



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, November 4, 2003**

—  
**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Tuesday, November 4, 2003

The House met at 10 a.m.

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*Prayers*

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• (1005)

[*English*]

## MEMBERS' EXPENDITURES REPORT

**The Speaker:** I have the honour to lay upon the table a document entitled "Public Disclosure of Members' Expenditures Report" for the fiscal year 2002-03.

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## ROUTINE PROCEEDINGS

[*Translation*]

### GOVERNMENT RESPONSE TO PETITIONS

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to nine petitions.

\* \* \*

[*English*]

## COMMITTEES OF THE HOUSE

### AGRICULTURE AND AGRI-FOOD

**Mr. Paul Steckle (Huron—Bruce, Lib.):** Mr. Speaker, I have the honour this morning to present, in both official languages, the third report of the Standing Committee on Agriculture and Agri-Food, entitled "The Investigation and the Government Response Following the Discovery of a Single Case of Bovine Spongiform Encephalopathy". Also, in presenting the report, we request that the government, within the normal 150 days, respond in its usual way to the committee.

I might say that this single case of BSE, which is what we more commonly know it as, has certainly forever changed the beef industry in Canada, but because of the transparency and our identification systems we were able to have the countries with which we normally do business, because we are an integrated industry, allow us to get back into the export market.

Because of this very commitment we have made, we as a committee put forward recommendations that I think will mitigate against these kinds of situations in the future, not necessarily to keep them from happening but certainly for us to be able to accommodate in the way we have this time and certainly encourage other countries to do the same.

### GOVERNMENT OPERATIONS AND ESTIMATES

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the ninth report of the Standing Committee on Government Operations and Estimates, entitled "Matters Related to the Review of the Office of the Privacy Commissioner".

The report was adopted unanimously and relates to an earlier report, the fifth report, of the Standing Committee on Government Operations and Estimates, and deals with a matter of privilege. I will be rising later today on that matter of privilege.

\* \* \*

[*Translation*]

## FOOD, DRUGS AND NATURAL HEALTH PRODUCTS ACT

**Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ)** moved for leave to introduce C-465, an act to amend the Food and Drugs Act (natural health products).

He said: Mr. Speaker, I am pleased to introduce today my private member's bill amending the Food and Drugs Act so that, once and for all, the real value of natural health products will be recognized.

This bill would include natural health products as a separate class in the Food and Drugs Act.

Five years after the tabling of a report by the health standing committee, this bill is a response to the report, which suggested in its 53 recommendations that natural health products be recognized in our legislation, because they are neither drugs nor food.

*Routine Proceedings*

(Motions deemed adopted, bill read the first time and printed)

\* \* \*

[English]

**PETITIONS**

MARRIAGE

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance):** Mr. Speaker, on behalf of the Roman Catholic Diocese of Pembroke, I present a petition to keep the traditional definition of marriage as that being between one man and one woman to the exclusion of all others. The petitioners maintain that marriage is an institution which pre-exists the state because it is based on a profound human need for having children and continuing the family from generation to generation and because marriage is a unique social institution that provides a supportive relationship between a woman and a man who together create the most successful environment for the rearing of children. The petitioners also maintain that marriage is an institution so basic to the human condition and common good that its nature is beyond that of the civil law to change.

•(1010)

TRADE

**Mr. Svend Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, today I have the honour of presenting a petition signed by 55 signatories from across Canada. Signatures were collected by Common Frontiers and represent over 61,000 Canadians who have voiced their grave concern about the upcoming FTAA.

They suggest that it could pose a threat to the right of citizens across Canada and the Americas to health, an internationally recognized human right that includes the right to affordable medical care and the right to a healthy environment. They are concerned that the FTAA could jeopardize universal medicare and the laws and regulations that protect public health through environmental integrity. They have called upon Parliament to stop negotiation of the FTAA and all trade agreements that put profits before public well-being, and to remove chapter 11 from NAFTA, which allows investors to sue governments for public policies that curb profits, even those policies that protect public health or the environment. They point out as well that next month Common Frontiers will join all of its signatures with millions collected from across Latin America and present them in Miami at the FTAA ministerial meeting.

The signatories represent people such as executive vice-president Barb Byers and Sheila Katz of the Canadian Labour Congress, Ken Luckhardt of the Canadian Auto Workers, Molly Kane of Inter Pares, and Tony Clarke, director of the Polaris Institute.

MARRIAGE

**Mr. Pat O'Brien (London—Fanshawe, Lib.):** Mr. Speaker, I am in receipt of petitions signed by 25,000 people from London, Ontario, and across southwestern Ontario, and am in the process of certifying these petitions. Today I would like to present some 3,500 signatures from the petition. These petitioners call upon the Government of Canada to reaffirm the traditional definition of marriage. They note that Parliament is on record several times,

including in legislation, as defining marriage as the union of one man and one woman to the exclusion of all others, and they call upon the Government of Canada and the Parliament of Canada to uphold its previous commitment to take all necessary steps to defend the traditional definition of marriage. I am most pleased and honoured to present these petitions.

FOREIGN AFFAIRS

**Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance):** Mr. Speaker, I am pleased today to rise today to present petitions signed by many Canadians from all across the country. They are calling upon Parliament and Canada to give continued support to the allied effort that is helping the people of Iraq to be free.

HEALTH

**Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance):** Mr. Speaker, I have petitions from my constituency, particularly Williams Lake. The petitioners are asking Parliament, particularly the Standing Committee on Health, to fully examine and study a report of Parliament on whether or not abortions are medically necessary for the purpose of maintaining health, preventing disease, or diagnosing or treating an injury, illness or disability in accordance with the Canada Health Act, and the health risks for women undergoing abortions compared to women carrying their babies to full term.

MARRIAGE

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am pleased to present two petitions today.

The first petition is in regard to the notwithstanding clause in relation to the issue of marriage. The petitioners simply want to draw to the attention of the House the fact that they disagree with the Ontario Court of Appeal decision that the definition of marriage is unconstitutional. They also want to point out that the Constitution provides for an override, referred to as the notwithstanding clause, section 33, and therefore the petitioners call upon Parliament to invoke the notwithstanding clause and pass laws so that the definition of marriage will be the legal union of a man and a woman to the exclusion of all others.

The second petition is with regard to the June 1999 position of Parliament on the matter of the definition of marriage. The petitioners want to remind the House that on June 8, 1999, by a vote of 216 to 55, the House did ratify and reaffirm the definition of marriage. The petitioners therefore would again call upon Parliament to take all necessary means to maintain and support the above definition of marriage in Canada.

ELECTORAL SYSTEM

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I am very pleased to rise in the House today to present two petitions.

*Government Orders***QUESTIONS ON THE ORDER PAPER**

The first petition is signed by residents of East Vancouver and Vancouver who supported the NDP motion in the House to call for a referendum to see if Canadians want to change the electoral system. The petitioners call upon the government to hold a referendum within one year to establish if Canadians wish to replace the current system with a system of proportional representation.

•(1015)

## FOREIGN AFFAIRS

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, the second petition is signed by residents of Vancouver who are very concerned about the star wars missile defence program. They call upon Canada to not participate in this program and to strongly condemn George W. Bush's destabilizing plans. They call upon Parliament to work with our partners in peace for more arms control to peacefully bring an end to the production and sale of weapons of mass destruction and any material used to build them.

## MARRIAGE

**Mr. Murray Calder (Dufferin—Peel—Wellington—Grey, Lib.):** Mr. Speaker, pursuant to Standing Order 36, I would like to present a petition on behalf of the constituents of Elgin—Middlesex—London, whereby they want to see the definition of marriage remaining as that between a man and a woman to the exclusion of all others.

## HEALTH

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, I am pleased to table a number of petitions. The first two are signed by Canadians concerned about the state of our health care system. They were pleased to see the recommendations of the Romanow commission report and are disappointed that those recommendations have not been turned into action. They call upon the government to see the Royal Commission on the Future of Health Care as a blueprint for Canada's ailing health care system and for this government to move immediately to ensure that we maintain a non-profit public health care system.

## FETAL ALCOHOL SYNDROME

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, the other five petitions are petitions signed by hundreds of Canadians concerned about the lack of movement by the government on fetal alcohol syndrome. They express concern that the government has chosen not to move on the motion passed by Parliament almost unanimously in April 2001, a motion that would require labels to be put on all alcohol beverage containers warning that drinking during pregnancy can cause birth defects. They call upon the government to enact that motion immediately.

## MARRIAGE

**Mr. James Lunney (Nanaimo—Alberni, Canadian Alliance):** Mr. Speaker, today I have three petitions here on the same subject. The petitioners are calling on Parliament to defend the traditional definition of marriage as a bond between one man and one woman; it is a serious moral good. They call marriage a lasting union of a man and a woman to the exclusion of all others and say that it cannot and should not be modified by a court of law. The petitioners would like Parliament to defend that traditional definition of marriage.

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I ask that all questions be allowed to stand.

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

**GOVERNMENT ORDERS**

[*English*]

**SPECIFIC CLAIMS RESOLUTION ACT**

## BILL C-6—TIME ALLOCATION MOTION

**Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.)** moved:

That in relation to Bill C-6, an act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other acts, not more than one further sitting day shall be allotted to the stage of the consideration of Senate amendments to the bill;

[*Translation*]

and fifteen minutes before the expiry of the time provided for government business on the allotted day of the consideration of the said stage of the said bill, any proceedings before the House shall be interrupted, if required for the purpose of this Order, and in turn every question necessary for the disposal of the said stage of the bill shall be put forthwith and successively without further debate or amendment.

**The Deputy Speaker:** Pursuant to Standing Order 67(1), there will now be a 30 minute question period. The hon. member for Saint-Hyacinthe—Bagot.

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, this motion reflects a confrontational strategy and is antidemocratic. It is a betrayal of history, a repudiation of the spirit and the letter of the long-standing treaties signed by our ancestors and the aboriginal nations. The government should be ashamed of itself. It should be ashamed to keep on treating the first nations like children, as it has been doing for 130 years with the infamous Indian Act.

I have a question for the Minister of Indian Affairs and Northern Development. How can he live with himself after doing this, after shoving a bill the first nations do not want down their throats?

*Government Orders*

•(1020)

[English]

**Hon. Robert Nault (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, what we do know about Bill C-6 is that this is the third attempt since the 1950s to bring forward a tribunal and a commission process, an independent body that will allow first nations to bring their specific grievances, which are legally binding agreements that we as the crown have signed over the last 100 years or so, to a process where there is fairness.

The fact that there has been debate in this place for the last year about whether Bill C-6 is perfect, whether it is completely independent or whether it meets all the needs is a legitimate debate. However the time has come to put a process in place that will be more acceptable than the one we have in place today.

At the present time the backlog is significant. The reason is that we do not have a process in place where we can sit down and use the modern tool of management, of negotiation and discussion to bring this to a conclusion and decide on what the government would owe to a first nation based on a past grievance.

This is a unique process to Canada. There are no commissions or tribunals like it in the world. The Human Rights Commission is the only commission that is close to being like it. We have said on numerous occasions that no one in the House can predict the success of it but we believe we must find ways to work together and negotiate instead of litigate, which is the objective of the exercise.

We have had over a year of debate and that is a significant amount of time. Good amendments have been made by the Senate and we agree with those amendments. We want to move on with the implementation of Bill C-6.

**Mr. John Duncan (Vancouver Island North, Canadian Alliance):** Mr. Speaker, I understood that we had a minute and the minister had a minute to respond. Am I incorrect?

**The Deputy Speaker:** There is no hard and fast rule in terms of the time. Depending on the number of people who want to participate and with the cooperation of everyone in the House, we can get more questions in. If everyone keeps that in mind, then we will have a very fruitful 30 minute question and comment period.

**Mr. John Duncan:** Mr. Speaker, the government is showing its true spots again and breaking new records for invoking closure. What is most astounding this time, however, is that the government invoked closure in the Senate on Bill C-6 as well. It is quite possibly unprecedented for any government to have had an aboriginal bill time allocated in the Senate and now in the House of Commons. It is certainly a precedent for which the government cannot be proud.

Because of limited time only the Canadian Alliance has spoken to Bill C-6, with only one member speaking to it for a total of three hours of debate. Why is the government so intent on pushing through this poorly crafted bill?

**Hon. Robert Nault:** Mr. Speaker, as I said a few moments ago, with all due respect, I disagree with the member adamantly. We have had significant debate. The bill has been in committee three times, not twice. It has been before both the House of Commons and the Senate for over one year. We have had significant consultation with

people across the country about the good parts and the bad parts of the legislation and what people like and do not like.

We believe that to improve the lives of first nation citizens, it is the duty of the Government of Canada not to sit on its hands but to develop modern tools of governance, modern tools and institutions that will meet the needs of first nation citizens and meet the needs of their leadership.

In my 15 years here we have not accomplished any of that through a legislative process. What we have done is skirted the issue. We have been afraid to be bold and move forward with new initiatives.

I am surprised that the opposition would take the position that we should do nothing, that we should continue to allow first nations to be stuck in the mud and to live in poverty when there are many ways that governments can help.

The legislation would make a difference to first nations people when we can fast track claims and bring them forward for use in the communities on economic development and social opportunity.

•(1025)

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, the minister standing today and moving closure is the desperate act of a desperate man. He is fully aware that his first nations governance initiative has been an abject failure. It has been an abject flop because first nations, from one end of the country to the other, have denounced it. They have said that they do not want it.

In choosing to go forward with Bill C-6, is the minister not aware that first nations, from one end of the country to the other, have said that Bill C-6 is not what they want? Where does he get off, where does he get the licence and where does he get the colonial arrogance to impose this on his supposed partners in the community who have said clearly that they reject it? They have said that it bears no resemblance to the joint task force that was struck and that was supposed to develop such an institution.

Will the minister admit that his first nations governance act is a failure, that the whole initiative was a failure and that the whole suite of bills has been a failure? Will he go back to the drawing board with some respect for first nations people and start over again in consultation with first nations people? Will the minister do that, at least in this last opportunity that he has?

**Hon. Robert Nault:** Mr. Speaker, we are not here debating Bill C-7 but I will make a quick comment and that is that Bill C-7 is alive and well and he will have an opportunity to debate that some time soon I am sure.

The reason for that is that no one in their right mind, who knows anything about aboriginal issues, can say that the present Indian Act meets the needs of first nations people. We all know the status quo is not acceptable. We all know first nations people are suffering because Parliament has not acted in modern times to bring forward the kind of institutional changes necessary to improve the opportunities for first nations to be successful.

*Government Orders*

If the member is having a debate about whether Parliament has the right to move legislation without every first nation leader across the country being in support, then he has a different definition of his role and responsibilities than I do.

I go back to Bill C-6, which is the matter of the debate and on which many members want to ask questions. I will put it to the member again. If the member believes that Bill C-6 is not as good as the present Indian Claims Commission we have before us today he should stand up and say so. My belief is that this legislation is 10 times as good as the process we have now. It will prove to be very effective once it is implemented into law.

**Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance):** Mr. Speaker, in 1993 the Liberal red book promised an independent claims commission jointly appointed by first nations and the Government of Canada.

Bill C-6 clearly breaks that promise by concentrating the power to make appointments in the Prime Minister's Office. In that regard this will then be very much controlled by the government.

Indian bands have repeatedly faced obstruction, rejection and delay in their attempts to have the government consider their claim. I would like to ask the minister why native people across this country should trust the government to act in good faith in the face of yet another 1993 Liberal red book broken promise and in the face of what Bill C-6 offers them.

**Hon. Robert Nault:** Mr. Speaker, the member knows very well that as the minister I have written to the national chief, both the present one and the past one, making it clear that we have every intention of consulting the first nation leadership on the makeup of the commission and the tribunal.

If he carefully reads the amendments put forward by the Senate, we confirm that it is our intention to participate with first nations to make this commission and tribunal a success. Therefore we are looking to make it independent and successful. Why would we want to have it any other way?

The fact remains that under the present system the first nations, even after the commission and tribunal passes into law, still can accept the other process of going to court if they believe this process does not work. If they do not think they want to go to the commission to use the modern tools of negotiation to bring forward claims much quicker, they still can go a different route.

This is one of many tools. It is not a box that is closed. It is a box that is open to allow opportunities for people to develop the kind of relationships through negotiation in a modern context. That is why I firmly believe it will work.

I want to make one final point. The member continues to suggest that there is a need to build trust. Let me use one example. Not too long ago we passed in the House the First Nations Land Management Act. The same process took place with the opposition as is happening today. In fact, the minister of the day had to move to get agreement with 14 bands because first nations across the country did not trust the government.

Today there are over 100 first nations clamouring to get into the First Nations Land Management Act because it is successful. The

only way we will build respect and trust is to put legislation in place that does the job and improves the lives of first nations citizens.

● (1030)

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance):** Mr. Speaker, the minister knows very well that those amendments from the Senate are pretty wimpy, pretty much token and nothing of an adjustment in a significant way at all.

The Canadian Alliance blue book states support for speedy resolution of specific first nations claims. Specific claims include alleged improper administration of lands and other assets under the Indian Act or other formal agreements.

In other words, in some cases the Indian agents took and sold off Indian reserve lands and lined their own pockets with the money. That is the kind of injustice that we are talking about here today.

Bill C-6 would not speed up the resolution of specific claims. No timelines are mandated in this process. In fact, there are numerous opportunities for the government to delay and stonewall with impunity.

I would like to ask the minister why there are no timelines of any kind in this particular bill to get some resolution and some justice to native people since justice delayed is justice denied.

**Hon. Robert Nault:** Mr. Speaker, first, that is factually incorrect and the member knows so. If he does not he should read the bill. The bill does require the minister to report on a regular basis the delays that occur through justice in deciding whether a particular claim will be accepted by the government for negotiation.

The argument that is being put by the member that somehow this will not improve the system is absolutely false. The fact remains that every commission that we have created in the country have independent members. Let me put it this way. We appointed the present national chief to the commission that exists today. The national chief himself was appointed by the government. Now of course the chief will have a role in helping us to appoint commissioners and individuals to the tribunal.

I cannot say, but I assume everyone will want to agree with this point, that was a bad appointment. I think it was a good appointment. I can assure members that the reports by the Indian Claims Commission, even though they were just recommendations, which the government did not have to follow, were done independently by that commission and it was not attached to any particular political persuasion. It was independent. It made the decisions and we have to live with those results. I suspect the same thing will happen here and I think we will see a lot more progress than we have seen in the past.

*Government Orders*

[*Translation*]

**Mr. Yvan Loubier:** Mr. Speaker, I heard the minister say he was establishing an open system. It is not; it is a completely closed system. For example, it is closed, as far as the ceilings on claims is concerned. With the Senate amendment, the ceiling will be increased to \$10 million. And yet, the average individual claim settlement in the past 30 years was over \$18 million.

He says it is an open system. But it is closed, as far as accepting the first nations' individual claims is concerned. The minister will be the sole judge of whether or not such first nations claims will be accepted. He says it is an open system, because it allows court challenges if the commission does not work properly. Well, yes. Once again, he will decide on whether individual claims that are referred to the Department of Justice are acceptable.

We know very well what will happen with the Department of Justice. Technical evidence will be introduced. Things can be drawn out for 15 or 20 years. There are still 1,000 individual claims that have not been settled by the existing process. Things will not improve with the process proposed by Bill C-6. No additional resources are being allocated to settle the hundreds of individual claims that already exist.

The minister says that there are no systems in the world comparable to the one we are going to establish. Of course not. Apartheid ended in Africa some years ago, and he is recreating apartheid for the first nations.

Bill C-6 is goes against all the work that has been done since 1982. We are talking about a commission that is independent from the government, a government that is both judge and party. The first nations understand that. The minister must stop saying that he is speaking for the first nations and the chiefs of the first nations. Less than a month ago, in Vancouver, there was a first nations summit meeting. The chiefs present, including the grand chief, were unanimously opposed to Bills C-6 and C-7, and most of them were opposed to Bill C-19 as well.

• (1035)

[*English*]

**Hon. Robert Nault:** Mr. Speaker, the member shows his lack of knowledge of the bill.

Let me start by making it clear that the commission has the obligation to facilitate negotiations on claims of any size. Therefore, this straw man that has been put up that somehow we have put parameters and barriers around the abilities of the commission to negotiate claims of any size is factually incorrect.

The whole issue of the tribunal and the fact that there is a \$10 million cap is a financial administration issue. There must be some understanding of how much money the commission and tribunal will be able to spend in an annual year based on our obligations as a government.

What the member is basically suggesting is that somehow the commission and tribunal will have a blank cheque that they can spend as much money as they decide in a given year based on a claim without Parliament having any say. The reason for the cap is to ensure that we have control over the financial administration.

As I said before, the reason why we have built in a three year review of the bill is to see whether in fact the member's argument is correct. If the cap does severely hamper the abilities of the tribunal to do its job, we will have this review within three years to see whether we need to change it.

It is a legitimate position of the government to make based on the fact that the Financial Administration Act, as it stands, necessitates the minister of Indian affairs to ensure central agencies, finance and Treasury Board of how much money will be spent in one given year. That is the reason for the cap, not because we do not want to have claims.

In fact, we will be able to validate all claims and negotiate all claims at the commission level.

**Mr. John Duncan (Vancouver Island North, Canadian Alliance):** Mr. Speaker, during their administration, the Liberals have invoked time allocation and closure a total of 84 times. The record in the previous administration, the Mulroney administration, was a total of 72 times. Therefore, we are already well past the record setting pace of the Mulroney administration.

The government, in all of its dealings with aboriginal legislation, must be known for an absence of sharp dealings and forthright expression of its constitutional fiduciary obligations to indigenous peoples.

Not only does Bill C-6 fly in the face of virtually all commentary received from aboriginal communities, but it also flies in the face of all of the opposition parties in the House.

The minister made reference to the First Nations Land Management Act. I was here when the act went through this place. We had 14 first nations that were strong proponents of that act.

I ask the minister, where are the first nations that are strong proponents of Bill C-6? They do not exist. Is the government invoking time allocation because of the legacy that this minister hopes to leave behind? In other words, the first nations governance act, Bill C-7, has gone sideways, and these are the final days of the minister's mandate.

• (1040)

**Hon. Robert Nault:** Mr. Speaker, I cannot predict anyone's future, mine nor the member's. We will see how he makes out when he is up for nomination in his own riding or when he is up for re-election.

However, the objective of what we are proposing today is to put forward modern institutions of governance and the ability of the Government of Canada, through an independent specific claims commission and tribunal, to work with first nations outside of the courts to fast track and bring forward outstanding grievances of the past.



