properly moved in terms of our earlier discussions regarding the preamble.

**The Clerk:** Mr. Chair, there was NDP-1, which talked about frozen rights, but unfortunately the amendment was not adopted. We're facing the same problem here as before, as there's no significant change in the text of the bill. This makes it complicated. That is my advice to you.

**The Chair:** Go ahead, Mr. Anandasangaree.

**Mr. Gary Anandasangaree:** I appreciate the position of the clerk, but to clarify, this addition clarifies the preamble. It gives better direction in the preamble, and based on chapter 16, it is permissible under the rules of the House.

Therefore, I'm going to submit that it is appropriate to move forward with this amendment. Ms. Gazan's amendment was on a different part of the bill, and we appreciate the work that she has put in. We thank her for that, but the clarity that was sought in the preamble is being provided here.

• (1325)

**The Chair:** Go ahead, Ms. Gill.

[*Translation*]

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

As you might expect, it's another somewhat specific situation. I voted in favour of Ms. Gazan's amendment, and it was simply a procedural matter. In this instance too, we want to add something to the preamble that does not appear in any of the clauses of the bill.

In this instance, even if the term "federal law" or "Canadian law" were not in the bill, should not my suggested amendment to the preamble have been ruled admissible, in accordance with chapter 16 of *House of Commons Procedure and Practice*, which was alluded to by my colleague Mr. Anandasangaree. Indeed, it was clarifying the bill.

The question is for you, Mr. Chair.

[*English*]

**The Chair:** We'll carry on with Mr. Vidal.

**Mr. Gary Vidal (Desnethé—Mississippi—Churchill River, CPC):** Thank you, Mr. Chair.

My sense of this, as someone trying to learn the process and follow through, is that your ruling would have to apply in the matter of consistency. When the content in the bill was defeated and there was no substantial change, my understanding from what you ruled earlier is that we cannot do this. I think we have to be consistent with the application of your earlier rulings.

**The Chair:** I have Mr. Battiste and then Ms. Gazan.

**Mr. Jaime Battiste:** I think it's consistent with the document. I don't think it's a substantive change and I think we could vote on it.

**Ms. Leah Gazan:** It's actually very consistent with Article 1 in the bill, which recognizes treaty rights. If we're talking about the declaration, this specific amendment is actually part of the United Nations Declaration on the Rights of Indigenous Peoples. I think

it's very consistent with Article 1 of the bill, which also refers to international human rights law, which also recognizes treaties.

**The Chair:** Members of the committee, in trying to get through this today and doing the work we had done previously, I was advised or directed or informed of how these things work. With all due respect to the comments that have been made, Madame Gill, for instance, was not able to point out the change in the bill that referred to the change in the preamble, whereas I believe that Mr. Battiste did. I may ask for guidance once again from the legislative clerks in this regard.

I'll have Ms. Gazan speak and then I'll have a question for the committee.

**Ms. Leah Gazan:** Going back to Article 1, it fits very consistently with Article 1 of the bill.

Thank you, Chair.

**The Chair:** The thing I'm struggling with in terms of the chair's responsibilities is whether the absence of this amendment will change in a substantive way, offset the intention, or otherwise change the direction of the bill as is worded in the preamble.

I'd like to hear a comment from someone.

Mr. Anandasangaree, I know we're trying to improve the bill and make the best bill possible, but in terms of our procedures as outlined in the parliamentary guide, how do I accommodate that today?

**Mr. Gary Anandasangaree:** To be clear, Mr. Chair, my understanding of the parliamentary rules, as per chapter 16, is that amendments at this clause-by-clause stage of the bill that clarify the preamble are completely permissible. That is what we're relying on to bring this forward. I recognize the difficulty you're having with this, but it is quite clear in the rules.

I would invite you to rule on it, and then we can proceed. There are no hard feelings. If you're not ruling in favour, then we will call for a vote and we can proceed.

I do recognize the work that everybody has put in. I think at this point we're prepared to move forward.

• (1330)

**The Chair:** I'm going to ask for one final comment from the legislative staff with regard to preambles and the bodies of bills.

**Mr. Jacques Maziade:** If I may, Mr. Chair, you have heard the representation on both sides. You have the authority to say whether it's admissible or not. If some members disagree with your decision, they have the possibility to challenge your decision to achieve what they want. You have the authority to make the ruling one way or the other. You have received information on both sides and you can decide on this.

**The Chair:** That clears up for me a little bit of my concern with regard to precedent and so on.

Madame Gill, I'll ask you to comment, and then we'll go to a vote.