*Government Orders*

I do not understand this rhetoric from across the floor that somehow this diminishes the respect of aboriginal people. If they choose not to use the tool, that is their right; however, the fact is that we do not have the mechanism now to improve the abilities to work with first nations on resolving these claims. That is why Bill C-6 is so important to the long term resolution of grievances of the past.

What we set out to do in this mandate was very simple. We wanted Parliament to enter into a debate for the first time about the important modern institutions necessary for first nations to be part of our country, not sitting on the sidelines, living in poverty, and waiting for us to find some political will to work with them.

That is what Bill C-7, Bill C-19 and Bill C-6 are all about. And I dare say, later on this week, we will see another piece of legislation that also signals the same need for first nations people.

**The Deputy Speaker:** I want to remind the House that we have approximately eight minutes remaining in this 30 minute question and answer period. With everyone's cooperation, I will facilitate as many questions and replies as I possibly can.

The hon. member for Churchill.

**Mrs. Bev Desjarlais (Churchill, NDP):** Mr. Speaker, I am extremely disappointed that the minister, over the course of his time in working with first nations, has not made a serious attempt to work and partner with first nations.

Canada has proven that telling first nations what to do is not the answer to improving the situation. Listening to first nations and bringing in legislation that they support is what is important. Quite frankly, I have not heard the minister talk about even one first nation that supports this legislation. There are 633 first nations in this country. How many of them support this legislation?

Bill C-6 does nothing to change existing federal policy which has narrowly defined parameters and processes to which all claims must conform and adapt. The minister says there are no parameters. There are, and that is not acceptable.

Bill C-6 is not established to help settle claims but rather to control and limit the government's liabilities. Why does he not be up front and honest? This is not to better things for first nations; it is to make it easier for him.

**Hon. Robert Nault:** Mr. Speaker, if the member believes that, then it is a sad day in the House of Commons. I can tell members that since day one, one of the objectives of this minister has been to improve the lives of first nations people, to develop policies and legislation, and modern tools that will make a difference in their lives.

If the member is correct in her statements, this commission and tribunal, after the bill is passed, will be an abject failure over the next year. I can assure members, as I stand here, that I will stand in Parliament somewhere down the line and make that member eat her words because she is so far wrong in what she is saying.

I do not mind the rhetoric in this place, but when the Tories brought in the Indian Claims Commission, we had the same debate. It was said that the commission had no tools, no teeth; however, today it is considered by first nations to be one of the effective tools in working on relationships.

I do not need to be lectured by that member about what first nations think. This is a good piece of legislation and we will prove it as time goes on.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance):** Mr. Speaker, this independent claims body that is being set up under the government's bill is anything but independent and the minister knows that. There is token involvement from first nations after the fact, after the appointments are already made. The minister is quite aware of that.

It will not do anything to help breed trust among the parties involved. As well, who is standing up for the taxpayer in the process? The bill before us discourages the use of the less costly alternative dispute mechanisms. We are going the route of more costly court cases time and again, wasting taxpayers' money and those resources that could be applied to first nations.

We have been urging the Liberal government to go back and seriously look at the 1998 joint task force report which had some reasonable recommendations that would address what we perceive to be the major flaws and defects of this bill. His own Liberal senators have acknowledged that. Why does he not seriously consider and adopt into Bill C-6 the reasonable recommendations of the 1998 joint task force report?

• (1045)

**Hon. Robert Nault:** Mr. Speaker, the joint task force made recommendations; however, it did not make recommendations vis-à-vis the Financial Administration Act nor the machinery of government issues which we must look at when we create legislation.

When I look at the recommendations of the joint task force and the bill itself, the vast majority of the principles of that joint task force are intact. Yes, there are some differences and because of that we have built in the three year review. If, in fact, over a period of time, first nations raise concerns regarding the diminishing ability of the commission and tribunal to do their job, then, a review will be undertaken with first nations and the government in partnership, and their recommendations will be reviewed by the standing committees of both Houses.

I am sure that we have put in place the checks and balances to assure ourselves that if we have made errors in this legislation, which is always possible, we will have a way to go back and take a look. I think that is a fair way to proceed with legislation. It shows respect for first nations and it assures the government that it has a functional tribunal and commission.

*Government Orders*

[Translation]

**Mr. Yvan Loubier:** Mr. Speaker, the minister just told us that he has been a parliamentarian for 15 years. It has been too long. He is now putting in place a process that will create systematic confrontation with first nations; this is exactly what he is doing. This process is not about conciliation, nor is it about understanding. He says that it will improve the situation.

Since when is justice done only partially? Either justice is done by assessing damages and determining adequate compensation without setting a limit beforehand, or justice is not done at all. Either we are in a constitutional state, or we are in a banana republic.

That is what is being done right now. Is it usual for damages to be assessed and a case settled even before it is heard? Do you know when that it supposed to happen? It is supposed to happen after the case has been heard. What we see here has nothing to do with justice. The government is just being paternalistic again, as it has been for 130 years with the infamous Indian Act.

Can the minister answer this question : is there anywhere in the world where limits are set on damages before a case is heard?

[English]

**Hon. Robert Nault:** Mr. Speaker, this is an optional process for first nations; they have choices to make.

One of the concerns, and the reason we had the joint task force in the first place, was that over the last number of years it was suggested many times by the leadership that both the government, through the Department of Justice and the ministers of Indian affairs, through the Department of Indian Affairs and Northern Development, were too slow in accommodating the needs of first nations in their grievances and their legitimate concerns of the issues that transpired in places like Saskatchewan where we have the most specific claims waiting in the wings.

The objective of this tribunal and commission—and I want to emphasize that the tribunal is supposed to be a place of last resort—is to have the modern mediation tools that all negotiators need to work in partnership on joint research. This will save us money and time, and allow for independence by the commission itself on funding a first nation in its claim and research. All those matters have been longstanding and this particular bill will resolve them.

**The Deputy Speaker:** Is the House ready for the question?

**Some hon. members:** Question.

**The Deputy Speaker:** The question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Deputy Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** Call in the members.

● (1050)

[Translation]

● (1135)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 273)

## YEAS

## Members

Alcock	Allard
Anderson (Victoria)	Assadourian
Augustine	Bagnell
Bakopanos	Barrette
Beaumier	Bélanger
Bellemare	Bennett
Bertrand	Bevilacqua
Binet	Blondin-Andrew
Bonin	Bonwick
Boudria	Bradshaw
Brown	Bryden
Bulte	Byrne
Caccia	Calder
Cannis	Caplan
Carroll	Castonguay
Catterall	Cauchon
Chrétien	Coderre
Collenette	Comuzzi
Copps	Cotler
Cuzner	DeVillers
Dhaliwal	Dion
Drouin	Duplain
Easter	Eyking
Folco	Fontana
Frulla	Fry
Godfrey	Goodale
Graham	Harvard
Hubbard	Jennings
Jobin	Jordan
Karetak-Lindell	Keyes
Kilgour (Edmonton Southeast)	Knudson
Lastewka	LeBlanc
Lee	Leung
Longfield	MacAulay
Macklin	Mahoney
Maloney	Manley
Marcil	Marleau
Matthews	McCallum
McCormick	McGuire
McLellan	McTeague
Minna	Mitchell
Myers	Nault
Neville	O'Brien (Labrador)
O'Brien (London—Fanshawe)	O'Reilly
Owen	Pacetti
Pagtakhan	Paradis
Parrish	Patry
Peric	Pettigrew
Phinney	Pickard (Chatham—Kent Essex)
Pillitteri	Pratt
Price	Proulx
Redman	Regan
Robillard	Rock
Savoy	Scott
Serré	Sgro
Shepherd	Simard
Speller	St-Jacques
St. Denis	Stewart
Szabo	Thibault (West Nova)
Thibeault (Saint-Lambert)	Tonks
Torsney	Vanclief
Volpe	Whelan

*Government Orders*

Wood— 125

## NAYS

## Members

Abbott	Anderson (Cypress Hills—Grasslands)
Asselin	Bachand (Saint-Jean)
Bailey	Benoit
Bergeron	Bigras
Borotsik	Bourgeois
Breitkreuz	Burton
Cadman	Cardin
Casson	Chatters
Comartin	Crête
Cummins	Dalphond-Guiral
Davies	Day
Desjarlais	Desrochers
Duceppe	Duncan
Elley	Epp
Fitzpatrick	Forseth
Fournier	Gagnon (Champlain)
Gagnon (Lac-Saint-Jean—Saguenay)	Gallant
Gaudet	Gauthier
Girard-Bujold	Godin
Goldring	Gouk
Grewal	Grey
Guay	Guimond
Hearn	Hill (MacLeod)
Hill (Prince George—Peace River)	Hilstrom
Hinton	Johnston
Keddy (South Shore)	Laframboise
Laliberte	Lalonde
Lill	Lincoln
Loubier	Lunney (Nanaimo—Alberni)
Marceau	Mark
Martin (Winnipeg Centre)	Martin (Esquimalt—Juan de Fuca)
Masse	Mayfield
Ménard	Merrifield
Mills (Red Deer)	Moore
Pallister	Paquette
Penson	Perron
Picard (Drummond)	Rajotte
Reid (Lanark—Carleton)	Reynolds
Robinson	Rocheleau
Roy	Sauvageau
Schellenberger	Schmidt
Skelton	Solberg
Sorenson	Spencer
St-Hilaire	Stinson
Strahl	Thompson (Wild Rose)
Toews	Tremblay
Vellacott	Wasylycia-Leis
Wayne	White (Langley—Abbotsford)
Yelich— 97	

## PAIRED

Nil

**The Deputy Speaker:** I declare the motion carried.

[*English*]

I wish to inform the House that because of the proceedings on the time allocation motion, government orders will be extended by 30 minutes.

## SECOND READING AND CONCURRENCE IN SENATE AMENDMENTS

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-6, an act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other acts.

**Ms. Marlene Catterall:** Mr. Speaker, I rise on a point of order. Discussions have taken place between all chief whips and there is agreement, pursuant to Standing Order 45(7), to re-defer the

recorded division scheduled for 3 p.m. today on second reading of Bill C-54 until the end of government orders today.

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

**Ms. Marlene Catterall (Ottawa West—Nepean, Lib.):** Mr. Speaker, discussions have taken place as well between all parties and I believe you would find consent for the following motion:

That notwithstanding the provisions of Standing Order 67, the end of government orders shall remain 5:30 p.m. today.

[*Translation*]

**The Deputy Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

[*English*]

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance):** Mr. Speaker, you will understand that my feelings are considerably hurt by the fact that there were members across the way who did not like to hear me speak yesterday. I thought I was doing a good job in bringing forward some significant points. However, sometimes in this place very brutal measures are brought to bear, as just happened in the vote, with something that needs much more debate in the House in terms of improving Bill C-6.

Bill C-6 is no improvement over the present claims body. I differ with the minister. I do not think we will see the minister standing up in the House to say that the bill has done a much better job. In fact, contrary to what the minister said, there are a number of members within his own party, and most notably senators who were making the point and I will indicate some of that now in reading from the Senate record.

I also give notice that I will be giving substantial time to other members today. Much more significant things could be said in respect to why the bill is not a good one, why it is badly flawed and its many defects. However, I will allow others to make those points in the course of the day through to the vote at the end of the day which has been pushed forward by the government by way of closure.

Some of the other material that I referred to in the past is from an insightful document written by Leigh Ogston Milroy, called "Towards an Independent Land Claims Tribunal: Bill C-6 in Context". I will not have the time to make a substantive reference to that but it is there for people's reading and I suggest that people do read the essay.

I want to put on the record some comments from Liberal Senator Serge Joyal. This is what Senator Joyal had to say on the record in the Senate in reference to at least one aspect of the tribunal part of Bill C-6:

In this bill, we have a proposal to establish a tribunal. A tribunal is a court of justice; it is an independent body. This independent body, according to any legal advisers, must satisfy three criteria. First, it must be financially secure. In other words, it should not depend on a third party for its supply of money in order to function. Second, the members of that tribunal must have security of tenure, which means that they must remain there for a long period of time, to be immune to undue influence.

*Government Orders*

We see that Bill C-6 is so rife to patronage, to those kind of accusations or allegations. I do not think we have the sense that there is independence at all by way of the appointment process. Then others get to critique after the fact, typically as we do with appointments, railing at the government for the inappropriate appointments that are made.

The senator went on to say:

Second, the members of that tribunal must have security of tenure, which means that they must remain there for a long period of time to be immune to undue influence. In other words, they must not make popular decisions to please the person who has the authority to appoint. We can understand that easily. Third, the tribunal must have institutional autonomy. In other words, it must rule its affairs totally outside any kind of influence.

According to Serge Joyal, those are the three criteria for an independent tribunal. He went on to say:

What is at stake in this bill? In this bill is essentially the constitutional duty to establish a system of adjudication that meets those criteria so that those who go to the court [this tribunal] will have the assurance that their claims will be dealt with properly.

When we apply those three criteria to the bill in question there are some issues pending.

That is his mild way of putting it. I would have stated it a lot stronger, but we will go with that for now. He went on to say:

One is that the judges are appointed for five years—

In a commission it is only three years. It does not even overlap two terms of a government. Judges on the tribunal are appointed for five years—

—and they might be reappointed to that or any other position. That is found in clause 41(7) of the bill. This raises the issue that a person might adjudicate on the basis of an expectation of being reappointed to that position or to another position.

Here we open the door not to a sense of impartiality, but of partiality because of the nature of the appointments and the very short duration of this court in effect, or tribunal set up under Bill C-6.

• (1140)

He went on to say:

That is a very important element because administrative tribunals such as the one contemplated in this bill are presently the object of an investigation by former Chief Justice Antonio Lamer. His report, expected in December—

That is coming up very shortly; we could have waited for that report.

—will analyze the various norms that administrative tribunals must satisfy in order to continue to adjudicate properly, to maintain not only justice but also the appearance of justice.

There are other aspects of this bill that raise problems with regard to institutional autonomy. The bill says, in various aspects, that its people are assimilated to public service. They do not have the autonomy that court personnel should have to remain outside influence.

In terms of financial autonomy, Treasury Board defines the scale of salaries. This is problematic too. As you know, there has been a decision of the Supreme Court in relation to payment of salaries to judges, and the court has established very stringent criteria. We have had to deal with those problems here.

He went on to talk about the fiduciary responsibility. He said:

Hence, the system contemplated in the bill is a very delicate balance between those two conflicting objectives. The mechanism put into place by this bill raises serious questions. We must be sure that this bill will meet the test of the court.

Obviously sprinkled throughout in other comments I cannot read here, he very much tips his hand to indicate that he sees it will not meet that particular test. Senator Joyal went on to say:

Honourable senators, read clauses 41 to 70 and you will realize that this is a real court of justice that is being proposed.

A court, in evaluating the reliability of that system, will apply the norms that are usually operational in a court system. This is important because that guarantees that the aboriginal people will get real satisfaction. If they are not convinced of that, what will happen? All our debates will be for nothing. All of the hours and the long sessions that the aboriginal affairs committee, under the chairmanship of Senator Chalifoux, and the time that other senators will have spent on this bill will be to no avail because the system will not be trustworthy.

And I add as an aside, all the time spent by this place in committee, in this House and so on.

In conclusion he said:

There is no doubt that if we do not reconcile the trust of the first nations people in the system we are putting in place, we will not solve the conundrum that we have found ourselves in for centuries.

I remind all of us here today that this is not comprehensive land claims we are talking about. This is specific claims, where a first nation was promised land of a certain good, fertile quality.

In some cases they were given disastrous swamp land, marsh, nothing better. Is it any wonder then that some of these bands are in the predicament they are in. With no economic development opportunity, they are like third world countries, in very desperate straits because of some sharp dealing, some dishonest dealing by Indian agents back in time. Another case would be where some Indian agent came along and sold off a chunk of a reserve without the proper permission and did not give that money and resource to the band, but pocketed it himself or disappeared in some other way. Who knows?

That is the nature of what Bill C-6 is dealing with in specific claims. As I have said before, it has definitely been long and drawn out, with delays to no end. Justice delayed really is justice denied and we have to acknowledge that.

I have made this marathon speech, although it was not as long as some other speeches in the House. It was my first opportunity in six and a half years here to speak for this length of time. I chose this opportunity because there are major defects and flaws in the bill.

The government in the Senate has acknowledged some of the main points that the Canadian Alliance and some of the other parties such as the NDP and the Bloc have made. We spoke for 45 minutes on Friday and another two hours yesterday because we think there are some major problems with the bill. It will not resolve the specific claims at all. In fact to the contrary, it just adds some more elements of delay, stonewalling and so on, and entrenches it more specifically in Bill C-6.

The few amendments that the senators had the gumption to bring back to this place quite frankly are wimpy ones. They are cosmetic. They are token, no more. We are not much reassured. We would have had more hope of some better work coming out of the Senate in respect of this bill.

• (1145)

As I said before, the Canadian Alliance supports the speedy resolution of specific first nations claims. Specific claims include alleged improper administration of lands and other assets under the Indian Act or other formal agreements.

*Government Orders*

I will be emphatic in stating that I hope I am wrong. I hope the minister will be right but I have no reason to believe so and he has not provided anything at all to reassure the House or others across the land.

Bill C-6 will not speed up the resolution of specific claims. There are no timelines mandated in the process. The minister made a kind of faint half-hearted attempt to say that the minister had to report back, but he can simply ask for more time. He does not have to give any kind of reason. He can do this indefinitely, on to eternity. There are no specific timelines in terms of the minister having to fish or cut bait and going ahead with this or not. He can keep dragging it out, stalling it indefinitely. That is one of the major problems many people see with this process and with Bill C-6 in this regard.

There are no timelines mandated in the process at all. There is nothing to assure us that it will not go on indefinitely. Built into the bill are numerous opportunities for the government to delay and to stonewall with impunity, with no punitive measures against it. It has utmost immunity with respect to that.

I ask the House and I ask people across Canada, who is standing up for the taxpayer in this new process? Bill C-6 in my view and in the view of many discourages the use of the less costly alternative dispute mechanisms. As we well know, going the route of more costly court cases wastes taxpayers' money. It wastes significant dollars that should be used to resolve these situations with first nations across our country, giving them the due and proper justice that they should have. Who is standing up for the taxpayer? Who is standing up for first nations and finally giving them the proper recompense that they deserve in these cases?

The new claims centre will not be independent. We have talked about that and I wanted to state that once again on the record. All adjudicators and commissioners will be appointed by the government with some token input from first nations, mostly after the fact. The appointment will be made and then we can make a comment. We can critique it. I can and anyone can. However what is the good of that?

Unlike the joint task force of 1998 that suggested the decent process of having individuals chosen for this particular body, the government instead has thumbed its nose at that. We are going to have all kinds of allegations and suspicions of conflict of interest, partiality and patronage in the process. That will ultimately destroy its legitimacy in the eyes of the first nations people.

We have been urging the Liberal government to take a serious look at the 1998 joint task force report. Considerable hours and a lot of time was put into that report by a good many capable and qualified people who came to some bottom line positions. It is not that they were all pleased on either side, which generally tells us that it had to be a reasonably fair process, but it was something that they could live with down the road and would give it the kind of ability to resolve the outstanding specific claims across the country.

We have been urging the government to go back and look at that. Perhaps somewhere down the road when we have to rewrite a bill because of the mess that this one is in, some of those reasonable recommendations may be brought into a bill in the future which

would address what we perceive to be the major flaws and defects of the present Bill C-6.

I cede the floor to others regrettably, lamentably when there was much more I would have said on the bill and pushing back against Bill C-6. In conclusion, it was rather telling as well when the minister was pressed by a member of the New Democratic Party this morning who asked him if he could name one band across the country that supports Bill C-6. There is not one band to my knowledge that supports Bill C-6. I am not naive. I understand that we are never going to have a bill in any area, no less in this area, where all the first nations are jumping on board saying that it is a wonderful piece of work and a good piece of legislation.

● (1150)

It is also very telling when not one band steps forward to say that it is a good bill. Then we should know that we are in trouble and that we have a problem. If we were unable to satisfy even so much as one band anywhere in the country, never mind a significant number or maybe even a majority, then Canadians who are looking at this and viewing it might think this is badly drafted and badly flawed legislation. It is not satisfying anybody but the minister, and he alone, so he can complete his agenda before he walks off into the sunset.

Having said that, I think it is very plain that Canadian Alliance members object to the bill. We have done our very best in standing against this disastrous legislation. It will go down in the *Hansard* record that we thought it was a problem.

If I am ever proved wrong, I would be more than delighted, but I think my grandkids sometime down the road will look back to read grandpa's words and understand that the bill, as is proposed today, did not solve the problems. In fact it will have created more problems than it possibly could have resolved.

With that, we yield the floor to other good colleagues to continue to make the point of the major disastrous problem with Bill C-6.

[*Translation*]

**The Deputy Speaker:** The speeches will now be of up to 20 minutes, followed by a 10 minute question and comment period.

● (1155)

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, I am pleased to speak to this government motion concerning the proposed amendments to Bill C-6.

First, I want to say that this is a sad day indeed for Parliament. This will be remembered as the day the Minister of Indian Affairs and Northern Development and most of the Liberal members voted on a time allocation motion in relation to Bill C-6 on specific claims, a very important piece of legislation.

It is a betrayal of our history, a willful and offensive repudiation of everything our ancestors agreed to with the first nations. It is a betrayal, because when we signed these long-standing treaties, we thought we would then be negotiating equal to equal, nation to nation.

*Government Orders*

With this morning's time allocation motion, the government is telling us that the spirit in which the Indian Act was implemented over the last 130 years will continue to prevail. We will continue with our paternalistic approach to impose our wishes on first nations.

Furthermore, despite the Erasmus-Dussault report tabled a few years ago, which gave the first nations and aboriginal children hope for their future, this future is once again becoming a dead-end, as it has been for 130 years with the infamous Indian Act. This betrays not only the spirit, but also the letter of what we had agreed upon for decades.

For several years now, this government has preferred confrontation over conciliation and healing in its relations with the first nations. Oddly enough, when the Prime Minister rose just now in the House, I felt ashamed. When the other ministers did likewise, I was doubly ashamed. When I saw most of the Liberal members vote in favour of time allocation, I was even more ashamed to see people deny history and misrepresent it like that.

For the past two days, the Samson Cree community has performed the drum ceremony in front of Parliament. The drums represent the voice and heart of Mother Earth. She is trying to help parliamentarians understand the significance of this bill.

Unfortunately, Mother Earth and the beating of the Cree drums in front of Parliament did not work their magic on the government. It has shut its eyes and ears to the unanimous calls of first nations and the opposition of all the parties to this bill, with the exception of the ruling party.

The minister claimed this morning that he had the support of the first nations. That is not true. I just came from the Assembly of First Nations meeting in Vancouver, which was unanimous in its opinion. All the chiefs are opposed this bill. Why? Because it betrays what is represented by wampum.

Wampum is a symbol of ancient treaties under which the parties negotiated as equals, nation to nation, where no nation was superior to another, but each side had rights. These rights, including the inherent right to self-government and rights under these ancestral treaties, should be respected.

Despite the fact that the first nations have appealed to the United Nations, and we here have been condemning Canada's treatment of the first nations for many years, our pleas fall on deaf ears in this government. We are dealing with a minister who, after a fifteen year career—I hope this is his last year, because he has wreaked enough havoc—is being hypocritical in presenting this bill and saying he has the first nations' support. This is despicable.

It is especially despicable to see the Prime Minister stand up and vote in favour of the time allocation motion. Yet, in 1993, he said, and this can be found in the red book, that given how slowly the first nations' specific claims are being addressed, an independent commission should be set up, not a commission that is entirely controlled by the government and is both judge and party. He talked about an independent commission with independent judges, who could assess the damages, specific claims and compensation with all the independence required for appropriate legal treatment.

● (1200)

This rings hollow because members of the two main institutions in Bill C-6, the first nations specific claims commission and tribunal, will be appointed by the governor in council, in other words cabinet, on the recommendation of the Minister of Indian Affairs and Northern Development, without input or suggestions from the first nations. It is the minister who will make recommendations to cabinet and who, in keeping with the paternalistic approach of the past, will continue to impose rules through people who are both judge and party.

We are far from the recommendations and numerous reports prepared since 1982 that called for an independent commission. We are also far from the 1993 red book promise of an independent commission, with people appointed by both parties, not just one that is both judge and party, but both the first nations and the government.

So we end up with a structure that is totally at the discretion of the minister. He is the one who will appoint people, so of course there will be no biting of the hand that feeds. Obviously, then, the minister and the governor in council will have control over these two major institutions. They are being described as impartial, whereas they are totally partial. If people are appointed, it cannot be assumed that they will be torn between the interests of the first nations or the interests of the government, when it is the government that has appointed them. The first nations have nothing at all to say about these appointments.

It can take several years before specific claims are even made, because once again the decision on when to entertain them is the minister's. He is the one to decide whether they are acceptable or not. This is a mechanism put in place to slow things down, and God knows how slow the processing of specific claims is at present. There are still more than a thousand under consideration. Since the process was inaugurated 30 years ago, 230 specific claims have been settled. At that rate, it will take 150 years to get to the end of the process.

That is just the existing specific claims, not the ones that will be added later. As the first nations begin to inform themselves about their rights, carry out research and call upon the services of experts to find ancestral treaties, we are starting to discover treaties that give more and more rights to the first nations. What the government does not get, and what the Minister of Indian Affairs and Northern Development does not get, because of his usual arrogance and cynicism, is that the first nations are not looking for charity; they are looking for respect of their rights.

*Government Orders*

They are seek redress for the numerous wrongs of the past, as well as for loss of part of their land, land that belongs to them. As long as the paternalistic and colonial mindset remains, one that appears to be shared by the minister, the parliamentary secretary and all his colleagues, nothing will be accomplished. The first step must be to recognize that there are rights, that there are treaties that confirm those rights, and that justice must be done.

The minister says that the process will be speeded up. How? No additional resources have been allocated to speed up the processing of these specific claims. There are no new resources. How can he say that the process will be speeded up? How can he say that there will finally be harmony between the parties, when he is ignoring the second party, when he is putting in place a system where he will decide, at his discretion, whether a specific claim is acceptable or not?

● (1205)

He will use his discretionary power to appoint the members of the commission and on the tribunals, but not in cooperation with the first nations.

How can he talk about harmony? I think we have to talk about confrontation instead. This minister is the minister of confrontation. All we can hope for is for this man to leave political life as fast as possible, so that someone else can take his place, someone with more competence, understanding and openness of mind. It takes an open mind to recognize that first nations have rights and that these rights must be respected.

It takes an open mind and also intelligence to know that justice must be done fully and not partially. It also takes intelligence to be sensitive to one's environment and to see that all first nations in Canada, without exception, from sea to sea to sea, as the Prime Minister likes to say, are against Bill C-6, as well as against Bill C-7 on governance. All first nations also had the opportunity to express their views on Bill C-19 a month ago. The great majority voted against Bill C-19.

What justification does the minister have, except to advance his personal agenda? This personal agenda is not the future of first nations, or the future of first nations children faced with educational and multiple addiction problems. What matters is not the future of the minister. We could not care less about his future. What matters to us is the future of first nations, and that of first nations children. The future of these children is not very bright. But the minister does not care.

What saddens me this morning it to see that, following the Erasmus-Dussault report, there was great hope. Since the negotiations on self-governance have gathered some speed a few years ago, there has been great hope. But this kind of bulldozer attitude, using time allocation to have a bill that one wants passed, dashes hopes. That is wrong.

This bill contains not only this extraordinary discretionary power given to the minister but also a totally despicable principle that must be rejected. Since when, in a case that has yet to go before a court, are we already in a position to tell in advance that there is a ceiling on the claims and compensation, on the value of settlements for specific claims?

If that happened to us, if we were in court and a government tried to have legislation passed, whereby any non-aboriginal citizen going to court will be told that, unfortunately, even if he has a \$25 million claim, the maximum value is set at \$10 million, as provided by the Senate's amendment, I think that we would say that there is has been a miscarriage of justice somewhere. We would not have it.

Before a case is heard, claims are made, and the injury and the value of the granted lands or resources has been assessed, no ceiling can be imposed. Before even hearing a case, one cannot say what it is worth. Unless, of course, the case is settled in advance. I think that, in the mind of the minister and his government, all aboriginal cases are settled in advance. That is not improving their well-being, nor is it doing them justice; this is just controlling the expenditures of the Department of Indian Affairs and Northern Development.

I have some suggestions for the minister. If he wants to limit the expenditures of the Department of Indian Affairs and Northern Development, there is a good way to do that. Every year, for some years now, the present Auditor General and her predecessor said there was shameless waste in this department. The billions of dollars they claim they are spending on first nations go into the pockets of bureaucrats and go to wasteful projects. They go for travel abroad to see how other governments deal with their aboriginal peoples. That is where the money goes. There is a system in this department that operates something like the mafia, where public servants call the shots and do as they please.

You can try to get a breakdown of expenditures in contracts given by the Department of Indian Affairs and Northern Development Canada to communications agencies, for example, or management firms. You can try to find out who profits the most from the Department of Indian Affairs and Northern Development, besides the first nations. You will see it is not easy. In fact, it is impossible.

● (1210)

I tried to obtain the list of financial management firms who had co-management contracts with a number of reserves across Canada. It was impossible to get it. Why? Because things in this department are hidden. Someone is afraid, and rightly so, that the situation will be revealed, and we will see that it is not the first nations, nor their children, who benefit the most from the billions of dollars in the Department of Indian Affairs and Northern Development, but this is the system, the cronyism of this government.

So far, no one has convinced me that this is not true. I have made repeated calls requesting a breakdown of this department's expenditures and a breakdown of people who have contracts with this corrupt department—let us not mince words. Every time I made such a request, it was turned down.

I mentioned the ceiling that the minister had set at \$9 million. The Senate, no more intelligently, set it at \$10 million. Great work, great principle, Senate. The problem is the same; not a thing has changed. A ceiling should not be imposed before the case is heard.

*Government Orders*

If we look at the past 30 years and the 230 specific claims that have been settled, mostly in Saskatchewan, we see that the average is \$18 million. And that is not direct compensation, what with all the time this takes at the Department of Indian Affairs and Northern Development with the current process, which is not going to change, because there are no supplementary resources. It takes several years before a case like that is settled. The \$18 million also includes interest and legal fees, it is not the net amount given to first nations.

Consequently, justice is only partially done. Based on our legal system, this is a constitutional state. Either justice is done or it is not, it cannot be done partially.

Earlier, the minister said that we are the only country in the world to have this type of tribunal for specific claims. I can see why. There is not a civilized or industrialized country in the world, in 2003, that would want to implement a system where rights are denied to the first nations and where justice is done partially instead of fully. I can see why there are no such examples.

For the past several years, the United Nations have singled out Canada for its treatment of the first nations. UN envoys have toured the first nations communities in Canada for several years now, to verify the pitiful state of facilities and things like mildew in houses.

People are ill because the federal government is not doing its job. People are ill because the federal government is not investing sufficient resources to resolve problems related to unhealthy living conditions and unsafe drinking water. We are not talking about Africa, but Canada. Many communities have a problem with their drinking water.

Is it not strange to be dealing with a government in name only? The minister, who is a mere figurehead too, is saying that things will be fixed. At this rate, it will take 150 years to resolve currently pending specific claims. What kind of system is this? What will the outcome be? Hopefully, the minister will not be running in the next election, and we will do our best to see that he does not.

This morning, the minister made statements that were quite unintelligent, to avoid using other words that might cause the Chair to force me to withdraw my remarks, since I sincerely and honestly believe it. The minister said that if the first nations are not satisfied, they can go through the regular courts. Well. There is the Department of Indian Affairs and Northern Development, the minister's discretionary power, the discretionary power of the Minister of Justice, and a whole bunch of lawyers who will fight the first nations to ensure they are cannot resolve their specific claims.

For all these reasons, I am ashamed today to be here in Parliament with my colleagues opposite who voted to impose time allocation on this bill. This bill was unanimously rejected by the first nations, since it will lock us, over the next few decades, into legislation that is strangely reminiscent of the Indian Act. This is legislation harks back to colonial times, which does not make sense. This is 2003, not 1810.

• (1215)

**Ms. Jocelyne Girard-Bujold (Jonquière, BQ):** Madam Speaker, a tip of the hat to my colleague from Saint-Hyacinthe—Bagot for his extraordinary defence of the cause of the first nations.

In my region of Lac-Saint-Jean there is a Montagnais community at Mastewiash. I believe it is one of the best organized communities. It has taken advantage of opportunities to improve itself, yet there is a very high unemployment rate, particularly affecting aboriginal youth.

I have been listening to my colleague speaking about the amendments made by the Senate. I believe he has confirmed what we have always believed: that the government and the senators, mostly appointed by this government, consider aboriginal people as minor children. Being a minor means not having the right to speak for oneself, and having to do as one is told without any means of recourse. This is, to my mind, a slap in the face for the aboriginal nations, for I have always considered them a nation first and foremost.

Having the powers of a nation, these are people who are capable of assuming responsibility, who know their needs and their rights. They know how much money they need to solve the problems in their community.

I have been a member of the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources, and have heard presentations by aboriginal people referring to the highest rates of suicide and alcoholism in their communities. I had always assumed that aboriginal women were well treated, but I also learned that this was not always the case.

The extraordinary speech by my colleague has affected me deeply. The way he has described the first nations has gone straight to my heart, because we too want recognition by the government that we are a nation, the Quebec nation. I know that being a nation means holding all the power, but even though they are recognized as a nation, it is as though they had no power at all.

The Bloc Québécois defends the aboriginal nations. I would like to ask my colleague from Saint-Hyacinthe—Bagot what it would take to get this government to finally listen, to address the real problems of the aboriginal nations, and to provide them with what they need in order to become full fledged members of Canada in all its diversity, to become a true nation realizing its potential and working to eradicate unemployment on its reserves.

**Mr. Yvan Loubier:** Madam Speaker, I thank my hon. colleague from Jonquière for her question and her kind words.

The only thing that saddens me today, on top of the motion for time allocation and the deaf ear the government is turning to first nations, is the fact that the first nations are not here today to debate their future directly with us.

What really irks me is that I should be the one to have to speak for the first nations. Inspired by my political commitment to voice the desires and aspirations of the nation of Quebec, I am in a good position to know that I would not like having someone from another nation to speak for me and not having full rights to defend myself in this place.



*Government Orders*

We have had this problem at the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources. We were discussing the future of an entire nation, while members of this nation watched us non-aboriginals debate their future, and we were forced to defend the aboriginals. That is not right. In 2003, we cannot call ourselves a modern society if we have no legitimate forum where the first nations can express their rights, for instance.

They are not looking for a handout. The first nations have internationally recognized rights. Self-government processes are under way around the world. That is what is required: self-government.

The aboriginal people have the capacity to govern themselves. They are not children. They can have a government like ours. There is no better government than an aboriginal government to defend the future of aboriginal children.

We should be here today defending nations who are not here to defend themselves, to defend their future and that of their children. This makes no sense.

The role of the federal government is not to run them. It has a fiduciary responsibility toward first nations. It must abide by the long-standing treaties with the first nations. It must not force down their throats things they do not want.

They must be given every means to build themselves. This was referred to as a healing process in the Erasmus-Dussault report, the report of the Royal Commission on Aboriginal People.

It is a healing process. It concerns the redefinition of the nations that have been particularly damaged, because they were told that they were not real nations all though Canada's history. As for rebuilding these nations, they must have our help and our support in creating their own government and in governing themselves, and we must not impose anything on them. Most of all, we must respect them for who they are, these first nations. They each have a culture, a language, a form of government. In other words, it is none of our business.

When will the government and its representatives like the parliamentary secretary get it into their heads that the aboriginal nations are recognized as nations? Are we going to tell the Americans what to do? Are we going to tell the French what to do? Why do we take it upon ourselves to impose our choices on the aboriginal nations this way? What is this, anyway?

At the United Nations, the definition of a nation is the same for aboriginal nations as for any other nation, whether it is the Canadian nation, the Quebec nation, the French nation or the American nation. It is the right to self-government. There is also the respect for agreements made hundreds of years ago when the first Europeans arrived here.

Earlier in my speech I mentioned wampum. We should all know what wampum is. It is an almost sacred symbol that we have given our word, both the aboriginal people and the European nations, that we could live as neighbours, that we could live in harmony, but in complete independence.

That is what wampum symbolizes. Wampum is in the form of a beautiful belt. It should be shown around the world and copies

distributed. On this belt we see a European ship of the era and a canoe, representing the aboriginal nations, sailing along together. The European ship does not encroach on the space of the first nations' canoe. They are moving together, in parallel, with respect, and in accordance with the terms and conditions agreed upon at the time.

Today, some people are trying to ignore all of that. They want to throw it away and say that the federal government, the Government of Canada—just as it was done 130 years ago with the Indian Act—can continue to park the first nations on reserves, treat them like children, impose whatever conditions it wishes, and slow down negotiations on self-government—the only true negotiations that should be going on in order to enable the first nations to develop and give them every opportunity to do so.

• (1220)

There are first nations communities that were given this opportunity. It is not an opportunity, but a right. Self-government agreements were reached, and look at how prosperous these first nations are today.

In Quebec, we have the example of the James Bay Cree. The first self-government agreement was signed there by Mr. Lévesque. Go see them today. This community is prosperous and has taken charge of its own destiny. Try to impose anything on them. They are a proud people, who insist on exercising their prerogatives as a nation. They are people who have developed, have the skill to do so and a true business sense.

We should stop taking the first nations for something they are not, but instead we keep on seeing bills as idiotic as this one. What sense is there in that? After having tabled the Erasmus-Dussault report a few years ago, after having given so much hope to first nations, what are we doing with bills like this and a policy of confrontation? That is not how we are going to move forward. That is not how we are going to create a peaceful future of coexistence where everyone can prosper and have the opportunity to do so. It is despicable to do things this way.

The new prime minister, who is hiding behind the curtain, said he was against the three bills concerning first nations, including Bill C-6. Where is the future prime minister? Where was he this morning when we voted on the time allocation motion? Where will he be when we vote on Bill C-6? Will he have the nerve to come here and vote in favour of this bill when, from behind the curtain, but publicly, a few months ago he said he was against the bill, as he was against the bill on self-government? I cannot wait to see that.

The Bloc Québécois was created in the spirit of the first agreement with the James Bay Cree, signed at the time by Mr. Lévesque, the leader of the first Parti Québécois government. We are motivated by equal opportunity and respect for long-standing treaties and the first nations' inherent right to self-government.

*Government Orders*

•(1225)

[English]

**Mr. Gary Schellenberger (Perth—Middlesex, PC):** Madam Speaker, this is the second chance the House has had to make improvements to Bill C-6. We have to realize just how serious the situation is and realize that Bill C-6 does little to improve that situation.

There are about 600 claims in the system now and the number is expected to increase to 1,700. There are significant ways in which Bill C-6 falls short of the current definition of specific claims and it falls short in terms of what was consistently promised and agreed to earlier.

The current definition of "specific claim" refers to breaches of treaties and agreements and is not confined to treaties and agreements that deal with lands and assets.

Currently a claim can be advanced dealing with treaty rights with respect to hunting and fishing. Cases have arisen in which the Indian Claims Commission has dealt with that kind of case. The Bill C-6 definition excludes those kinds of treaty breaches. There is an even more devastating omission. I cannot understate the importance of this because failure to recognize this kind of claim would destroy some first nations communities.

Many first nations communities were unilaterally promised that the crown would give them reserves. There are first nations whose ability to have any kind of land base or quality of life depends on the fulfilment of a unilateral undertaking.

The Supreme Court of Canada said in *Guerin v. The Queen* that a fiduciary obligation leading to the enforcement right, in other words a specific claim, could include a unilateral undertaking. The Supreme Court of Canada said that this was a way in which a specific claim might arise. This is excluded from the definition in Bill C-6. That was never discussed by the joint task force. The federal AFN joint task force definition of specific claim included promises to provide lands or assets by a unilateral undertaking. The federal government had agreed, but Bill C-6 dishonours that agreement.

Why is the federal government so intent to walk away from a commitment? To include a unilateral undertaking does not mean that every unilateral undertaking would become a specific claim. We still have to show that it is a legal obligation. There is no risk to the federal government of a new category of claims suddenly being created. Only if it is a legal obligation that is being breached can the unilateral undertaking give rise to a claim. We would not be adding to the category of federal liability, but we would not be excluding it under the joint task force definition.

Even though the House has passed Bill C-6, these amendments from the upper chamber give us an opportunity to point out these deficiencies which can be fixed.

The definition in Bill C-6 excludes a category of claims. What is the practical significance? Potentially one-third to more than one-half of specific claims might be excluded. British Columbia and Quebec would be hit hard, hit where it hurts. Do people have a land base or not? Does a group have the basis for a collective existence?

This is a serious business and the exclusion from Bill C-6 is unacceptable.

If this were not enough, Bill C-6 has added new exclusions. A claim must be at least 15 years old. Imagine having a grievance against the federal government and being told to come back in 15 years to see if the government will deal with it.

Another exclusion is claims involving rights that arose under a British statute or proclamation before Confederation. We know constitutionally, Canada agreed to assume responsibility for the crown's responsibility, but not first nations which will be turned aside by Bill C-6. When Bill C-6 was in committee before its passage, various members, including Liberals, acknowledged these problems.

•(1230)

Specific amendments were proposed in the House to remedy the problems with Bill C-6 so it could go forward as an improved bill. All these amendments were rejected by a straight majority party vote, with the exception of one Liberal dissenter. The government decided to go against all opposition parties and against all first nations, and now it is wondering why we still want to see improvements in Bill C-6. The issues we are raising have to be addressed if we are to purport that Bill C-6 is fair and just.

I have not addressed another important point, and that is access to the tribunal. There is no problem getting to the commission set up in Bill C-6. Anyone can do that, but so what?

Everyone knew there was a problem at the time of Oka, but since Oka another 400 or so claims have been filed and an additional 60 claims are filed every year, each alleging an outstanding lawful obligation.

The majority of the claims filed are ultimately found to be valid, yet Bill C-6 is setting up a system which can process only seven or eight claims a year because of the cap on both the amount of the award and the limited amount of money given to the commission annually.

Every year there are more claims coming into the system than can be resolved. Continuing a situation in which the vast majority of claimants have to wait in a long line to have access to binding dispute resolution, which means access to the tribunal, will just continue the failures of the past.

There is little value in having access to a commission where one can talk if there is no incentive for the federal government to get serious, to make a decision about the claim and, if it considers it valid, to negotiate the settlement of the claim. Alternate dispute resolution works only if there is an incentive on both sides to make it work. To tell people to wait in line, to tell people to wait 15 years, is not likely to create social justice.

*Government Orders*

It is not social justice at all to tell claimants that if their claim is over a certain amount, \$7 million as the bill stands, and \$10 million with the amendments, they cannot have access to the dispute resolution agency. Two claims are reported to have been settled in the last fiscal year, one for approximately \$63 million and the other for \$6 million. In the previous year, five claims were resolved, four of which were well over \$6 million: \$17 million, \$37 million, \$83 million, and \$14 million. Only one claim was under \$10 million and it was for \$40,000.

There is the further problem that a claim may enter the system when it is somewhat under \$7 million, but then, because of the delays, the interest brings the amount to above \$7 million. The first nation then has to decide to forego the interest, no matter how long it takes, or to start over in court.

The Indian Claims Commission, in its submission to the House committee, said that of 120 claims that it had considered, fewer than 10 were for less than \$7 million. Some lawyers have called this fiscal cap draconian. It is of no help to know that the government can raise the limit. It can also lower it. How are we getting away from the conflict of interest if the federal executive freely has the right to determine it just might lower the cap at any time? How can we talk about an independent commission?

If this House were to turn down the proposed amendments, we would have an opportunity to go back to the drawing board, do it right and come up with a new Bill C-6 that would have the support of first nations.

I know I cannot propose new amendments, but I can ask the government for assurances. I would like to know if it will make a commitment to continue the existing Indian Claims Commission if Bill C-6 passes. Will it give first nations the choice of going to the existing claims commission or to the Bill C-6 mechanism?

• (1235)

There is absolutely no reason why the two agencies could not continue to exist and give claimants a choice. It is possible today for a civil claimant to decide whether to file certain claims in federal court or in provincial court. Having the two commissions would allow first nations claimants a similar choice. Then, three or four years from now, we would have proof of whether Bill C-6 is better or worse than the status quo.

We know the federal government has fiduciary duties. Its breaches of fiduciary duties give rise to claims. The primary responsibility of a fiduciary is to avoid conflicts of interest. Now, the same party that is breaching its fiduciary duties is saying, "Trust us. Let us appoint someone to decide if we have breached our duties". The government should not ask Parliament to give statutory credibility to its conflict of interest. It should not ask Parliament to approve it as judge in its own case.