[*Translation*]

**Mrs. Marilène Gill:** Of course, Mr. Chair. I would have liked further discussion of the question.

I agree on the substance, and I wanted to mention it to Ms. Gazan, among others. At the same time, I had trouble believing that there was a double standard and that it was considered acceptable. As Mr. Anandasangaree mentioned twice in reference to chapter 16 of *House of Commons Procedure and Practice*, there is discussion of clarifications to amend the bill. I therefore consider that for my amendment, it's exactly the same thing. That, in my opinion, would make it a double standard, or at least inconsistent. I wanted to mention this before we vote.

[*English*]

**The Chair:** Thank you, Madame Gill.

In view of the discussions that we had previously, I'm going to rule that the matter, based on the comments that I made, is inadmissible. If someone would like to challenge the chair, then we'll follow through with that procedure.

I will rule on the basis of the previous discussions, on the basis of my previous ruling with regard to admissibility.

Go ahead, Mr. Anandasangaree.

**Mr. Gary Anandasangaree:** You are suggesting that this is not admissible, Mr. Chair. Is that what I'm...?

**The Chair:** In view of the discussions and the understanding that I had earlier, and the ruling that I had made, I want to be consistent, as Madame Gill pointed out, so that would be my ruling.

**Mr. Gary Anandasangaree:** Thank you, Mr. Chair.

With the greatest respect, I would like to challenge that ruling, and I made submissions on this earlier. I believe that this is non-debatable; it goes to a vote.

**The Chair:** Mr. Clerk, please go with a recorded division.

**The Clerk:** Yes, Mr. Chair.

The vote is on the motion “Shall the ruling of the chair be sustained?”, meaning “Shall the ruling of the chair be upheld?”

**The Clerk:** Mr. Chair, the result is yeas, 5; nays, 5.

**The Chair:** It sounds like I have to break the tie.

**Mr. Jacques Maziade:** Mr. Chair, we can suspend for a couple of minutes.

**The Chair:** We'll suspend the meeting.

• (1330)

(Pause)

• (1340)

**The Chair:** I'm going to reconvene. The meeting is back in session.

We had a split. I believe that on a 5-5 tie, anyone wishing to change their vote would require unanimous consent, and I'm not sensing that there would be unanimous consent on that.

I made my decision on principle. If the issue is my vote on this matter, I maintain my position that.... I vote to sustain the position.

Go ahead, Mr. Anandasangaree.

**Mr. Gary Anandasangaree:** Thank you, Mr. Chair.

With the indulgence of the members, since I know this could be frustrating, I would like to introduce another amendment. This will be our last amendment with respect to the clause.

**The Chair:** Fine.

**Mr. Gary Anandasangaree:** This is with respect to the same clause. The amendment will read:

Whereas the protection of Aboriginal and treaty rights — recognized and affirmed by section 35 of the Constitution Act, 1982 — is an underlying principle and value of the Constitution of Canada, and the Canadian courts have stated that such rights are not frozen and are capable of evolution and growth;

**Mr. Jacques Maziade:** Mr. Chair, if I may, can Mr. Anandasangaree indicate where exactly in the preamble this would go, and if he has the written version of the amendment, could he send it to us?

**Mr. Gary Anandasangaree:** The written version is on its way. It is with respect to line 19 in the preamble.

**Mr. Jacques Maziade:** That's on page 3.

**Mr. Jamie Schmale:** Chair, I have a question for the clerk, if it's possible.

**The Chair:** Sure.

**Mr. Jamie Schmale:** Is this wording not relatively the same as the previous motion that was deemed inadmissible?

• (1345)

**Mr. Jacques Maziade:** If I may, Mr. Chair, I don't have a copy of the amendment. That's why I want to see it before saying anything. I don't know exactly the wording of the amendment.

**Mr. Gary Anandasangaree:** While we wait, I could read it out again.

**The Chair:** Go ahead.

**Mr. Gary Anandasangaree:** Basically it is very similar to the previous amendment. It will read, “Whereas the protection of Aboriginal and treaty rights — recognized and affirmed by section 35 of the Constitution Act, 1982 — is an underlying principle and value of the Constitution of Canada, and Canadian courts have stated that such rights are not frozen and are capable of—and here's the change—“evolution and growth;”

**Mr. Jacques Maziade:** Give me a second, please.

**The Chair:** For everyone's sake, we have a two o'clock hard stop because of technology.

**Mr. Jamie Schmale:** And question period.

**The Chair:** Yes.

**Mr. Jacques Maziade:** Mr. Chair, following Mr. Schmale's questions, I would say that the motion can be proposed. It's up to you to decide whether it's the same. We have the same words in some places, but it's really up to your evaluation of the amendment to say that it's the same.