The problem of lack of independence has been identified over and over again for the last 40 years. Now the government is saying that all these matters are unimportant because the process in Bill C-6 is totally optional and first nations who do not want to use the new agency do not have to use it. That is cynical. We all know the only other option available is court. We know that justice department lawyers do not have to worry about legal costs. We also know that

they will use every technical defence available. They will not be interested in justice.

The federal government reserves the right under existing policy to invoke technical defences. That means it can invoke statutory limitation periods. If an individual does not bring a claim within six years or 20 years or whatever, then it is too late and no claim is allowed. How perverse.

We must remember that until 1951 first nations were prohibited by law from engaging a lawyer to lodge a claim. Bill C-6 says claimants will have to wait 15 years before they can file a specific claim, yet most claimants will be statute barred by the time they get to 15 years.

We should all be looking for a system to relieve the government from its conflict of interest and to set up something so it does not have to be judge and jury in its own cause.

The joint task force report recommended joint appointments. The minister now says that the insistence on joint appointments arises because the AFN wants to use this to further its claims to sovereignty. How ridiculous.

The AFN has never said anything in its presentation about Bill C-6 and sovereignty. It has been emphatic about independence. The minister is clouding the issue of independence by blaming the AFN for insisting on an independent process.

It would be so easy for the government. A person could not be appointed without both sides agreeing. An appointee could not be removed without both sides agreeing. A person could not be reappointed unless both sides agreed. What could be more clean and clear than that? Would that not be fair?

However, the government says this simple act of justice would somehow violate the principle of crown prerogative. That may be the government's preference, but this is Parliament. Here in this place, Parliament is supreme. If Parliament wishes to set out a joint appointment process, it has the clear power to do so. There is no constitutional law that will be broken. In fact, Parliament has already appointed joint bodies.

*Government Orders*

All the modern land claims agreements have dispute bodies whose composition is jointly decided. The federal government has agreed to joint appointments in NAFTA and in the World Trade Organization. There is also the Mackenzie Valley Resource Management Act. In the Meech Lake accord, the government of the day was prepared to have Supreme Court of Canada justices chosen from lists proposed by the provinces.

We could, for example, have a joint task force or committee agree on a list of names and then let the governor in council decide which of those persons would be appointed.

● (1240)

There is no obstacle whatsoever to prevent Parliament from providing the Bill C-6 agencies with independence. Now is the time for the federal government to break the existing pattern of conflict of interest by setting up a genuinely independent body. Now is the time for the federal government to abandon the approach that has been proven to be ineffective and lacking in independence.

This stubborn and wrong approach of the government to stack a commission in its favour is not consistent with the Charter of Rights and Freedoms and not consistent with modern administrative law doctrines. Why are we allowing a bill to be passed that will be successfully challenged in the courts before the ink is dry?

We are at a point in history where the government is about to change. There is no reason why we cannot set aside Bill C-6 and all its imperfections. There is no reason why the government and the AFN cannot return to the table next year and come up with something that could be supported by both first nations and government.

It is a simple political choice for the government: accept something so grossly imperfect today or go back and come up with something much more fair and just in the months to come.

The government has squandered its goodwill. Only a few years ago the government and the AFN were saying that they agreed to everything. Today the situation has deteriorated to the point where first nations across Canada are vigorously opposing the government's decision to proceed with Bill C-6.

This House can help Canada get back on track by using those mechanisms available to us to send Bill C-6 back to a good, joint drawing board.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance):** Madam Speaker, I appreciate what the member had to say in respect to this bill. We have heard some comments from the minister and the parliamentary secretary and others across the way with respect to the issue of time allocation.

I am confident with what I have seen and scrutinized in the bill, but I would appreciate having a response from the member in terms of the issue of time allocation. I would suppose that in his business and various other ventures he has been involved in prior to his career in the House and his time in Parliament, most of those ventures had certain time limits. In fact, there have to be time limits in order to get something done and in order to get movement on things.

The reality of life is that unless we have time allocations then people tend to stall and drag things out. Personal deadlines and

timelines are imposed on people with respect to the corporate world and with respect to education; when assignments come due for those attending high school or college that seems pretty much par for the course. I would appreciate having the member respond to that.

In the absence of any timelines here, how can one expect any movement forward?

**Mr. Gary Schellenberger:** Madam Speaker, I thank the hon. member for his question and I agree that in business we always have timelines.

Bill C-6 is big business in that it affects first nations across the country. There should be timelines within the bill.

One thing I have learned is that what always seems to work best is consensus, no matter what we are doing. I think there should be consensus between the government and first nations. They should sit around a table and come up with a document that they can both agree on.

As I look at Bill C-6 and the various statements that I read to members today, it just looks to me like there has not been any consensus here. I think there is a willingness on behalf of the first nations to sit down with the government, but it seems as if the bill is being pushed forward. I just cannot accept things that are pushed on people.

● (1245)

[*Translation*]

**Mr. Sébastien Gagnon (Lac-Saint-Jean—Saguenay, BQ):** Madam Speaker, I want to congratulate my colleague from Perth—Middlesex for his speech.

I want him to explain further, because this is not the first time that a government has introduced a bill that is inconsistent with the needs of communities. Here is another example of that today. The response is unanimous. Aboriginal communities, first nations and all groups are opposed to it.

I want him to explain how it is that, once again, the debate is not about a need, but truly about a bill that was introduced and that is inconsistent with the wishes of these groups and the public's interests.

[*English*]

**Mr. Gary Schellenberger:** Madam Speaker, I must explain again that I do not know how to reach a consensus. How do we sit down and talk with people when this bill seems counterproductive?

I have various literature stating that Bill C-6 purports to improve the resolution of specific land claims but it fails to do so. Another one states that Bill C-6 does not make the process of resolving claims more efficient. Another one states that no more resources will be committed to addressing the backlog of over 600 existing claims and that the minister can delay any claim indefinitely.

*Government Orders*

Bill C-6 does not provide for an independent commission but leaves government as defendant, judge and jury. Bill C-6 does not remove the federal conflict of interest but rather entrenches it in legislation. Bill C-6 diminishes justified claims. No claims worth more than \$10 million can be dealt with by the tribunal. Funding limits mean only eight claims per year can be settled.

Bill C-6 does not make the claims resolution process more transparent and omits principles of fairness and justice. The minister and his department can frustrate the work of the new claims body and delay progress on claims without providing justification. Bill C-6 is opposed by the Assembly of First Nations.

Finally, on October 20 in the Senate, the Senate's pre-eminent legal expert, commenting on the constitutional flaws of Bill C-6, said that aboriginals were not convinced that the system would be trustworthy.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Madam Speaker, I too would like to add a comment and a question to the speech from the member for Perth—Middlesex. I thank him for his thoughtful and well researched understanding of the bill. His comments had more depth and more substance than the comments we heard from the minister when he tried to justify moving closure on this critical bill as it pertains to aboriginal people.

This government's experience and in fact all Canadian governments' experience with aboriginal people can be best summarized as 130 years of social tragedy, and Bill C-6, the way in which this is being treated, only adds to that tragic legacy.

The member mentioned the fact, a very glaring fact in my mind, that the Government of Canada is in fact in a conflict of interest when it tries to be both judge and jury in settling claims against the government. In the absence of a truly independent claims commission, free from the interference and manipulation of the minister, where is the fairness?

To have a longstanding claim, where the aboriginal people are claiming the government is in the wrong, where is the fairness when the government itself is the judge and jury that decides not only the merits of the case but how much money will be the ultimate settlement should it rule that way?

Could the hon. member speak for a minute about that obvious glaring conflict of interest?

• (1250)

**Mr. Gary Schellenberger:** Madam Speaker, I must say that is very glaring, as I have reported, that the government be both judge and jury at the same time.

I have watched how some issues have been dealt with in the House and it seems that this government likes very much to be judge and jury on the same issue. That can go back to the ethics counsellor and to various other people.

However it should be an independent body that judges those things. One cannot be both judge and jury.

[*Translation*]

**Mr. Sébastien Gagnon (Lac-Saint-Jean—Saguenay, BQ):** Madam Speaker, once again, I have a question for my colleague.

As you know, I sit on the committee on young urban aboriginals aged 0-12. Many community groups have appeared to talk about the problems facing these young people.

One common criticism was the wall-to-wall policies and the fact that funds or tribunals were created, which received funding, but insufficient funding. Once again today, these communities are dissatisfied with this bill.

I want to ask my colleague to propose a solution to ensure a certain internal balance so that the problems of these groups can be heard and the government made to listen.

[*English*]

**Mr. Gary Schellenberger:** Madam Speaker, if all parties and stakeholders sat around the table and came up with a good plan, I imagine it would go through the House rather quickly.

However I am against coming up with something that is derogatory to the stakeholders.

**Mr. Joe Comartin (Windsor—St. Clair, NDP):** Madam Speaker, I believe we are faced with two issues today as far as Bill C-6 is concerned. I would address them in the following order. First, the fact that the government once again has used time allocation, a form of closure, to limit debate on what is a crucial issue for the first nations.

I just looked up some numbers and we know this is not the first time the government has used time allocation. In fact I did a comparison with Prime Minister Mulroney's administration from 1984 to 1993. That particular government used closure and time allocation 72 different times, which was heavily criticized by the current Prime Minister and his party throughout that entire period of time. It was a gross exception in the number of times that time allocation or closure was used.

As of today this government, which has been in power from 1993 to 2003, has used closure and time allocation 85 times. Therefore the hypocrisy of the government's position is quite clear. It is particularly shameful in terms of its conduct that it is being used on this particular bill and being used against the first nations.

It is quite clear, from our responsibilities as a legislature, that we have been directed in a series of cases by the Supreme Court of Canada on what our responsibilities are toward the first nations with regard to consultation and taking into account their position on legislation that affects them directly.

The first nations have been very clear and absolute, and I mean absolute in that term. They have been absolutely unanimous in their opposition to the legislation because it is a perpetuation of the paternalistic approach that we have used, Europeans have used, toward first nations since we came to the country and that Parliament historically has used in various pieces of legislation, most notably the Indian Act.

The proposed legislation and the approach by the government perpetuates that position and that attitude. The first nations have attacked the bill and have made it clear that they do not support it. They have a number of specific reasons, other than the basic approach, but they oppose the very contents of the bill.

*Government Orders*

The fact is that the House is being given the opportunity to once again say to the first nations people that we recognize what we have done wrong historically, that we will take another look at this and we will deal with claims on a nation by nation basis.

The fact that the other place has given us that opportunity is one that I would urge all my colleagues in the House to take advantage of today and when we come to vote on the bill.

I will use as one example, and we have heard this from some of the other members today, the opposition that has come from the first nations. This is just on one aspect of the bill, which is whether there is an independent commission here. I think anyone who has looked at the bill with any kind of objectivity realizes that there is not an independent commission.

A group, formerly known as the Aboriginal Rights Coalition, called KAIROS gathered a petition with 50,000 signatures from across the country. When it was brought to Parliament it did not quite meet the technical requirements, so it could not be filed in the House according to our standing orders. What it did then was ask the Prime Minister to receive it in order for him to perhaps finally understand the opposition among the first nations to the proposed legislation. To date, he has not agreed to do that.

• (1255)

I have a list of all the first nations and associations among the first nations that have opposed the bill. They have signed on saying that this commission is not independent. They are saying that we are going to have a commission appointed by one side, the Government of Canada, to arbitrate and make decisions on land claims to the exclusion of the other party, in this case the first nations. The list is quite lengthy.

Today, we are faced with time allocation. It is a shameful experience to say that we are part of a Parliament that would do that. It is even more so, when we look at the legal and constitutional position that we are in vis-à-vis the first nations. The Supreme Court of Canada has made it clear what our responsibility is with regard to consultation.

When this bill originally came forward to the aboriginal affairs standing committee in the House, it got very short consideration. There were at least 30 first nations and other organizations who wished to be heard and were not given that opportunity. In the other place, although the committee did hear some witnesses, once the amendments which are before us today were placed before the committee, there was no further evidence taken or interventions heard from first nations witnesses.

In fact, there have been no consultations on these amendments either here in the House of Commons or in the other place. The significance of that is that since 1982, since we repatriated the Constitution and introduced the Charter of Rights and Freedoms, we now have special responsibilities to the first nations.

If we were to review the Supreme Court of Canada's decisions addressing this consultation process with respect to the aboriginal peoples, we would get some sense of the scope and the magnitude of the consultation that is required. It is very clear that the Supreme Court expects us to conduct that consultation at every opportunity and with regard to every single piece of legislation affecting the first

nations. It is not something on which we have a choice. We must absolutely do this.

There is a larger principle, which affects not just the first nations, of democratic government that was outlined by the Supreme Court in the reference regarding the secession of Quebec, something to the effect that "a functioning democracy requires a continuous process of discussion". We have that at the larger level as well.

The Corbiere decision by the Supreme Court of Canada elaborated on that and would affect the first nations directly. It stated:

The principle of democracy underlies the Constitution and the Charter, and is one of the important factors governing the exercise of a court's remedial discretion. It encourages remedies that allow the democratic process of consultation and dialogue to occur. Constitutional remedies should encourage the government to take into account the interests, and views, of minorities.

With respect to aboriginal peoples, the requirement for discussion goes beyond just those basic philosophic principles. It is specific, real and justiciable. Aboriginal people are not one of the many minorities, but a people with special rights under our Constitution. That is something the government has forgotten.

Under section 91, subparagraph 24, the federal Parliament was given the responsibility for Indians and lands reserved for Indians. It is right in the Constitution. We have always had that jurisdiction. Quite frankly, historically, we did with it what we wanted to do with it. Since 1982, the responsibilities under that section have been expanded and limited because of section 35 of the Constitution, which is generally referred to as the non-derogation clause in the Constitution.

• (1300)

It recognized and affirmed the treaties and rights of aboriginal people. It tells Parliament that it cannot conduct business as it did prior to 1982. Parliament does not have the power to tell aboriginal peoples what they can and cannot do.

That is what this bill does and it is clear that this bill will be struck down at some point by the Supreme Court of Canada.

We expanded the responsibilities because as Parliament, in addition to government, we have a responsibility to consult with aboriginal peoples and to follow certain guidelines in the way we consult. We will hear from the government that it did consult; however, in law and in our relationship with the first nations peoples we must to conduct ourselves in certain ways.

We cannot simply say we sent out a letter, we sent out a notice and we had 10 meetings and that was it. As Parliament, we have a responsibility to engage in a dialogue with the courts to ensure that the laws we pass will not be overturned and that abuses by government are effectively restrained.

Again, I note the words of the Supreme Court in Corbiere with regards to the Indian Act specifically. It stated:

There are a number of ways this legislation may be changed so that it respects the equality rights of non-resident band members. Because the regime affects band members most directly, the best remedy is one that will encourage and allow Parliament to consult with and listen to the opinions of Aboriginal people affected by it.

*Government Orders*

After it had made that decision in *Corbiere*, the court suspended a declaration that would have struck down that particular section of the act as invalid in order to give Parliament the opportunity to deal with the issue in a proper consultative manner.

Nothing happened. There was no consultation. The government basically sat on its hands for the next 18 months. We are now left with having to deal with this in a variety of bills that have come before the House or are pending to come before the House, including Bill C-6.

There is no question that we are dealing with fundamental rights under the charter here. Recently, in the *Powley* decision regarding Métis rights, which came down in the last few months, both Houses of Parliament were told by the Supreme Court that the consultation process was crucial. When the *Powley* decision was raised at both the Senate committee and the aboriginal affairs committee of this House, members were told by experts that Bill C-6, based on the *Powley* decision and prior decisions by the Supreme Court of Canada, would not withstand legal and constitutional challenges. Both committees were told that and in spite of that, we still have this bill in front of us today.

At the same time that those witnesses were in front of those committees, they were making proposals for how the bill could be amended and how it could be put into shape.

Once the *Powley* decision came down, there was a recommendation made to the committee in the other place to set aside the bill for six months to give the first nations, the aboriginal peoples of this country, an opportunity to come forward to involve themselves in the proper consultative process. Instead, what happened was that a handful of experts from the other place, none of them first nations representatives, were given only a few day's notice to deal with what, at this point, had clearly become a complicated assignment. The committee, very briefly and in just over a week, reported the bill back. That was the process that was undertaken. That comes nowhere near, does not even get to first base, if I can use that analogy, in terms of the responsibility to consult.

In a number of decisions, the Supreme Court of Canada has set out more specifically what is required for consultation and the standards that must be met. The first principle it annunciated was in regard to section 35, the non-derogation and treaty rights, and that consultation is mandatory.

● (1305)

For example, in *R. v. Horseman* the court made it clear that it was no longer morally or politically acceptable for the federal government to modify a treaty right without consultation with first nations and aboriginal groups whose rights were affected. It is absolutely mandatory. That standard has not been met in Bill C-6.

The next point that it makes is that if Parliament is to infringe on aboriginal treaty rights, the court ruled in *Sparrow* that there must be a valid legislative objective. Even then, it must examine whether the honour of the Crown, and the special trust relationship and the responsibility of the government vis-à-vis aboriginal peoples was at stake. That was not met either.

The court built on that principle in *R. v. Nikal* stating that there must be as little infringement as possible in order to effect the

desired result. So, if the rights are out there and they are exposed, the intervention must be justified and the intervention must be as little as possible. "Little infringement as possible," are the words that come out of the *R. v. Nikal* case.

Another point is that fair compensation must be available and the aboriginal group involved must be consulted with regard to the measures being implemented. Given the history of the government, that is not going to happen either. The court went on and added:

It can, I think, properly be inferred that the concept of reasonableness forms an integral part of the *Sparrow* test for justification...So too in the aspects of information and consultation the concept of reasonableness must come into play. For example, the need for the dissemination of information and a request for consultations cannot simply be denied. So long as every reasonable effort is made to inform and to consult, such efforts would suffice to meet the justification requirement.

That again was not met here. We know that the consultation process here was at its absolute minimal and in some cases non-existent.

In *R. v. Marshall* the court again commented on the requirement for consultation where rights protected in section 35 might be affected. It stated:

As this and other courts have pointed out on many occasions, the process of accommodation of the treaty right may best be resolved by consultation and negotiation of a modern agreement for participation in specified resources by the Mi'kmaq rather than by litigation.

J. La Forest emphasized in *Delgamuukw v. British Columbia* at paragraph 207:

On a final note, I wish to emphasize that the best approach in these types of cases is a process of negotiation and reconciliation that properly considers the complex and competing interests at stake.

That negotiation and reconciliation does not exist in the format that was used to get us to Bill C-6 and certainly will not flow out of it. I have already mentioned the way the commission would be established. It would be open to accusations of bias as being appointed entirely by one side in the negotiations.

When we go back and read that quote, I can hear it before the lower courts and being argued with that terminology, and again used before the Supreme Court of Canada. Ultimately, this legislation will get struck down, if in fact the House proceeds to pass it.

As I said earlier, there are two issues here. First, there is the fact that time allocation has been imposed and the shameful conduct by the government, not only on this bill but historically. It is particularly offensive when dealing with a bill that is so important to the first nations. Second, the consultation process has been either non-existent or a total failure in terms of meeting the standards set down by the courts that we are required to meet.

● (1310)

On that basis, I would urge all my colleagues in the House to oppose this legislation and vote it down.

*Government Orders*

**Mr. Pat Martin (Winnipeg Centre, NDP):** Madam Speaker, I thank my colleague for Windsor—St. Clair for a very thorough analysis. Being a lawyer himself, he added to the debate some of the legal context. Many of us lay people have a gut feeling that something is fundamentally wrong with the bill, but it is reassuring to learn that there is a basis in law for our objections and for the cautions and concerns that were raised in the House of Commons, at committee stage and more recently in the Senate.

One of the specific issues which has come to light in the Senate debate, because we are technically here to debate the amendments from the Senate, is the conflict of interest that has to exist by virtue of the fiduciary obligations of the crown in its relationship between the crown and first nations and the fact that first nations have to come forward and make claims for resolution to their specific claims to the government. Therefore, it is a clear conflict of interest.

I will cite a court ruling as well. When there is a fiduciary obligation, the Supreme Court has ruled in *Guerin v. The Queen* that the highest standard of conduct must apply. With first nations, when the crown is acting unilaterally in its fiduciary capacity, it must be held to the highest standards because the honour of the crown, and I heard the hon. member mention the honour of the crown, is at stake in such matters. That was the findings in *Guerin v. The Queen*, a recent Supreme Court ruling.

In that context, could the member share his views on the fact that Bill C-6 imposes a cap of \$10 million? Notwithstanding the denial of the minister, there is a cap, or a ceiling, on any claim. Would he agree with me that it puts a first nations community, a band, in an uncomfortable and an untenable situation?

If the value of a claim is say, within the range of \$10 million to \$15 million, in that ballpark figure, and the option is to go ahead with the specific claims process and get a relatively quicker resolution or to carry on in the courts for another 10 or 15 years and spend millions of dollars in the court, the temptation will be to settle for an amount of money less than the real value of the claim.

Given the urgent fiscal crisis in which many first nations communities find themselves, the chief, council and the elders will say that they could get \$8 million, \$9 million or \$10 million today or within a reasonable time, or they can go another 15 years in this mind numbing battle with an obstinate government that refuses to settle, spend another \$5 million in legal fees and maybe get their \$15 million down the road.

Would the hon. member agree with the fairness of the pressure, the economic violence is what I call it, and the coercion associated with having to make that kind of choice?

• (1315)

**Mr. Joe Comartin:** Madam Speaker, I agree that the cap being imposed has many negative consequences.

If a first nation involved in a land claim process has a substantially larger claim than the proposed \$10 million cap, it will ignore the process completely. If a first nation is seeking \$100 million, it will not get involved in this process at all. It will ignore it and move on to the litigation process.

A note that came out of a briefing from the first nations last month was to do an assessment of what the impact would be. If all claims that were either outstanding or that still had to come were dealt with under this process, it would take something like 100 years to get through the process. When one looks at the fiduciary responsibility of the crown to first nations, that alone says that the bill will not withstand a charter challenge and it will be struck down by the Supreme Court.

To deal specifically with the question of those first nations that have claims in an approximate range of \$10 million, say \$15 million up to \$20 million, in my experience as a lawyer who has done litigation, oftentimes litigants take the position that they cannot get any more under the process, even though they are convinced they are entitled to more. However, the alternative process would be very expensive, time consuming and very difficult on the individuals involved in it. In effect this is a mechanism by the government to browbeat, intimidate and impose resolution rather than to deal with all cases, as I cited earlier, that demand of the government to take part in a meaningful negotiation and reconciliation process.

We certainly do not agree with that kind of imposed cap.

**Mr. Pat Martin:** Madam Speaker, further along those lines, I would like the hon. member's view, as a lawyer and as a member of Parliament, on the circumstances that first nations find themselves in when they avail themselves of the process.

Some of these specific claims have been going on for 30 and 40 years and have racked up millions of dollars in legal fees, money that has been borrowed from the government. In many cases the government funds the legal challenges of the first nations to the tune of millions of dollars in some cases.

I believe it will be a rare day when the \$10 million maximum is ever achieved, but is the member aware that from the \$10 million maximum settlement, the government will deduct all legal fees from that settlement? Many communities will end up settling for \$7 million or \$8 million for a claim that may be valued at much more, less \$2 million or \$3 million and sometimes 50% for legal fees.

Does the hon. member know of any other examples where that might be the case? Could he speak to the fairness or unfairness of that situation?

• (1320)

**Mr. Joe Comartin:** Madam Speaker, in terms of a current situation where we are faced with a similar process, which again I think has been sorely mishandled by the government, is the claims around the residential schools against both the government and a number of the mainline Christian churches.

Let us use the Anglicans as the example, and I think they have now resolved theirs. They in effect were confronted with bankruptcy because they were involved in so much litigation. Often that litigation had been brought against them by the government rather than by some of the residents of the residential schools. Eventually, they had to in effect cave in, even though there were strong arguments that it was the government that was primarily responsible for the damages rather than the churches.



*Government Orders*

The Catholic church, the United church and the Presbyterian church were all faced with similar very costly legal processes, as opposed to building some alternative dispute resolution processes.

With regard to the fees themselves, the expectation that they would be that large is a very valid one. It is not just the lawyers who is involved. Oftentimes numerous researchers and other experts, who have to go back and historically build a case, are involved. Also people are on retainers because the process takes years, oftentimes repeating the same work. Then they go into negotiations, for which they have sometimes prepared for months, and the negotiations break down.

When we are faced with these types of caps, it is most likely that will be repeated and those legal fees will continue to escalate in size. The end result is that first nations, which we are trying to move resources in a proper compensatory fashion, will lose out on substantial portions of those settlements because of the cost of the process.

This process, again, is at the foot of this—

**The Acting Speaker (Ms. Bakopanos):** Resuming debate. The hon. Parliamentary Secretary to the Minister of Public Works and Government Services.

**Ms. Judy Sgro (Parliamentary Secretary to the Minister of Public Works and Government Services, Lib.):** Madam Speaker, I am pleased today to rise to speak in support of Bill C-6, the specific claims resolution act to establish the new claims resolution centre, something that has been many years in the coming.

The bill is a cornerstone of the government's overall strategy to have a new system to resolve specific claims which will be more efficient than the process we have now and give first nations the tools of self-sufficiency that will enable them to play a fuller part in the life of this country.

Having heard the concerns of first nations about different aspects of the bill, parliamentarians in both the House and the Senate have acted to make constructive changes to the proposal in light of these criticisms.

Most recently, the Senate put forth a number of important amendments to proposed Bill C-6 that would directly address the concerns of first nations and render the proposal a better piece of legislation, something that we all want to see. This, in turn, should give first nations the confidence to use the claims resolution centre as outlined in this new legislation.

It is comforting to see that the parliamentary process has worked and is responsive to the concerns of the first nations and that better legislation is derived from the cooperative efforts of all stakeholders and all parliamentarians.

To refresh people's memories, the proposal would have a chief executive officer, who would handle the day to day administrative matters of the centre, as well as a commission to facilitate negotiations on land claims by first nations and a tribunal to resolve disputes involving those claims.

● (1325)

**Mr. Pat Martin:** Madam Speaker, I rise on a point of order. I think if you did a head count, you would find that there is less than quorum to hear this important debate.

**The Acting Speaker (Ms. Bakopanos):** The hon. member is right, there is no quorum.

Call in the members.

*And the bells having rung:*

**The Acting Speaker (Ms. Bakopanos):** We have quorum. The hon. Parliamentary Secretary to the Minister of Public Works and Government Services.

**Ms. Judy Sgro:** Madam Speaker, the principle of the new system that Bill C-6 proposes is very simple. Both the Government of Canada and the first nations would much rather negotiate than litigate.

Having such a centre as proposed by Bill C-6 means first nations would have an effective means to deal with outstanding grievances, thus helping to remove an enormous roadblock to economic development in communities that we all care very much about. Investors could proceed with confidence and first nations could negotiate from positions of strength.

By supporting this proposal we are fulfilling a pledge to have in place the authority to facilitate, arbitrate or mediate disputes that may arise between Canada and the first nations in the land claims negotiations process, and binding decisions rendered on the acceptance or the rejection of such claims for negotiation.

With this proposed act we are in addition helping to fulfill the vision of Canada's aboriginal action plan that we put in place in response to the report of the Royal Commission on Aboriginal Peoples, something again that is long overdue for action on those files.

That vision sees increased quality of life for aboriginal people and the promotion of self-sufficiency through partnerships, revenue generation, responsiveness to community needs and values, and a place for aboriginal people with other Canadians.

By effectively dealing with outstanding claims through this new system we would help to realize this vision by clearing the way for greater economic development of first nations communities. The benefits for aboriginal and non-aboriginal communities alike should be obvious to everyone. Experience shows that partnership between first nations, the private sector, corporations, governments and communities benefit the economic health and prosperity of the entire community.

Resources now used in settling claims in the current adversarial system can be saved and better applied to this economic development for the good of all. This is truly a benefit for aboriginal and non-aboriginal sectors working together as it benefits all Canadians.

*Government Orders*

We realize it is not perfect. Few pieces of legislation are actually perfect. This is a big move toward trying to solve some of the ongoing problems of the aboriginal communities. The other two pieces of legislation that are still to go through the House together would very much help to ensure that the aboriginal community has a strong and positive future in Canada.

**Mr. Gurmant Grewal (Surrey Central, Canadian Alliance):** Madam Speaker, I am very pleased to rise on behalf of the constituents of Surrey Central to participate in the debate on Bill C-6, an act to establish the Canadian centre for independent resolution of first nations specific claims.

After seven months Bill C-6 has returned to the House with amendments from the Senate. The Senate has recognized all of the main problems of the bill which my colleagues in the Canadian Alliance, the official opposition, pointed out during earlier debate in the House.

While I support these few Senate amendments, my colleagues in the official opposition and I feel they do not go far enough to rectify the fundamental flaws in the legislation. Personally, I do not subscribe to the logic that a bad law is better than no law at all. It is incumbent upon the government to produce legislation that furthers the interests of aboriginal people and the general Canadian public. With Bill C-6 the Liberals have failed in that duty.

I will now speak to the specifics of the bill. On the definition, specific claims as opposed to comprehensive claims deal with the grievances over Canada's alleged failure to discharge specific obligations to aboriginal groups, usually in relation to treaty rights or undertakings given by the federal crown.

Bill C-6 provides for the filing, negotiation and resolution of specific claims and makes related amendments to other acts. The stated purpose of the proposed act is to establish the Canadian centre for the independent resolution of first nations specific claims. The centre will be composed of a chief executive officer, a commission and a tribunal with the commission and tribunal playing the most significant roles in the day to day process of dealing with specific claims.

In 1998 a joint Canada-Assembly of First Nations working group set out a draft legislative proposal for a reformed specific claims process which included some key features. One was the elimination of Canada's conflict of interest through an independent legislative mechanism to report directly to Parliament and first nations. Another was to establish both a commission to facilitate negotiations and a tribunal to resolve disputes in case of failed negotiations. It also included a tribunal authority to make binding decisions on the validity of claims, compensation criteria and compensation of awards, subject to a budgetary allocation of settlement funds over a five year period.

● (1330)

Its keys features also included the definition of issues within the jurisdiction of the commission, the independent funding for first nations research and negotiations, and a joint review after five years to include consideration of outstanding matters such as lawful obligations arising from aboriginal rights.

That was the model legislative initiative upon which Bill C-6 was to be built. The question is, what happened after that? Instead of this model, the bill before us has the following six conditions. The appointment process for the commission and the tribunal maintains the conflict of interest that Canada has as the federal government is the sole appointing authority. The tribunal's decisions may be appealed to the courts. There is a cap on the dollar amount of claims to be dealt with. The review of the entire process is only binding on the federal government. There is no incentive for the federal government to move the claim settlement process along in a timely fashion. Last, the types of specific claims subjected to this process are severely restricted.

Under the present system Canada is the judge and jury at the same time. If enacted, Bill C-6 will do nothing to alter this situation. The title of the bill suggests that the newly created body will be independent but that could not be further from the truth.

How could the new claim resolution centre be truly independent if the government appoints all the commission and tribunal members? There is a compromising situation. How could it be independent? Those appointments include the CEO, chief commissioner and chief adjudicator with only token input from the first nations.

Suspicion about partiality, patronage and conflict of interest will inevitably plague the centre, destroying its legitimacy in the eyes of the first nations. Not only will it not be independent, but there are indicators that the perception would be it is not completely independent. This is a fatal flaw for independence is essential to the successful working of the centre. Independence must exist in fact and be perceived to exist by all parties as well as by the public.

Under the proposed legislation, not only does the Minister of Indian Affairs have the final word on who will work on and decide specific claims, he or she is also directly involved in the claims process itself. Once a claim is filed, the commission must provide a copy with supporting documentation to the minister. After preparatory meetings the commission must then suspend proceedings until the minister decides whether or not to accept the claim for negotiation. I do not see any independence of this body in its complete working with respect to these claims.

Bill C-6 permits the minister to consider a claim indefinitely. There are no time limits that must be obeyed. No independent body has the authority to say that enough is enough.

Allowing the minister, who is a party, to determine the next step in the proceedings essentially takes carriage of proceedings away from the claimant and the centre and places it with the respondent.

Under the proposed legislation, the commission lacks the authority to compel all parties to act. Nowhere is this more evident than in the absence of authority to compel the minister to respond to a claimant band in a timely manner.

*Government Orders*

•(1335)

Now, as for the cost components, as my colleague from Saskatoon—Wanuskewin noted earlier, the Senate amendment increasing the tribunal cap from \$7 million to \$10 million is little more than tokenism. The requirement for claimants to waive their rights to compensation above the specified cap set out in clause 32 in order to obtain a tribunal ruling on the validity of their claim has been singled out by critics as the most significant flaw in this bill. We pointed this out during the previous debates, but the government did not listen to those objections.

We just have to look at the cost to the federal and provincial governments of previously settled specific claims and we can see why aboriginal groups are up in arms over this provision of Bill C-6. Documentation related to specific claims settlements in Saskatchewan since the mid-1980s shows that the treaty land entitlement class of specific claims, asserting that Canada did not provide the reserve land promised under treaty, resulted in payments of \$539 million. Individual settlements ranged from a low of about \$3.1 million to a high of \$62.4 million. The average is over \$18.5 million.

Other specific claims in Saskatchewan cost a total of about \$128.6 million, with individual settlements ranging from just over \$0.4 million to \$34.5 million. Saskatchewan is only one example. Counsel for the Indian Claims Commission indicates that of the 120 claims the ICC has dealt with, only three were settled for less than \$7 million. According to the Assembly of First Nations, in the past three years, 8 of the 14 claims paid out by the federal government were for amounts over \$7 million.

Therefore, it strikes me as extremely disingenuous for the government to try to cap settlements at \$7 million. It does not make sense. Based on the Saskatchewan settlements, the amended cap is little better. The member for Saskatoon—Wanuskewin proposed an amendment in committee to increase the cap to \$25 million. If that amendment had been accepted, far more specific claim cases might make it before the proposed claim body. That was a sensible amendment, but unfortunately it was not accepted.

Cases take longer and cost more when dragged through the courts, having the effect of delaying the time when a final decision is brought down, and therefore postponing the date at which the government is required to pay out a claim for a decision made in favour of the claimant. Therefore, the imposition of a cap on the tribunal looks much more like a strategic stalling tactic by the government than an example of fiscal prudence.

Who is standing up for the taxpayers in this new process? Who is standing up for the taxpayers? Bill C-6 will discourage the use of the less costly alternative dispute mechanisms and will thereby waste taxpayers' money, for there is no prudence and no diligence. I am concerned about that.

Now, about the backlog, one of the primary goals of the bill is to provide for speedier resolution of claims. According to the Department of Indian Affairs Specific Claims Branch, between April 1, 1970 and December 31, 2001, only 230 of 1,123 specific claims were settled. A small fraction of the remaining claims, 466, were in various stages of review, while 119 were in active or inactive negotiation, 181 had been closed or were found to establish no

lawful obligation, 33 had been resolved administratively, 50 were in active litigation, and 44 were before the Indian Claims Commission.

•(1340)

The picture is clear. This legislation does nothing to eliminate the specific claims backlog. We will be facing the same backlog with the same pace for the settlement of the claims, so there is no improvement in that. Bill C-6 in fact offers numerous opportunities for the government to delay and stonewall with impunity. It will not ensure a faster claims resolution process. The Senate committee examining Bill C-6 recognized this to be the case. I myself noted this flaw in the bill when I was speaking last time in the House, yet the government has done nothing to correct this serious flaw despite its stated intentions.

Regarding the reactions of B.C. first nations, Bill C-6 has been met by opposition from aboriginal groups across Canada, including those in my home province of British Columbia. The British Columbia Alliance of Tribal Nations, representing 23 member first nations, feels that Bill C-6 completely fails to meet the bill's stated principle, namely, to establish a process for the resolution of specific claims that is independent, fair and timely.

On those three counts, the government has let down the aboriginal people. The process is not independent. It is not fair. It will not be timely in its operations. Aboriginal people argue that it will instead create a process that is even worse than the current flawed process, which has over 500 claims sitting in a backlog awaiting the minister's decision on whether or not they are acceptable for negotiation.

**An hon. member:** The minister of backlogs.

**Mr. Gurmant Grewal:** Yes, he is the minister of backlogs and he will continue to be the minister of backlogs.

In this backlog, 48% of the specific claims are from first nations in British Columbia. That is almost half. The most claims from any region in Canada are in the province of British Columbia. First nations in British Columbia have the most to gain from the establishment of a truly independent, fair and timely process. And they have the most to lose if the bill before us is passed without further significant amendments, which we have come forward with in the past.

Bill C-6 will institutionalize the federal government's conflict of interest in judging claims against itself and will authorize and reward the Minister of Indian Affairs for indefinite delay in deciding whether or not to accept specific claims for negotiations. It will institutionalize the conflict of interest in the whole process.

The Alliance of Tribal Nations is outraged by the failure of the minister to consult with first nations on Bill C-6, by the speed with which Bill C-6 was rushed through second reading, and by the fast tracking of this legislation through the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources.

*Government Orders*

As members may remember, only one day was allocated for briefs from first nations, with their presentations being limited to from 5 to 10 minutes, and with only 10 to 20 minutes for questions and answers. That was not enough. If we wanted to listen to all the parties involved, one day, with just 5 to 10 minute presentations, was not good enough.

The Alliance of Tribal Nations has asked that I oppose this legislation vigorously. That is why I am participating in the debate along with my other colleagues, who have already given a good version of this whole situation.

In conclusion, I would like to say that the Canadian Alliance strongly supports the speedy resolution of claims. However, this bill will not speed up the resolution of claims and particularly not the larger and more costly claims. The Senate recognized all the main problems with the bill, which we in the Canadian Alliance pointed out during earlier debate in the House. While the Senate amendments marginally improve the bill, they do not go far enough to rectify the fundamental flaws in the legislation. We therefore stand opposed to the Senate report and to the final passing of this bill.

● (1345)

However, I believe that this exercise of participation in the debate is an exercise in futility. It is an exercise in vain. First, the government does not listen. Second, we know that the House is going to prorogue soon for the preparation of the incoming leader. Or maybe the House will adjourn soon and all this legislation will be pending and will go into the waste bin eventually. I will just say for the sake of analogy that if we have to demolish something and there is a bulldozer next to us but we continue building something with the hope that it will not be demolished, we know that if the bulldozer is there our building will be demolished. The work we do will not be fruitful.

I am concerned that the government is not serious about specific claims settlement. I still believe that if the government listens to the official opposition, to the other concerned bodies and to first nations, it can come up with some proposed amendments. The government should listen. That would improve the quality of the bill.

**Mr. Charles Hubbard (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.):** Madam Speaker, I listened with interest to the hon. member. I do not think the 10 minutes available to us will enable me to comment on all the various points he has made, but there are several points I would like to bring into question.

First of all, he indicated that the bill has been very rushed. In fact, various parts of this government and the previous government have spent more than 10 years preparing this legislation. They have listened to the various departments.

In terms of claims, not only do we think of claims between the Government of Canada and our various first nations communities, but also we think of the people affected in our provinces, territories and in fact all Canadians. So when we talk about specific claims and how they might be resolved and we look at the process that has been in progress, we can see that there have been very few successes in terms of the number of issues that have been dealt with.

I hope that in terms of this legislation we will see a speedier resolution of the various claims that first nations will bring to our table.

I would like to remind members of the House that the more than 600 first nations across the country are getting more involved with their history. The scholars being developed through our educational systems on those first nations communities are bringing to bear on this people who are very much concerned about the history of their communities and what effect Canadians and history have had on their various groups. With this, we find that research is being done and new specific claims are being brought about. With that, of course, we find that hopefully just dues will be paid for the mistakes that have been made by our peoples in the past.

The hon. member has also indicated that there is a problem about independence of the centre and of the tribunal. He has tried to indicate that by the way the appointments might be made there could be bias, but the same argument could be made in terms of the Supreme Court of Canada or the judicial system itself because there, of course, appointments are made by various levels of government. With it, we always have high hopes that the decisions made by those groups are fair, unbiased and in the best interests of all of Canada.

I visit various parts of British Columbia and we know that in British Columbia great assertions of their traditional territories are made by first nations peoples. In the member's home province, a commission has been set up that has looked at some of those claims and is attempting to bring resolution to many of the concerns they have in that great province. I would ask the hon. member if he could simply bring to the attention of the House what is happening in his home province in terms of that commission and how it is improving the lives, the attitudes and the outlook of the more than 300 first nations in the province of British Columbia.

● (1350)

**Mr. Gurmant Grewal:** Madam Speaker, I appreciate the member's concern. He has raised a good point but the overall purpose of the bill is not accomplished at all. The specific claim process is not independent. The minister has every right to interfere with it. The minister will be making the patronage appointments, including the chief executive officer of the tribunal, the commission members and so on.

The cap for the claims is arbitrary; \$7 million is not enough. We made an amendment in committee for \$25 million, which would have been fairer. The backlog is already huge. The process will be quite slow and the backlog will continue. The minister still has 500 specific claims on his desk that need to be concluded as to whether they should go for negotiation. There is a huge backlog and 48% of those claims are from my province of British Columbia.

The government has not paid full attention to the issues and concerns and it did not look at the amendments in the way it should have. The flaws in the bill that we pointed out in previous debates were the same flaws that the Senate pointed out but the government still refuses to accommodate those concerns.

In a nutshell, this whole process is not independent, it is not fair and it will not resolve the claims in a timely fashion.

*S. O. 31*

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ):** Madam Speaker, I have the advantage of having been the Indian Affairs critic for my party for seven years. There is one thing that has always struck me: the matter of consultation. I recall several bills where we called witnesses after second reading, when we asked aboriginal people to come and give us their views.

I always found that the government heeded this consultation very little, and did not pay much attention to the representations made. One might say that the government had a preconceived idea in mind when it introduced a bill. Everything was organized in advance, everything was prepared. Regardless of what the aboriginal leaders had to say, or the aboriginal people themselves or their chiefs, the government went ahead and decided to pass its legislation, attaching no importance to the consultation.

From what I hear about Bill C-6, it seems that is more or less what happened. There were numerous representations. Many people were consulted. Now the government is saying, "Well, we listened to you, but now we are going to do as we please". That is the impression I have about the bill before us.

I would like to ask my colleague, who has just given an excellent presentation, if he does not somewhat share my opinion that the government has once again missed its chance to listen to those who are the directly concerned by this bill, that is the aboriginal people themselves? Once again, we are involved in a debate on a bill that has been presented after consultation, but the consultation will not be heeded. They want to impose this bill, ignoring not only the opinion of the first nations people, but also the opinion of all opposition parties in the House of Commons.

I would like to know whether my colleague shares my impression that there has been a lack of consultation or that the consultation that did take place is being ignored, as far as Bill C-6 is concerned?

• (1355)

[*English*]

**Mr. Gurmant Grewal:** Madam Speaker, the hon. member has done tremendous work on this issue for many years in the past. He is absolutely right when he says that the government has completely ignored addressing the specific concerns of the first nations.

We know our first nations people are in a desperate situation. The issues of health care, unemployment, suicide rates, poverty and accountability continue as they were many years ago. It is difficult for the first nations to get their rights and the attention of the government on these issues.

I agree with the member that the government is not listening. It is not listening to the opposition nor is it listening to the first nations. It has misspent all the money in various programs. The money flows from the government to certain people in the first nations but it does not reach the grassroots first nations people where it has to go.

The government has completely ignored looking into various issues like health care, unemployment or employment and the general overall welfare of the society in general. I blame the government for that. Not only does it not have any plan in place, but

I guess there is a lack of political will to resolve the problems in an effective manner.

**Mr. Sarkis Assadourian (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.):** Madam Speaker, my colleague from the Alliance Party blasted the government for its record but I have to remind him that this government and this party has been more friendly to aboriginal people than any other government over the last 100 years.

Why is he so opposed to bringing this system into the 21st century? What was so good about the previous treatment of first nations that he is still defending it? I cannot comprehend his logic.

**Mr. Gurmant Grewal:** Madam Speaker, the hon. member has it wrong again. Neither I, my party nor anyone on this side of the House are against the process of resolving the claims. We are against the government's ill will and its lack of understanding that it has put into Bill C-6 to resolve the issues.

As I indicated, the process is not independent and it is not fair. It will not be done in a timely manner. The backlog will continue. The member should look at this issue again. All of us in this chamber have a moral responsibility to deal with the claims in a timely and fair manner.

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## STATEMENTS BY MEMBERS

[*Translation*]

### VETERANS' WEEK

**Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.):** Madam Speaker, this month we are celebrating Veterans' Week, culminating in the ceremonies on Remembrance Day, November 11.