The rule is that the committee cannot decide twice on the same thing. Is it the same thing?

**The Chair:** I'm going to say that it's different, to a minor extent, but I will still say that it is inadmissible for all of the.... We don't need to go through the whole context again. I'm going to say that as I heard it just now, it is not admissible.

Go ahead, Mr. Vidal.

**Mr. Gary Vidal:** Thank you, Mr. Chair. I will just throw my old mayor's hat on for a couple of minutes here.

Maybe the rules are different, but in the rules as I had to interpret them as mayor, I was not able to accept the same motion, or the motion with exactly the same intent, twice. Even if there were a flip of a couple of words, I was not allowed to entertain that motion in my role as mayor.

**Mr. Gary Anandasangaree:** Thank you, Mr. Chair.

Again, thank you for your ruling. I want to, respectfully, challenge your decision.

**The Chair:** Mr. Clerk, please go to a recorded division.

**Mr. Jamie Schmale:** On a point of order, Mr. Chair, can you quickly explain this to me? If we're not allowed to have that motion in the first place, how do we have the ability to challenge the chair's decision to not allow it, if it wasn't allowed in the first place?

**The Chair:** In my opinion, it's enough of a change that we'll bring it forward. I really want to move the meeting along as well.

**The Clerk:** The question is, "Shall the chair's ruling be sustained?" That is to say, shall the chair's ruling be upheld?

(Ruling of the chair overturned: nays 6; yeas 5 [*See Minutes of Proceedings*])

• (1350)

**The Chair:** Thank you. The challenge to the ruling of the chair has been accepted, which brings the amendment forward. Now the amendment needs to be voted on.

**The Clerk:** This is a recorded vote for LIB-6.

(Amendment agreed to: yeas 6; nays 5 [*See Minutes of Proceedings*])

**The Chair:** Now we'll move to the preamble as amended.

**Mr. Jacques Maziade:** Excuse me, Mr. Chair, but Mr. Schmale has one other amendment on the preamble. It's for line 35 or 36, I think.

**Mr. Jamie Schmale:** Yes. I think it was line 36, but I could be wrong.

**The Chair:** Go ahead, Mr. Schmale, with your amendment.

**Mr. Jamie Schmale:** Okay. It is about staying consistent with earlier text. The bill reads, "rights and legal traditions of First Nations, Inuit and the Métis and of their institutions". I think it should read, "traditions of First Nations, Inuit and the Métis Nation". Inserting the word "nation" there is consistent with the text earlier on.

**The Chair:** Thank you.

Let's go to a recorded division on CPC-18.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

**The Chair:** Are there any further amendments? I don't see any.

Now we'll have a recorded division on the preamble as amended.

(Preamble as amended agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

**The Chair:** Shall the short title carry?

(Clause 1 agreed to: yeas 11; nays 0)

• (1355)

**Mr. Gary Anandasangaree:** Mr. Chair, may I ask that the remaining votes be on division, without recorded votes?

**The Chair:** We don't need to record the votes if that's okay with everyone, or I can apply them.

**Mr. Jamie Schmale:** On division is fine.

**The Chair:** Is anyone opposed to the title carrying?

**Mr. Jamie Schmale:** Didn't you just ask that?

**The Chair:** No. That was the short title. Now we're on the title.

**Mr. Jamie Schmale:** Everything is on division.

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**An hon. member:** On division.

**The Chair:** Shall the bill as amended carry?

**Mr. Jamie Schmale:** On division. Everything is on division, Chair.

**The Chair:** Shall the bill as amended carry?

**Some hon. members:** Agreed.

**An hon. member:** On division.

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

**Some hon. members:** Agreed.

**Mr. Arnold Viersen:** On division.

**The Chair:** Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

**Some hon. members:** Agreed.

**Mr. Arnold Viersen:** On division.

**The Chair:** With one minute to spare, I'm happy to say that we've concluded the matter before us today. I apologize for any problems that I may have created along the way, but I think all of us had a lot of paper flying around and a lot of things to consider.



I want to thank our staff for helping me to proceed, along with the rest of us. I think that we can take a lot of pride in getting to the point where we are today, at two o'clock.

The bill has carried and I declare this meeting adjourned.

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