Yesterday, I participated in a ceremony at the veterans' hospital in Sainte-Anne-de-Bellevue, where the minister presided over the sod-turning for the hospital modernization project.

[*English*]

This modernization project involves an expenditure of \$67.7 million for improvements at the hospital. The hospital is redesigning its main section and adding a new 130 bed pavilion. By the end of construction in 2007, the hospital will include 460 private rooms equipped to take care of the unique needs of our most deserving citizens.

I applaud this initiative of Veterans Affairs Canada on behalf of those who have sacrificed so much of themselves in the cause of freedom and peace.

\* \* \*

### MINISTER OF TRANSPORT

**Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance):** Madam Speaker, in the final days of his dictatorial tenure as the transport minister, I would like to take this opportunity to thank him for his latest excesses on VIA Rail. His outrageous new spending announcement is enough to finally focus media and public attention on the phenomenal waste of money that VIA represents.

*S. O. 31*

Since the Liberals took office, VIA has used up \$3 billion of taxpayer money, exclusive of this latest announcement. That money could have been far better spent on health care, justice issues, basic community infrastructure or simply left in the pockets of Canada's hard-pressed taxpayers.

However I certainly cannot thank the minister for the destruction he has brought on all the other areas of transportation. While he has focused on his pet rail fetish, our highways are crumbling, airport rents and the subsequent airline fees have skyrocketed and have tripled. Airline security has turned into another expensive and inefficient bureaucracy, and security at our national ports has been slashed.

Our country needs and deserves better. If the minister had just stayed home and played with toy trains, the taxpayers and the transport industry would be in far better shape.

\* \* \*

●(1400)

[Translation]

**INTERNATIONAL CINEMA FESTIVAL IN ABITIBI-TÉMISCAMINGUE**

**Mr. Gilbert Barrette (Témiscamingue, Lib.):** Madam Speaker, allow me to rise in this House to pay tribute to people from Rouyn-Noranda who help make the International Cinema Festival in Abitibi-Témiscamingue a success year after year.

The festival generates economic spinoffs estimated at \$1.5 million annually and gives more than 20,000 moviegoers an opportunity to view a hundred or so films. During five intensive days, we get to venture into the worlds of the cinema of Quebec, Canada, Europe, Africa and South America. Our festival knows no boundaries.

Under the direction of the founding trio of Jacques Matte, Louis Dallaire and Guy Parent, some 60 volunteers and associates welcome each year a hundred or so producers, directors, actors, journalists and distributors.

My warmest congratulations to the organizers of the festival, which is celebrating its 22nd anniversary.

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[English]

**FOREIGN AFFAIRS**

**Mr. Irwin Cotler (Mount Royal, Lib.):** Madam Speaker, we just concluded an all party press conference in support of the case and cause of Dr. Wang Bingzhang, the celebrated Chinese human rights advocate, regarded as the father of the overseas Chinese democracy movement, who has been sentenced to life in imprisonment in China, the longest sentence ever meted out to a Chinese dissident, on trumped up charges of terrorism and kidnapping. Ironically, as witness testimony has revealed, he was the victim of kidnapping and criminal violence rather than the perpetrator of them.

Indeed, the UN working group on arbitrary detention has determined that the charges are without foundation; that his continued detention is in violation of international law; that he has been denied the right to a fair trial; and that China should remedy these violations.

Dr. Wang Bingzhang has a close connection to Canada. He is a doctoral graduate from McGill University and his parents, children and siblings reside in Canada.

Accordingly, we call upon the Chinese authorities to abide by their undertakings under international law, undertakings also to Canada which is a co-signatory, to release Dr. Wang Bingzhang from prison, where, as his family testified today, his health is deteriorating, and permit him to be reunited with his family and colleagues in Canada and the United States.

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**NATIONAL DEFENCE**

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance):** Madam Speaker, if anything demonstrates 10 years of Liberal incompetence it is the sad tale of the Sea King helicopter.

Political expedience has been deemed more important than national security and the safety of the lives of the men and women who serve in the Canadian Forces.

Scheduled to be replaced in the 1980s, by the time they are actually replaced these helicopters will be 50 years old. Most pilots who fly the Sea King were not even born when that helicopter came into service.

The Prime Minister cancelled the Sea King replacement with a stroke of his pen and then happily paid 500 million in taxpayer dollars for cancellation penalties.

Ten years later, there are still no replacements. Continued government interference into the contract process will mean further delays.

Our soldiers deserve the best.

The Sea King will forever stand as a symbol for the most shameful legacy in the 10 years of neglecting our nation's defence by the Prime Minister.

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**FOREIGN AFFAIRS**

**Mr. Sarkis Assadourian (Brampton Centre, Lib.):** Madam Speaker, I rise in the House today to applaud the appointment of Mr. Bhupinder S. Liddar as Canada's new Consul General in Chandigarh India, an appointment made all the more important, as Mr. Liddar is the first Canadian Sikh to become head of a Canadian diplomatic mission overseas.

Mr. Liddar is no newcomer to the diplomatic scene as he has served as editor and publisher of *Diplomat & International Canada* magazine since 1989, host of CPAC's the *Diplomatic World*, a weekly panel discussion on current international issues, as well as contributing regular columns to the *Hill Times* and *Ottawa Sun* on international relations for many years.

I urge my fellow members of Parliament to join me in congratulating Mr. Liddar on his appointment and in wishing him all the best as he undertakes this important role as Canada's new representative in Punjab.

[Translation]

### MIDDLE EAST

**Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ):** Madam Speaker, after hate propaganda was broadcast last year in Egypt based on the Protocols of the Elders of Zion, a fraudulent document from 1905, something similar is now happening in Lebanon.

The Al-Manar channel run by Hezbollah, a recognized party in Lebanon, will broadcast a series called *Al-Shatat*, the diaspora, at prime time during the holy month of Ramadan. This offensive series is based on the classic anti-Semitic myth that the Jews want to rule the world.

All governments in this part of the world must prohibit all forms of hate mongering or calls for violence against neighbours. As long as people in the Middle East are exposed to such propaganda, it is foolish to believe that the peace we all want so badly will be achieved.

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• (1405)

### QUEBEC CITY BRIDGE

**Mr. Christian Jobin (Lévis-et-Chutes-de-la-Chaudière, Lib.):** Madam Speaker, some say that it was the work of the devil; others claim one of its bolts is made of gold. Although it was the site of two disasters that claimed many lives, the Quebec City bridge is one of the most fascinating monuments in the entire world.

Proclaimed an international historical monument to civil engineering by the Canadian Society for Civil Engineering in 1987 and designated as a national historic site by the Minister of Canadian Heritage in 1996, the Quebec City bridge must be given its due.

Today, I want to tell the House about the excellent work done by the Coalition pour la sauvegarde et la mise en valeur du Pont de Québec, an organization that has been defending the interests of this legendary monument for ten years and that is doing everything possible to make the bridge ready for Quebec City's 400th anniversary celebrations.

I am proud that this bridge links the north and south shores of the Quebec region. As the member for Lévis-et-Chutes-de-la-Chaudière, I commit to ensuring the bridge repairs will be completed for Quebec City's 400th anniversary.

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[English]

### VETERANS AFFAIRS

**Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance):** Madam Speaker, Frank Wright of Vernon, B.C. tells about volunteering for a social event at one of the local rest homes.

He served one senior a beverage and rather than accept the 50¢ change due him, that senior said Frank should put the four bits toward a boat. Now the boat in question was intended to be used for touring rest home residents around Okanagan Lake, so Frank Wright went shopping. He found a pontoon boat for sale at Kelowna. Problem, the price was \$19,000.

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He went back to Vernon and contacted local organizations, including the Legion, and raised the needed funds.

Launched in 1992, the boat called *Heaven Can Wait* has made many trips on Okanagan Lake, bringing joy to numerous seniors.

This is one of the many stories behind the Minister of Veterans Affairs Commendations being awarded to 62 Canadians, including Frank Wright and Hugh Rayment, of Vernon, B.C., and Roland Phillips of Chase, B.C.

A special thanks to them from a grateful nation for their continuing service.

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### NORTH THOMPSON

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Mr. Speaker, we all watched on TV as the North Thompson-Okanagan regions were devastated by forest fires this summer. The North Thompson region was hardest hit since it depended almost fully on the forest industry and the Tolko mill, which was irretrievably lost. Prior to the fires, this region was already economically depressed by softwood lumber problems, pine beetle infestation and mad cow disease.

In the gallery today are representatives of the North Thompson Recovery Task Force, Chair John Ranta, Mayor Mel Rothenburger and John Smith, who are here to present their report, "A Route to Recovery", to the federal government. They are to be congratulated for taking the initiative with their quick and innovative response.

This report is a made in the region comprehensive plan of action that would require the cooperation of federal, provincial and local governments, the private sector and the community. It focuses specifically on reviving the destroyed beef industry, reforestation, tourism and infrastructure building.

The federal government has already contributed \$100 million to emergency relief, but this long term economic plan is essential to this region's recovery.

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[Translation]

### LIBERAL GOVERNMENT

**Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, ten years ago this week, having been elected by the Canadian people, this government formed its first cabinet. With your permission, I shall highlight some of our achievements.

In the last three years, under a Liberal government, Canadians have seen their income taxes decrease and the national debt shrink. They have witnessed the creation of an impressive number of jobs.

They have seen impressive financial commitments for health, ratification of the Kyoto protocol, measures to fight terrorism, and increased aid to international development.

We have a lot to be proud of. Nevertheless, I can guarantee that we are ready to do more, so that our fellow citizens can enjoy a promising future.

*S. O. 31*

[*English*]

#### NATIONAL DEFENCE

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, today we mark an important anniversary in the history of the government.

Ten years ago today the Prime Minister cancelled the contract to buy a replacement for our aging fleet of Sea Kings.

Ten years ago today the Prime Minister cost the Canadian taxpayers \$500 million in penalty fees.

Ten years ago today the Prime Minister put our military on notice that it would be neglected while he was in office.

Ten years ago today the Prime Minister put the safety of our Sea King and crews at risk.

Ten years ago today the Prime Minister agreed to put politics over principle.

Ten years ago today the Prime Minister put in place the foundation of his legacy, a legacy of neglect.

We mark the anniversary, but we do not celebrate it.

\* \* \*

• (1410)

[*Translation*]

#### CRIME PREVENTION WEEK

**Mr. Ghislain Fournier (Manicouagan, BQ):** Mr. Speaker, as this is Crime Prevention Week, I would like to draw the attention of the House to the importance of getting involved in this issue, which affects everyone.

We must pool our efforts in order to support the many devoted individuals working in the field. The legal and health systems are trying to find solutions, but there are also street workers who offer support and comfort, and of course the teachers who have the most important task, providing information to our young people.

I invite the hon. members to reflect on what concrete improvements could be made, in terms of technical and economic programs, job creation and especially new initiatives in order to focus on prevention and thus reduce crime.

It is still true that an ounce of prevention is worth a pound of cure. Let us all get involved.

\* \* \*

[*English*]

#### LIBERAL GOVERNMENT OF CANADA

**Mr. John Maloney (Erie—Lincoln, Lib.):** Mr. Speaker, it is with great pride that I rise in the House today to congratulate the government on 10 remarkable years of achievement.

It was 10 years ago today that I, along with so many others, arrived here on Parliament Hill to mark the beginning of a new era in Canadian politics. We were entrusted by Canadians to give them a new and better government, and we have more than fulfilled that challenge.

The Liberal government has lowered taxes and brought in six consecutive surpluses. We have invested in the priority of Canadians, in health care, infrastructure, communities, the environment and in Canada's future through the Canada child tax benefit, scholarships and innovation funding.

We built a safer and more just society domestically and we took a leadership role in the world, especially with the landmines treaty and the new partnership for Africa.

I cannot list all our accomplishments in just one minute, however, I ask my fellow parliamentarians to join me in celebrating this triumphant day for all of us.

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#### MULTICULTURALISM

**Mr. Joe Comartin (Windsor—St. Clair, NDP):** Mr. Speaker, Canada is a multicultural nation. In my riding of Windsor—St. Clair, there are over 100 different nations represented.

Despite being a diverse multicultural nation many Canadians, continue to face racial discrimination or are subject to racial profiling on a regular basis.

It is very disheartening that through its inaction and silence the government tacitly condones this discrimination. Regrettably during this session of the House of Commons both the Prime Minister and the Minister of Canadian Heritage have not risen once to speak out against racism.

Over two years ago the federal government held a number of regional conferences across Canada to develop a concrete meaningful and coordinated federal strategy to address racism and determination.

It has been more than two years since those conferences and over 750 days since Canada participated in the United Nations World Conference Against Racism, otherwise known as WCAR in Durban, South Africa.

To date there has been no formal action plan developed by the government for the implementation of the recommendations. With only a few weeks left in the Prime Minister's mandate and likely a corresponding short period remaining for the Minister of Canadian Heritage, perhaps I can make a recommendation on how they can leave a lasting legacy: Act now to adopt a formal action plan to implement the declaration from WCAR and begin to end racial discrimination in Canada.

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#### FOREIGN AFFAIRS

**Ms. Marlene Catterall (Ottawa West—Nepean, Lib.):** Mr. Speaker, today Maher Arar, recently released from a Syrian prison, spoke for the first time on his terrible experiences of the last year.

Our government must demand explanations and apologies from the American government for his deportation after a hearing with no legal representation. We must demand redress from the Syrians for the torture and inhumane conditions Maher endured. We must investigate leaks from within our own government that has put his and his family's life, including two young children, at danger.



We must leave no stone unturned until he has a chance to clear his name and have his and his family's lives back to normal.

\* \* \*

### HOCKEY

**Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance):** Mr. Speaker, across Canada our youth have once again taken up the national past time for another winter. Rinks are alive with the sights and sounds of hockey. Our youth are in pursuit of NHL dreams.

Our rising stars and our teams in Saskatchewan are being pursued unfairly by the CCRA regarding taxes on their room and board away from home. Why were only Saskatchewan hockey players and teams targeted? Why are only Saskatchewan's young teenage players and teams being ordered to pay fines? Why do we have to wait for more than a year to get answers to these questions?

The Liberal government has such unfair tax policies that even its new leader has done everything to avoid paying his share. Instead of just honouring hockey on the back of a \$5 bill, why do we not let our budding hockey players and their teams keep their money too?

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## ORAL QUESTION PERIOD

• (1415)

[English]

### PRIME MINISTER OF CANADA

**Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, I see the Prime Minister is back in the House today and it makes me think of a song:

Start spreading the news,  
He's leaving today,  
He wants to be a part of it,  
New York, New York.

My question for the Prime Minister is, if he thinks he can make it there, I gather he thinks he can make it anywhere, but will he be here until February?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, through you, I would like to say thank you to the Leader of the Opposition for the colour of his tie on the occasion of this anniversary of mine.

In answer to his question, I will be alive in February. Where I will be, I do not know, no more than I am sure he will still be the Leader of the Opposition.

**Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, that is the kind of sharp and clear answer we have come to expect over the past years.

Let me bring it a little more up to date. When I got here the Prime Minister was going to fight another election, then he was going to go, but not for 18 months. Then last week his caucus voted that he was going to stay. Let me try to get a little more up to date. In a week or so, after the break in November, will the House be back here doing the nation's business?

### Oral Questions

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, there was a vote of confidence last week where the members of my party and other parties voted for me to stay in my job.

**Some hon. members:** Four more years, four more years.

**The Speaker:** Order. Everyone will want to hear the Prime Minister's reply.

**Right Hon. Jean Chrétien:** Mr. Speaker, today at this time the Alliance will vote for me.

**Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, I wish the Prime Minister would have been so non-committal about being Prime Minister 10 years ago. It might have saved us all a lot of trouble.

[Translation]

Finally, the time has come for the new Liberal leader to pay back the Prime Minister. The new Liberal leader said he would review all the government decisions, even the bills that are part of the Prime Minister's legacy.

Which bills would the Prime Minister like to see passed by both Houses before he leaves for the United Nations?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I do not want to live in New York. I want to live in Ottawa and in Shawinigan.

As for the bills before the House, obviously, if there is adjournment or prorogation, when Parliament resumes, according to tradition, the bills will be put back on the orders of the day. I am confident that the bills that have been introduced and voted on in the House by the party that I am currently leading will be finalized by the same party when the time comes to—

**The Speaker:** The hon. member for Pictou—Antigonish—Guysborough.

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### NATIONAL DEFENCE

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, that is a sad response. It is the 10th anniversary of the cancellation of the EH-101 contract. The decision to cancel the contract to replace the Sea Kings speaks volumes about the Prime Minister's failure.

Will the Minister of National Defence promise to retire the Sea Kings when the Prime Minister retires?

• (1420)

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I thank the leader of the Progressive Conservatives for acknowledging this 10th anniversary. I could simply remind him that ten years ago, when we had to cancel this contract, the government had a \$42 billion deficit that represented 6.2% of Canada's GDP. The Progressive Conservatives had forced us into bankruptcy, and we had no choice but to make that decision.

Now there is a selection process to find a new helicopter. There is a competition, and several companies are submitting tenders. The best contract—

*Oral Questions*

**The Speaker:** The hon. member for Pictou—Antigonish—Guysborough.

[*English*]

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, disingenuous until the end.

The EH-101 cancellation fee is \$500 million. Sea King maintenance is \$600 million. The cost in splitting the procurement is \$400 million. The total cost of the Liberal program is over \$8.6 billion. The Conservative government's replacement cost was \$4.3 billion, exactly half, plus the 43 helicopters on delivery.

After 10 years of Liberal mismanagement and a loss of eight lives, will the Prime Minister, before he takes his 40 year retirement, rectify his biggest mistake in his time in Ottawa and replace the 40 year old Sea Kings?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, imagine all the money that we saved in not having to pay the interest on the amount of money that we would have been obliged to pay at that time. If the interest is calculated, it is close to \$5 billion for 10 years of interest with the level of interest that existed at the time when we took over which was 11.5% every year for the interest alone on that airplane.

I think we made a very good decision. We will replace the helicopter in due course.

\* \* \*

[*Translation*]

**MINISTER OF FINANCE**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, yesterday the Minister of Finance said he had no need to account for his vacations, where he spent them and with whom, provided he paid the bill himself. Last winter, he enjoyed a family sailing holiday on a boat chartered by the Brewers Association of Canada.

My question is a very simple one: Did the Minister of Finance pay for his time on the brewery association's sailboat? We are not asking whether he paid for his airline tickets, but whether he has reimbursed the cost of his stay on the boat?

**Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.):** Mr. Speaker, I pay my own way.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the Minister of the Environment has indicated that he paid for a stay at the Irving family lodge, and that the cost was \$1,500. I would imagine, therefore, that a week aboard a boat in the Caribbean would be pretty pricey.

I would like to know whether the minister can tell us how much he paid to stay on the manufacturing association's boat and whether he declared this to the ethics counsellor as the other ministers did?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, here we go again. The minister has just risen in this House to say that he paid what he was supposed to pay under the circumstances.

This is one more attempt to sully someone's reputation. There is a tradition in this House that, when a minister or member rises and makes a statement, he is taken at his word. Here there is no presumption of guilt, people are presumed innocent.

There is a constant attempt to sully people's reputation, and that is why voters do not want to support parties as negative as the Bloc Québécois.

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, when one holds an office like that of the minister, it is important to know how much the minister spent to vacation in the Caribbean for nearly one week on a sailboat chartered by the Brewers Association of Canada.

We want to know how much it cost him and we want him to produce receipts for this vacation in the Caribbean on a sailboat, a luxury sailboat chartered by the Brewers Association of Canada.

**The Speaker:** I indicated yesterday that there are some problems with this kind of question. I hope that the hon. member for Saint-Hyacinthe—Bagot is taking my remarks of yesterday into account.

If the question is how much was spent, then I feel this is not an appropriate question to ask in this place, because this is outside the purview of ministers in the performance of their ministerial duties.

If the hon. Deputy Prime Minister and Minister of Finance wants to answer, he may do so. He has the floor.

● (1425)

**Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.):** Mr. Speaker, Mr. Morrison is a friend of mine. There is no doubt about that.

He is the former president of the Brewers Association of Canada; he no longer is the president. But the association made a presentation before the House of Commons Standing Committee on Finance when he was the president, and I did not accept what the Brewers Association was proposing. He remained my friend anyway.

We took a vacation, and I paid all my expenses. Ask a travel agent how much it costs; they can tell you. As far as I am concerned, it is a privilege—

**The Speaker:** The hon. member for Saint-Hyacinthe—Bagot.

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, it is important to know how much it cost, because if the minister paid \$500 for a luxury vacation worth \$15,000, there is a problem.

At the very least, there is an apparent conflict of interest. To be sailing in the Caribbean with the former president of the Brewers Association of Canada, who is still an adviser with the association, days after making a decision unfavourable to the microbreweries, reeks if not of apparent conflict of interest, then of plain conflict of interest.

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, this has absolutely nothing to do with the duties and responsibilities of the Minister of Finance. He clearly stated his opinion in the House of Commons and said that he knew this person who, at the time, was no longer the president of the Brewers Association of Canada. This is no big thing, really.

[English]

### NATIONAL DEFENCE

**Mr. Jay Hill (Prince George—Peace River, Canadian Alliance):** Mr. Speaker, for 10 years the Liberals have promised our military new helicopters to replace the aging Sea Kings, but all the military has seen since 1993 is excuses, delays and political interference in the procurement process.

Now we have heard that despite the fact that NHI Eurocopter did not meet pre-qualification, DND bureaucrats and some high profile Liberal friends seem to be working overtime to ensure the Eurocopter is kept in the running.

Why is the Liberal government continuing to interfere with the Sea King replacement process?

**Hon. John McCallum (Minister of National Defence, Lib.):** Mr. Speaker, there has been absolutely no interference in that process. In terms of the hon. member's point as to speedy delivery of the helicopter, I have made it clear and my colleague in Public Works has made it clear that acting in the here and now, we have taken concrete steps to speed up the delivery.

We have gone from two contracts to one contract. We are instituting a system of bonuses and penalties to ensure that companies deliver as fast as possible. I am ensuring that the money is in the budget to get those helicopters as quickly as possible.

**Mr. Jay Hill (Prince George—Peace River, Canadian Alliance):** Mr. Speaker, if 10 years is speedy, I would hate to see what slow is.

The Eurocopter did not meet some pretty basic qualifications, things like rotors, cabin configuration, weight, and even the type of missions that it could be capable of carrying out. Not surprisingly, this is not the first time the procurement process has been tampered with by the government. Deadlines have been missed, qualifications have been rejigged and contracts have been split and then rejoined, all to avoid political embarrassment for the Prime Minister.

Why is the government so willing to bend the rules for Eurocopter?

**Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.):** Mr. Speaker, I can assure you and I can assure the hon. gentleman that the Minister of National Defence and I have bent no rules for any contractor. We want a fair process that gets the right aircraft at the most economical price and as rapidly as possible.

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### FOREIGN AFFAIRS

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, when it comes to the Maher Arar case, I do not think we have ever seen a government so energetically trying not to get to the bottom of anything. This situation needs to be fixed. Fortunately the members of the foreign affairs committee feel otherwise and they recommended by a majority vote with all parties participating that there be a public inquiry into the Maher Arar case to find out what kind of Canadian complicity there was and what happened to Mr. Arar.

### Oral Questions

I ask the Solicitor General, will he finally listen to reason and call for the public inquiry for which we have been calling for so long?

**Hon. Wayne Easter (Solicitor General of Canada, Lib.):** Mr. Speaker, I cannot speak for other countries, but I can and do speak for the RCMP and CSIS. I can assure the House that those agencies are operating under their mandates and under Canadian law.

Further, the chair of the Commission for Public Complaints Against the RCMP has compiled those allegations and in fact has set a process in place to look into those allegations. That process was set up by a previous Parliament. It was set up to deal with these kinds of issues. I am sure that she will deal with this issue through the proper process.

\* \* \*

• (1430)

### AGRICULTURE

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, we need an inquiry to find out how the Americans got hold of Mr. Arar's lease, or for that matter to find out whether or not we are in fact contracting out torture to the Syrians.

My second question is for the Minister of Agriculture, having to do with the Alberta government now moving to help farmers circumvent the Wheat Board. The government has not stood up to Alberta in the past when it has undermined health care. Could the Minister of Agriculture tell us today, will he stand up to Alberta now and help prevent the erosion of the Canadian Wheat Board?

**Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.):** Mr. Speaker, the Canadian Wheat Board is established under Canadian federal law. The control of the Wheat Board is vested in the hands of its board of directors. That board of directors consists of 15 members, two-thirds of whom are directly elected by farmers themselves. I am quite content to trust the judgment of farmers.

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### NATIONAL DEFENCE

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, last week the Prime Minister told the House that the president of the United States flies a Sea King between the White House and Camp David but he forgot to mention that the president's Sea Kings were built more than 10 years after ours and that they are due to be replaced before ours. Nor did he inform us that the Americans are looking to replace their Sea Kings based on a best value system.

Why does the Prime Minister insist on buying the cheapest aircraft for our military instead of the best it can get for the money?

*Oral Questions*

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, that is exactly what we are seeking, the best for our money, which is why we are having a bidding process. We hope three or four companies will put in bids so we will get the best helicopter at the lowest cost possible. What taxpayers will have for their money is what they are investing in these helicopters.

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, the member for LaSalle—Émard has said that the Sea King replacement should be bought as soon as possible. The member for LaSalle—Émard has said that he would have no problem buying the Cormorant. The member for LaSalle—Émard has said that we should get the best equipment for our military, not just the cheapest.

If a mere backbencher can get it right, why not the Prime Minister?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I am not in a position like the member to pretend that one is better than the other because I am not an expert. However we are the guardians of taxpayer money and we want a machine that can do the job at the least cost possible to the taxpayers.

\* \* \*

[Translation]

**MINISTER OF FINANCE**

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, the Minister of Finance went on a trip with Mr. Morrison, who is no longer the Chairman of the Brewers Association of Canada, but who is a legal adviser and board member. He went several weeks after having, in his budget, made a decision favouring the Brewers Association over the microbreweries.

Is it not normal to ask a minister whether or not—yes or no—he paid the actual value of a sailing trip he took with his family in the Caribbean? It seems to me that this is a perfectly good question. It is part of his ministerial responsibilities, and he has every reason to give us the answer.

**Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.):** Mr. Speaker, the hon. member is mistaken. The association was in favour of reducing the taxes on microbreweries. I have before me the proposal that the association made to the Standing Committee on Finance. I did not accept it, but despite that, Mr. Morrison is still my friend. I paid the full value of that trip.

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, let us be clear. The microbreweries were frustrated by the minister's decision, when he took the part of the large brewers, their competitors, who were opposed to this idea.

Therefore, is it not normal to ask the Minister of Finance to be as transparent as the then government House leader was, or the Minister of the Environment, and tell us whether or not he reimbursed the market value of the benefit he enjoyed on his trip with a representative of the Brewers Association of Canada? It is clear.

**Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.):** Mr. Speaker, I did not go on a trip with the Canadian brewers. It was not a private boat; it was a rented boat. As is usual with a group of friends, we each paid one quarter of the costs. The exact amount I paid is no one's business but my own.

• (1435)

[English]

**NATIONAL DEFENCE**

**Miss Deborah Grey (Edmonton North, Canadian Alliance):** Mr. Speaker, a 10 year anniversary is a long time since the Prime Minister cancelled the Sea King helicopters. Now he is lifting off out of politics and is retiring but the Sea Kings are not.

Today the members across the way have said that it would be speedy, that it would be as rapidly as possible that we would get these replacements. The Prime Minister has used the excuse of the deficit being so bad, but that has been gone for years now. He has talked about interest rates, but in fact they are lower now than they ever have been.

With the deficit long gone and interest rates so low, how can the Prime Minister defend putting off this contract for even one more day?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, it is because we have been very responsible that today we can say that we have very low interest rates. We are having a bidding process. There are many competitors. They are following the rules and the best offer to the government will win. That is why we have public bidding.

I see that the opposition members do not want to have public bidding. They have already made up their minds about one helicopter. I do not know why they know better than the experts.

**Miss Deborah Grey (Edmonton North, Canadian Alliance):** Mr. Speaker, it only took him one day to decide on the Challengers. That is speedy.

The Prime Minister cancelled the contract. Well, it is the 10 year anniversary. Mr. Speaker, you might know that the traditional gift for the 10th anniversary is tin. We would take tin. We would take aluminum. We would take steel. We would take whatever he has as long as it is in the form of a safe, reliable, effective chopper replacement.

Robert Browning, the poet, said:

Grow old along with me, The best is yet to be.

We have all grown older. When can we expect him to cough up the best that is yet to be ?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, this is the hon. member who told her electors three times that she would never accept a pension from the people of Canada, who is complaining now, while she is taking the pension, that she would like us to pay any amount of money for a helicopter without having a real competition to have the best product at the best price.

\* \* \*

[Translation]

**THE ENVIRONMENT**

**Mr. Jean-Yves Roy (Matapédia—Matane, BQ):** Mr. Speaker, yesterday for the first time in relation to section 35 of the Fisheries Act, the minister stated, “We use this section when a project request is submitted and there is evidence that destruction could occur”.

*Oral Questions*

The minister claims that the Belledune project poses no danger to marine wildlife, since he consulted the studies provided by the company.

Consequently, can the Minister of Fisheries and Oceans state, beyond all doubt, that destruction of the marine wildlife could not occur as a result of Bennett Environmental's project?

**Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, the first project submitted by the company stipulated that waste water was to be emptied into the bay at Belledune. An environmental assessment of the project was needed. The company amended its project and opted for a closed circuit system so that no water would be released.

With regard to air emission controls, there are regulations. Companies must meet the standards, unless otherwise notified.

Therefore, there is no need to enforce the legislation in this instance.

**Mr. Jean-Yves Roy (Matapédia—Matane, BQ):** Mr. Speaker, in its lobbying to promote this project, the company invited local doctors in the affected region to a meeting to show them the project was completely harmless.

However, not only did the doctors attending the meeting not feel reassured, they also announced that they were staking their credibility as men and women of science to prevent the project from going forward.

I repeat my question. Consequently, can the minister state, beyond all doubt, that destruction of the marine wildlife could not occur in Belledune?

**Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, the hon. member can be in favour of the project or not. I can personally be in favour of this project or not.

The fact remains that it is under provincial jurisdiction. He continues to demand that the federal government get involved and abuse its powers, because he does not approve of a provincial decision.

The government finds this completely unacceptable. New Brunswick would find this unacceptable, as would Quebec, I expect, in similar circumstances.

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[English]

#### ATLANTIC CANADA OPPORTUNITIES AGENCY

**Mr. Randy White (Langley—Abbotsford, Canadian Alliance):** Mr. Speaker, I have been following the Liberal largesse-capades of ACOA for 10 years now and nothing has really changed. Each politician that has been put in charge over the years has used and abused taxpayer money for his or her own particular political purpose.

Why has the Minister of State responsible for ACOA forbidden MPs to have access to information about ACOA? Is it because he wants the bulk of the largesse for himself, or is he afraid of what others will find out about ACOA?

• (1440)

**Hon. Gerry Byrne (Minister of State (Atlantic Canada Opportunities Agency), Lib.):** Mr. Speaker, information is available to all people, including members of the House, citizens of Newfoundland and Labrador, citizens of Atlantic Canada and members on the opposite side.

One of the things that the hon. member is alluding to is the fact that assistance has been provided to those who have been negatively impacted by cod fishers on a proportionate basis. I am delighted that we were able to provide that assistance. That information is available.

**Mr. Randy White (Langley—Abbotsford, Canadian Alliance):** Mr. Speaker, of course he is delighted, but holding grants up for his own riding is quite disgraceful.

Being given responsibility for a portfolio is not a licence to spend money on every conceivable project in one's riding just to get elected.

Does the Minister of State responsible for the Atlantic Canada Opportunities Agency understand that the word opportunities is not for himself but for all citizens to benefit from?

**Hon. Gerry Byrne (Minister of State (Atlantic Canada Opportunities Agency), Lib.):** Mr. Speaker, the hon. member for Langley—Abbotsford is promoting an interesting proposition.

Fisheries assistance is provided to those who need it on a proportional basis. If the hon. member is suggesting, for example, that funding for forestry compensation through the community economic development initiatives related to the softwood lumber agreement should be given to everybody in the country, whether or not they have actually been impacted, that is a ridiculous proposition.

We target funding to where the impacts occur on a proportionate basis and that is exactly what is happening in this particular case.

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#### FOREIGN AID

**Ms. Carolyn Bennett (St. Paul's, Lib.):** Mr. Speaker, there is probably nobody who knows more than the Prime Minister about the urgent need for drugs for AIDS in the developing countries.

In August the WTO made an urgent appeal for governments to provide these needed drugs to developing countries in a manner consistent with the protection of intellectual property.

Could the Prime Minister please tell us what our government will do?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the Government of Canada fully supports the agreement reached by the World Trade Organization to allow poorer countries better access to the medicines needed to respond to public health problems, especially those resulting from HIV-AIDS and other epidemics.

Today we have served notice to the House that we will introduce legislation this week to implement the WTO agreement. Canada will be the first country to introduce legislation to implement the WTO agreement. We hope that our quick response will encourage other countries to follow our example.

*Oral Questions***ATLANTIC CANADA OPPORTUNITIES AGENCY**

**Mr. Rex Barnes (Gander—Grand Falls, PC):** Mr. Speaker, the Minister of State for ACOA is insisting that it is impossible to show how much money has been spent in each riding. There was a different tune from him when he was a backbench MP claiming his riding was not getting its fair share of ACOA funding.

The then minister of ACOA was certainly able to give him and others the exact total per riding. Is the minister now saying that since he took the office of ACOA that riding by riding figures are no longer kept? Is he admitting that he changed things to make sure that no one knows how much is going into his riding in comparison to other ridings?

**Hon. Gerry Byrne (Minister of State (Atlantic Canada Opportunities Agency), Lib.):** Mr. Speaker, as the hon. member knows, a lot of projects do not occur distinctly in a particular riding. In fact, I pointed out yesterday in the House of Commons that several initiatives were on a pan-provincial, pan-regional point of view. This information cannot be compiled on a riding by riding basis.

However if he would like some further instruction as to how to access the website or anything else I would be more than happy to provide it to him.

**Mr. Rex Barnes (Gander—Grand Falls, PC):** Mr. Speaker, I am not the person who has the problem. He has the problem.

The people of Gander—Grand Falls, Burin—St. George's and Labrador deserve to know that they are getting their fair share of ACOA money. They deserve to know how projections were evaluated and approved and whether or not the ACOA minister's riding received more than its fair share.

Is the Prime Minister willing to invoke section 11 of the Auditors General Act to determine if that office should conduct an independent audit of ACOA funding for Newfoundland and Labrador?

• (1445)

**Hon. Gerry Byrne (Minister of State (Atlantic Canada Opportunities Agency), Lib.):** Mr. Speaker, regrettably, there is a serious problem throughout Newfoundland and Labrador and Atlantic Canada, and that was the closure of the cod fishery, which created a great negative economic impact.

Those impacts, particularly on the northern peninsula, have been very severely acute. Of course we put in place an assistance program to provide some level of assistance based on those impacts.

That is exactly what occurred and that is exactly what will continue to occur.

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**CANADA-U.S. BORDER**

**Mr. Brian Masse (Windsor West, NDP):** Mr. Speaker, the Minister of National Revenue is building a search facility for the United States customs in the middle of Windsor. American customs will be inspecting trains to search for bombs and other security threats within yards of a high school, park, major roads and a football stadium.

The minister has said that this location was "appropriate and well considered". Windsor city council does not think so.

Will the minister kill this project before she kills our community and our economy?

**Hon. Elinor Caplan (Minister of National Revenue, Lib.):** Mr. Speaker, very clearly any initiative that blocks intersections and has a negative impact on the community has to be considered in the context of whether or not it is valid.

I can tell the House that no project has been approved that would block intersections. That message has been loud and clearly given. It is illegal to block an intersection for five minutes when there is a train standing still. The fact that the train could be moving does not make that acceptable.

I want to assure the member that all—

**The Speaker:** The hon. member for Halifax.

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**FOREIGN AFFAIRS**

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, my question is for the Prime Minister.

A deeply disturbing aspect of Maher Arar's nightmare is that Canada may have been complicit in shipping one of our citizens to Syria to be tortured and then treat confessions gained through torture as credible.

Is the government now prepared to support the foreign affairs committee's call for a comprehensive public inquiry to get to the bottom of this sordid affair, or does the government have something to hide?

**Hon. Wayne Easter (Solicitor General of Canada, Lib.):** Mr. Speaker, first of all the member's allegations are absolutely ridiculous.

The fact of the matter is, as I have already answered in the House several times, there is a process set up by previous parliaments to look into these kinds of issues and that is through the CPC. In fact, that process is taking place.

We are glad that Mr. Arar is back in Canada. The Government of Canada, including the Prime Minister, his envoys and the Minister of Foreign Affairs, has done everything in their power to ensure that he got back here.

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**NATURAL RESOURCES**

**Mr. David Chatters (Athabasca, Canadian Alliance):** Mr. Speaker, within the invitation to applicants for the new ethanol expansion program, applicants are instructed to communicate to only one bureaucrat. It is quite clear if they talk to anyone else about their application, it could disqualify them from the program.

Canadians have a right to talk to their member of Parliament about their dealings with government. To disqualify someone for simply doing so is offensive.

Are members of Parliament included in this prohibition?

*Oral Questions*

**Hon. Herb Dhaliwal (Minister of Natural Resources, Lib.):** Mr. Speaker, as the House knows, the government has been supporting ethanol. In fact, under the climate change program, we put forward \$100 million to help expand the ethanol program.

The hon. member has raised an issue that I am not aware of, but I can assure the hon. member and the House that I will look into the matter if he gives me the full details to ensure that members of Parliament are fully aware of some of the things that we are doing.

**Mr. David Chatters (Athabasca, Canadian Alliance):** Mr. Speaker, as the minister's colleague said a few minutes ago, if he needs help to understand the website, I can provide him with that information.

However, applicants have been told that they cannot talk to their member of Parliament. To ban communications with MPs on any government program could constitute a breach of a member's privileges.

Why are applicants being forbidden from speaking to their members of Parliament about this program?

**Hon. Herb Dhaliwal (Minister of Natural Resources, Lib.):** Mr. Speaker, as usual, the Alliance Party is interested in cheap politics, instead of looking at the real issues.

If the hon. member were serious about this, he would take the time to raise this with me so we could look at this issue to resolve it.

However, I am sure the hon. member is not interested in resolving it but only wants to get cheap political points. That is normal for the Alliance Party. That is why it is at 12% in the polls.

\* \* \*

• (1450)

[Translation]

**INTERGOVERNMENTAL RELATIONS**

**Mr. Yves Rocheleau (Trois-Rivières, BQ):** Mr. Speaker, last week the Minister of Intergovernmental Affairs said the following in reply to a question from the member for Sherbrooke on the right to opt out, "The crux of the issue is that if the hon. member insists on believing that the social union agreement does not recognize the right to opt out, then he did not read it".

I am asking the minister, who no doubt has read it, whether he can explain to us his understanding of this so-called right to opt out, and how it operates.

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, the social union agreement, which applies to all Canadians, contains a provision whereby a province may take the funding for use in a related priority area, if it already has a program on which all the provinces have reached a decision. This is in the agreement in Canada's two official languages, English and French, and he can read it there.

**Mr. Yves Rocheleau (Trois-Rivières, BQ):** Mr. Speaker, I would remind the minister that Quebec did not sign. With this so-called right to opt out, the provinces are accountable to the federal government for their administration, and must meet Canada-wide standards dictated by Ottawa.

Will the minister acknowledge that this right to opt out is nothing but a sham, a kind of trusteeship by which the central power inexorably imposes its authority on the provinces as subordinate beings, as well as on the Quebec nation?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, it is written in the Canadian Constitution that the division of powers is based on legislation. All governments have spending power. For the first time, with the social union agreement, the Government of Canada is submitting for approval of the majority of provinces the spending power for objectives on which a joint decision has been reached. If a province has already attained the objective, it can spend the money on something else.

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[English]

**FOREIGN AFFAIRS**

**Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance):** Mr. Speaker, today Maher Arar gave chilling testimony of torture and abuse in a Syrian dungeon. He also indicated our government did not do enough to defend his interests.

He now joins William Sampson, Bruce Balfour, and Stephan Hachemi in saying that soft talk does not work with tough tyrants.

Mr. Arar's case raises so many important and urgent questions. Why will the government not spare Canadians the millions of dollars and months of delay of a public inquiry, and just give Mr. Arar the answers to his fair questions now? Why is it delaying and what is it hiding?

**Hon. Wayne Easter (Solicitor General of Canada, Lib.):** Mr. Speaker, as I have indicated a number of times, the government is not hiding anything. The fact of the matter is that we have been as transparent as we can be on this issue.

It is the law and practice in this country that the Solicitor General, or other government representatives or indeed the RCMP, does not talk about operational details. It is to protect the integrity of individuals themselves, their privacy, and to protect the integrity of other investigations. That is the practice.

On top of that, there is the CPC review under the authority granted to it by the House.

**Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance):** Mr. Speaker, the Syrian regime has one of the worst records of human rights atrocities in the world. In 1982, 25,000 civilians were massacred in Hama, Syria's third largest city after President Assad ordered the liquidation of all opposition there.

Syria has provided haven and support to terrorists and continues to defy the United Nations by maintaining its illegal occupation of Lebanon. Now we have the testimony of a Canadian being tortured.

How bad must it get before our government will go to the United Nations and ask for a vote denouncing Syria's actions against Canadians and democracy itself?

*Oral Questions*

**Hon. Bill Graham (Minister of Foreign Affairs, Lib.):** Mr. Speaker, I called in the Syrian ambassador this afternoon and I asked him to review the evidence of Mr. Arar.

You must agree with me, Mr. Speaker, and every member of the House, that it is extremely troubling. This is a very preoccupying case. The government takes it very seriously. We have conveyed our concerns to the Syrian government and we will continue to convey our concerns.

We will work for Canadians who are apprehended and who are incarcerated abroad in a way to ensure their security and liberty. We will continue to do that forcefully with all the diplomacy at our command.

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• (1455)

**SEX OFFENDER REGISTRY**

**Mr. Kevin Sorenson (Crowfoot, Canadian Alliance):** Mr. Speaker, the Solicitor General has finally conceded, after years of pressure from this side of the House, to make the national sex offender registry retroactive, at least sort of retroactive.

Unfortunately, the Solicitor General's legislation will likely not pass before the House recesses. Will the Solicitor General commit today to get the sex offender registry enacted before the House recesses, as widely rumoured to be November 7?

**Hon. Wayne Easter (Solicitor General of Canada, Lib.):** Mr. Speaker, I am glad to hear that the hon. member opposite has finally conceded to agree with us in terms of the legislation we are putting forward.

It is on the Order Paper for today and I believe tomorrow, as well. I hope that those members opposite will be voting for the legislation and congratulating us on putting this progressive legislation forward.

**Mr. Kevin Sorenson (Crowfoot, Canadian Alliance):** Mr. Speaker, if the sex offender registry is not law by the beginning of next year, the Solicitor General has no one to blame other than himself and the irresponsible behaviour of the government.

The Solicitor General already promised that he would enact this legislation by the beginning of January 2002.

Why is it that the government is so unwilling to pass legislation that protects Canadians from sexual predators?

**Hon. Wayne Easter (Solicitor General of Canada, Lib.):** Mr. Speaker, as I indicated, the bill is on the Order Paper for today and tomorrow. We are making every effort to get the legislation through.

Indeed, I expect we will. I appreciate the support and the new consensus that we had from the provinces at the meeting in October. This consensus was necessary in order to put the legislation forward. We want to make it the most effective possible.

I welcome the opposition's support and hope it votes with us tonight.

[Translation]

**SOFTWOOD LUMBER**

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, the United States has submitted to Canada a new draft agreement on softwood lumber. While industry people have expressed their dissatisfaction by describing the agreement as a setback, the Minister for International Trade finds that the U.S. proposal is a good basis for discussion.

The minister has to wake up and realize that the draft agreement is not satisfactory. Will he, today in this House, categorically reject this proposal by the U.S.?

**Hon. Pierre Pettigrew (Minister for International Trade, Lib.):** Mr. Speaker, last week the U.S. coalition on softwood lumber did indeed make new proposals to open a dialogue with Canada. At this time, we are examining its requests. We are consulting the Canadian industry. Some industry representatives have expressed doubts as to whether this could possibly be used as a basis for discussion. Others within the industry have a different point of view.

At this time, we are reviewing the proposal and consulting the industry and we will see what happens when the time comes. We are determined to carry on with our two track strategy.

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**CANADA LANDS COMPANY**

**Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, Ind. BQ):** Mr. Speaker, my question is for the Solicitor General. Last June, shortly after the Jean Charest Liberals came into power, the RCMP dropped an investigation into a case of political interference involving the Canada Lands Company, at the time when Alfonso Gagliano was the Minister of Public Works and Government Services. Robert Charest, the Quebec premier's brother, was under RCMP scrutiny.

Since, for obvious reasons, it seems like this was a botched investigation, will the Solicitor General tell us why the RCMP dropped this investigation twice?

[English]

**Hon. Wayne Easter (Solicitor General of Canada, Lib.):** Mr. Speaker, the hon. member knows that I do not speak on operational matters of the RCMP and I do not intend to start today.

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**HEALTH**

**Mr. Svend Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, it was almost a year ago that Roy Romanow warned the government that trade deals like NAFTA and the proposed FTAA could threaten our public health care system. Their possible expansion to pharmacare and home care could limit access to affordable generic drugs.

My question is for the Minister for International Trade. At the upcoming FTAA meeting in Miami, will he listen to Romanow and the thousands of Canadians in groups like Common Frontiers and others who are telling the government to take health care off the table entirely. Will he put public health ahead of corporate profits?



• (1500)

**Hon. Pierre Pettigrew (Minister for International Trade, Lib.):** Mr. Speaker, I have stated consistently that Canada will not negotiate health care in any of our trade agreements and negotiations.

We have preserved full policy flexibility for health care in all of our trade agreements, including NAFTA. We are continuing with this approach in our current trade negotiations, including the GATS and the free trade agreement of the Americas.

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### SEX OFFENDER REGISTRY

**Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance):** Mr. Speaker, our party is in complete agreement to give unanimous consent to a vote on the sex offender registry immediately following question period.

Canadians were horrified to learn that our country was becoming known for making it easy for criminals to bring in women and children, and using them as sex slaves here and in the United States. Canada has been given a black eye internationally for its failure in combating the sex slave trade.

I ask the Secretary of State for the Status of Women, why is the Liberal government so callous on this issue?

**Hon. Jean Augustine (Secretary of State (Multiculturalism) (Status of Women), Lib.):** Mr. Speaker, the Liberal government is definitely not callous, if that is the word the member used.

We have been working diligently on the issue of trafficking women and children. We have been looking at all the issues that confront our communities. We have passed legislation. We have also established, in the Status of Women, ways of working with communities engaged in combating this activity. We have gone to international forums. We have committed to work with women around the world on these issues.

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### PRESENCE IN GALLERY

**The Speaker:** I would like to draw the attention of hon. members to the presence in the gallery of His Excellency Thabo Mbeki, President of the Republic of South Africa.

**Some hon. members:** Hear, hear.

**The Speaker:** I would also like to draw the attention of hon. members to the presence in the gallery of the Hon. Zharmakhan Tuyakbai, the Chairman of the Mazhilis of the Parliament of the Republic of Kazakhstan.

**Some hon. members:** Hear, hear.

\* \* \*

### PRIVILEGE

#### ORAL QUESTION PERIOD

**Mr. David Chatters (Athabasca, Canadian Alliance):** Mr. Speaker, I rise on a question of privilege on a matter arising out of question period.

### Privilege

In answer to a question, the Minister of Natural Resources failed to provide any assurance that constituents consulting with their members of Parliament could disqualify their application under the government's ethanol expansion program.

The only assurances the minister gave was that he would not hold any information about the program from a member of Parliament. That was not the issue. The issue was the communication between a constituent and a member of Parliament.

The minister's failure to clearly answer the question casts doubt on the privilege to have constituents communicate to members of Parliament in their respective capacity without fear of consequence.

Chapter 6 of Joseph Maingot's *Parliamentary Privilege in Canada* addresses the issue of protection afforded members and their constituents. It concludes, on page 112 and 113, that:

A constituent may in good faith communicate to a member of the House of Commons in his representative capacity upon any subject matter in which the constituent has an interest or in reference to which he has a duty.

"The interest may be in respect of very varied and different matters...

Chapter 6 discusses a number of reasons why this right exists. This information could be used in various proceedings of Parliament, such as written questions, oral questions and production of papers.

On page 112 of Maingot's *Parliamentary Privilege in Canada*, he goes further in reference to Whitaker and C.U.P.W. v. Huntington, 1980. He states:

Where [a member]...receives in his capacity and function of Member of Parliament in regard to which he would have, as M.P., a common interest, he may pass that on to the proper authority, whether or not he uses the information in a proceeding or debate of Parliament, provided he does so in good faith.

The invitation to proponents application for the ethanol expansion program violates this privilege. It states:

To ensure the integrity of the selection process, all enquiries and other communications about this ITP, from the issue date of the ITP to the closing date and time, are to be directed only to the following individual: Christopher Johnstone, Chief, Ethanol Expansion Office of Energy Efficiency, Natural Resources Canada.

Enquiries and other communications are not to be directed to any other government official(s). Failure to comply with this paragraph 1 can (for that reason alone) result in the disqualification of the Proponent. Information obtained from any other source is not official and should not be relied upon.

If a constituent feels recourse for providing me with information, I am indirectly impeded in the performance of my duties in almost every capacity.

If I receive such information, I would be reluctant to use it out of fear of grave consequences to my constituent. The simple act of passing that information on to the proper authority would bring to my constituent an unwanted outcome.

This is unacceptable. I ask that the Speaker rule on this question of privilege.

• (1505)

**Hon. Herb Dhaliwal (Minister of Natural Resources, Lib.):** Mr. Speaker, constituents or companies should at all times be able to contact their member of Parliament. If it is interpreted in such a way that they are not, that is wrong.

*Privilege*

The wording I will look at, but all members of the House know that part of the job, as a member of Parliament, is to help their constituents and communicate with them.

As I said in question period, I will look at the exact wording. If changes need to be made, we will make those immediately.

**The Speaker:** Is the hon. member for Provencher rising on the same point?

**Mr. Vic Toews:** Yes, Mr. Speaker.

**The Speaker:** I do not think we need to hear more on it. The minister said he would look at the matter and get back to the House, if necessary.

I can say that from having heard the argument raised by the hon. member for Athabasca that it did say in the notice that contact with other government officials was something that was not permitted. I stress that hon. members are not government officials.

I am sure the minister will get back with a fuller explanation on this and maybe some clarification in the wording will be necessary. Members of Parliament are parliamentary officials. We are not government officials.

I know the hon. member for Athabasca realizes that and would think this is certainly a distinction that, while not definitive of the matter, we will hear more about it when we hear from the minister in due course.

The Chair has notice of another question of privilege. I do not think I need to hear more on this point until possibly we have heard back from the minister.

• (1510)

FORMER PRIVACY COMMISSIONER

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, I rise today on a matter of privilege. The background and the facts of this matter are set out in the ninth report of the Standing Committee on Government Operations and Estimates, which was introduced into the House this morning, and also in the fifth report of the same committee, which was tabled in the House in the month of June.

I am speaking today not simply as an individual member of the House, but in some way representing the members of the entire Standing Committee on Government Operations and Estimates and also the subcommittee of that committee which reviewed this matter. I speak on behalf of those members in reporting this matter today and proposing what I will propose.

I want to remind you, Mr. Speaker, that the report of the committee was adopted unanimously by the committee before it was presented to the House. I say that to indicate that in the event there is some allegation or sense of partisanship inappropriate to a procedure of this nature, I can say, as one member, and hopefully the unanimous adoption of the report will show it and manifest it, that there has been no partisanship. It is an exercise in fulfillment and in support of the institutions of this House. It is a matter which we believe we were obliged to report to the House and which we are now obliged to deal with it.

I want to indicate the substance of the matter, it is an alleged contempt. The alleged contempt is outlined in the report.

First, I direct the chair's attention to paragraph 1.15 of the ninth report, tabled this morning. It is important for me to read the three paragraphs of this and then three other paragraphs, if I may have the time of the House to do that. It reads:

Several key conclusions emerging from this testimony, and presented in detail in the Committee's fifth report, were contradicted by individual witnesses. The conclusions were:

1. (a) A letter, originally sent by the previous Privacy Commissioner [Mr. Radwanski] to the Deputy Minister of Justice on August 2, 2002, was reprinted with one of the original paragraphs removed, and then date stamped with the August 2, 2002 date of the original. This was done in response to a direction from Mr. Radwanski, then-Privacy Commissioner.

(b) The falsified letter was included in a package of materials provided to the Committee covered by a letter signed by the Executive Director, Mr. Julien Delisle, and dated March 21, 2003

(c) The cover letter did not indicate that the falsified letter had been altered, but described it simply as "Copy of a letter of August 2, 2002 (Radwanski-Rosenberg) concerning the report of the Access to Information Review Task Force."

The committee itself has reached a conclusion that the facts were otherwise than that put forward by the then privacy commissioner. I want to read three paragraphs from the report of this morning which itemize reasonably succinctly the nature of the alleged contempt. It states:

2.3 The version of events provided to the Committee by Mr. Radwanski in June of this year departs in several important ways from what actually happened, as summarized in the "Background" section of this report.

2.4 First, Mr. Radwanski denied that he had provided, or caused to be provided, the falsified letter contained in the March 21 information package. He described this as the result of a misunderstanding between Mr. Radwanski and his Chief of Staff, during telephone conversations necessitated by the fact that Mr. Radwanski was in Vancouver on March 21, 2003, when the package was being finalized. Mr. Radwanski claimed that his intention was that the paragraphs of the letter, excluding one paragraph omitted because it was confusing, were to have been used in the preparation of a briefing note.

• (1515)

The committee believes that is not an accurate representation of the facts.

Second, paragraph 2.5, states:

2.5 Second, Mr. Radwanski has argued that, on the copies of expense claims forms provided to the Committee, names were blacked out in order to safeguard the privacy of individuals. However, he denied any knowledge of the whiting out of information

The committee has concluded that information on documents provided to the committee was whited out, in particulars, as cited in the report.

Paragraph 2.6, states:

2.6 Third, Mr. Radwanski has denied that he made remarks of a threatening nature to employees, relating to the future career of anyone who had been disclosing information about practices at the OPC.

The committee has concluded that this position of the former privacy commissioner is also not based in fact.

*Government Orders*

I point out that the committee has concluded unanimously in its report that there was a contempt of the House at the committee. However, as all members know, only the House can find a contempt, not a committee. That is why the matter is being brought to the House at this time.

I invite you, Mr. Speaker, to conclude, based on the report, that there is a prima facie basis for a contempt allegation and to conclude this so the House may proceed to dispose of this matter in a fair and expeditious manner. I believe you will find prima facie contempt, given that the committee has unanimously concluded there was a contempt. The particulars, we believe, are adequately outlined. We regret this procedure was necessary. We felt it necessary to do so.

If you find, Mr. Speaker, that there is a prima facie case today, I am prepared to move the appropriate motion to dispose of this. I recognize that the House has not proceeded in this fashion for some 90 years, almost a century, and we should choose our way carefully, again in a way that is expeditious and fair.

I put that today, Mr. Speaker, hoping you will conclude that and allow the House to proceed to consideration of the motion.

**Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance):** Mr. Speaker, I refer to the ninth report tabled earlier this day entitled, "Matters Related to the Review of the Office of the Privacy Commissioner". I am looking on page 17 at the conclusions, and I must say that I have reasonable and probable grounds to believe that Mr. George Radwanski is indeed in contempt of Parliament, and that is my reasonable conclusion.

I cite the conclusion on that page which states that Mr. George Radwanski should be therefore found in contempt of the House of Commons.

I also highlight conclusion number four of the report which says:

Sanctions applied in response to the conduct described in this report, should it be found to constitute a contempt of Parliament, need to fully reflect the gravity of the offence.

**Right Hon. Joe Clark (Calgary Centre, PC):** Mr. Speaker, my colleague, the member for South Shore, represented my party during the hearings into Mr. Radwanski. I have been serving on the committee since that time and have familiarized myself with a great deal of the evidence.

The issue here is simple. We have rules and we have remedies. When the rules are broken, as they have been in this case, there should be a remedy to that breach of the rules.

It is without question, in my view, that Mr. Radwanski has acted in a way that could be justly considered a contempt of the House, and I believe that the consequence must follow and the remedies, even though unusual, even though not invoked, as my colleague from British Columbia said, in nearly a century, should be applied in this case. If they are not applied in a clear case like this, the risk will arise that they will never be applied.

• (1520)

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, very briefly, as the NDP representative on the government operations committee, I would like to briefly say that we too believe that Mr. Radwanski deliberately misled our committee, provided false and

misleading information, falsified documents, and in short, we believe violated the public trust.

I believe strongly in the recommendations of the report. We also commend the work of the committee and the generosity of spirit that dominated the committee in the actions that led to this thorough investigation and this unanimous recommendation that you have today, Mr. Speaker.

**The Speaker:** The Chair thanks the hon. members who have participated in this question of privilege: the hon. member for Scarborough—Rouge River, who raised the issue, and for their interventions, the hon. member for New Westminster—Coquitlam—Burnaby, the hon. member for Winnipeg Centre, and the right hon. member for Calgary Centre. I will take the matter under advisement and get back to the House in due course.

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## GOVERNMENT ORDERS

[English]

### SPECIFIC CLAIMS RESOLUTION ACT

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-6, an act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other acts.

**Ms. Paddy Torsney (Burlington, Lib.):** Mr. Speaker, I am pleased to rise in support of Bill C-6. I am in support of this proposal specifically because the effectiveness of this new act will take us a step closer to resolving historic grievances involving land claim disputes between first nations and the Government of Canada.

The application of Canada's specific claims policy has had a significant measure of success, but despite these successes, the current system, while resolving claims, cannot cope in the expeditious manner that both the Government of Canada and first nations need to see. We have to do better.

That is why the government, on behalf of all Canadians, must move forward to bring closure to the climate of adversarial, litigious debate that has marked negotiation of land claims for far too long. As a nation, we must settle the backlog of outstanding claims and have in place a new system that will effectively resolve claims.

Through Bill C-6, the government proposes to establish a process that is more independent, a process that is fair and impartial, and a process that is transparent.

For far too long, first nations peoples have held that the existing process lacks fairness and transparency in the areas of research and assessment. They maintain that it does not provide a level playing field for negotiations and that it lacks independence, impartiality and accountability. Those are all things that people in this House and in our country expect.

*Government Orders*

The lack of confidence in the fairness of the process expressed by first nations peoples means that first nations are reluctant to accept negative decisions about the validity of their claims. Costly court actions causing further delays are the result. In this atmosphere, enhanced partnership and economic development can hardly be expected to flourish.

Under the proposed legislation before the House, the centre would establish in law neutral and at arm's length claim facilitation and adjudication bodies. Transparency would be enhanced. Funding to first nations peoples to participate in the specific claims process would be removed from the minister's jurisdiction. The existing structure would be simplified and there would be a greater rigour brought to the process.

In other words, there would be, for the first time, an effective alternative to litigating specific claims in the courts through active promotion of negotiated settlements and authority to render binding decisions as a last resort.

I think it is important to note that hand in hand with fairness goes accountability. As a government, the Government of Canada must be accountable to first nations and to other Canadians to ensure that they have in place a land claims settlement system that is fair, effective and efficient. This proposal that is before the House contains extensive accountability provisions to help achieve those ends.

What are those provisions? They include: annual audits by the Auditor General; annual reports tabled in Parliament and made available to first nations and public scrutiny; quarterly reports on compensation; and a requirement for a full review between three and five years of the coming into force of the bill.

These are important measures that will really make a difference in enhancing accountability, but how did we arrive at this point? We did not arrive at this point in isolation from first nations' opinions. In fact, in 1996, the federal government and the Assembly of First Nations established the joint first nations-Canada task force on specific claims. This event in 1996 marked the beginning of consultations on the creation of an independent claims body. The legislation we see before us in this House is based on the work of the joint task force.

• (1525)

As this proposal now before us made its way through the parliamentary process, the government heard a number of concerns about the legislation from first nations. Most recently, the Senate committee repeatedly heard the concern about the jurisdictional authority placed on the tribunal. As the minister had originally proposed, this legislation set the jurisdictional limit of the tribunal at \$7 million on awards for claims resolved under the new system. Following extensive consultations and presentations before the Senate committee, an amendment was proposed to increase the tribunal authority's limit to \$10 million.

The minister assures me that he is confident this new ceiling is a realistic one and is one that meets the needs of the first nations peoples and their concerns as raised in the process. As we have heard, most of the claims currently before the Government of Canada could be dispensed with under this new increased amount.

Another important element from first nations witnesses concerned the appointment process for this new centre. I am pleased to say that the government has listened to these concerns and has proposed an amendment that would give first nations a greater opportunity to make representations with respect to appointments and to be more actively involved in the review process. The minister also proposes to confirm post-employment conflict of interest rules, something that I know is very important to members of the House.

A key aspect of this proposed legislation that has provided comfort across the consultation board is the provision for alternate dispute resolution processes to keep the parties at the table. Under the proposed act, the new commission's overarching role would be to facilitate the resolution of negotiated settlements with authority to apply a full range of alternative dispute resolution processes: facilitation, mediation, non-binding arbitration, and binding arbitration with the consent of the parties. All claims, regardless of size, complexity or value, would have access to these processes through the commission.

In conclusion, a lot of effort has been directed toward the bill by committees of the House and the other place, by first nations witnesses, by bureaucrats in the department of the minister, and by the minister's office and the parliamentary secretary, to ensure that we have in place a process that would help to resolve first nations claims in a way that is accountable, transparent and impartial. The intent behind this proposal is to level the playing field for negotiation and, frankly, to resolve claims more effectively and efficiently. Surely that is in everyone's interest.

This new process will allow aboriginal people in Canada to take advantage of economic opportunities and I think it will lead to a more prosperous life for all of us as full participants in this great nation of ours.

I thank the House for its attention. I thank all members for supporting the bill.

• (1530)

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, it is a pleasure to rise to speak on Bill C-6 today.

As I said earlier, I was the critic for Indian affairs for seven years, before being assigned to national defence. I will start by greeting all my aboriginal friends across Canada and Quebec. I want them to know that these seven years were an absolutely extraordinary experience.

I greatly enjoy discovering new cultures. I think that being the critic for aboriginal affairs is the best of all because one gets to reach out to new cultures.

Earlier, several members mentioned that there are more than 600 aboriginal communities. The Erasmus-Dussault commission identified approximately 60 across Canada. The aboriginal issue is definitely one full of adventure, because we are discovering not only one new culture but several new cultures, depending on the nations or communities we visit.

*Government Orders*

My time among aboriginal people has left an enduring impression on me. I remember being invited by the Assembly of First Nations of the Yukon in 1994, when we resolved the issue of land claims and self-government. I remember that trip in particular because my daughter was with me, and we were welcomed so warmly. These people are open-minded and they take great pride in showing us their land. I remember going fishing on the Yukon River and being taken to a mountain from which we could see the midnight sun. These memories will be with me forever.

I also intervened in the whale hunting issue on the west coast, and Vancouver Island in particular. At the time, the ministry responsible for Indian affairs in British Columbia had taken action and said it would be allowing whales to be caught for use as a traditional food source.

The same is true for the Chilcotin people, whom I visited in British Columbia. They gave me a tour of claimed land. Incidentally, aboriginal claims have consistently been diluted when the deadline draws near. Back in those days, I was told that 125% of British Columbia was claimed because of something called overlaps. If we look at the settlement concerning the land of the Nisga'a, which I also visited many times, the Nisga'a settled for 7% of all their claims.

Thus, I have had many wonderful experiences, and some that were less pleasant, as well. I think you were with me, Mr. Speaker, when we went to Pikangikum in northern Ontario, where we saw some very sad scenes. The village was so isolated, so abandoned and alone. It had so little. It was so negative an environment that within one year, I believe, there had been about 20 suicides among the young people.

I recall some emotional moments when we talked with the parents. They did not have a cemetery: the burial ground was next to their house. They took us to see their children's graves. On one cross there was a hockey stick and helmet, and next to it, a little girl's rosary beads. It was absolutely devastating. One needs to have children to comprehend the enormous despair felt by the entire community of Pikangikum which, in some ways, reflects what is happening in Canada.

There are many problems in most parts of Canada. I can name some of them. I think it began with the arrival of the Europeans. We have to face the fact that these people were here before us. What happened was that they were so welcoming—just as I see today when I go to the reserves—that they said to the Europeans, “We are prepared to welcome you. We have a lot of land here, and we will share it with you.”

Little by little, the aboriginal mentality, which remained unchanged, came up against the mentality of the white people, who had a kind of predisposition to conquer and take over as much land as possible. That is when the aboriginal communities began to pull back, as I see it, not because they wanted to, but because the white people forced them to.

We can look at the numbered treaties; there are ten or so in Canada, in various provinces.

• (1535)

The white people never respected these treaties. These were ad hoc treaties signed by a general and an aboriginal chief. The white

people quickly forgot about them. It is sad. At times, I am ashamed of what was done.

Members should read the Erasmus-Dussault report, which cost tens of millions of dollars. In chapter after chapter, the report gives historical data proving that the aboriginals were shoved aside. They were told they would be taken care of and put on reserves. Today, they have been abandoned. The reserves are experiencing numerous problems. There is also an obvious funding problem.

What happened over time? We have examples. There were residential schools, which attempted to cleanse the students of their aboriginal culture and languages, which are so beautiful and so increasingly rare today. Some twenty remain in use. These languages will soon be called dead languages. However, they are extraordinary languages that should be saved and promoted for our international heritage.

All this to say that the residential schools were an attempt to break a generation. The great leaders of the aboriginal movement, such as Matthew Coon Come, experienced the residential schools. Today, everyone agrees that, at the very least, we must apologize for these schools. I am not convinced that the Minister of Indian Affairs and Northern Development has apologized. He recognized that there was a problem. However, he has not yet apologized because, naturally, when an apology is made, there are legal consequences with regard to compensation. Perhaps the government is guarding against this.

What I have seen since I arrived in Parliament is no different from the conquest of aboriginal lands by the early Europeans. Since I became a member of the House of Commons, I have witnessed the continued decline of the aboriginals. As parliamentarians, we have responsibilities. We know that the federal government has almost exclusive jurisdiction in this area.

There is, however, also the other power: the judiciary. I have often said to my colleagues in caucus that, when one looks at the Supreme Court of Canada decisions, they are nearly 100 to 1 in favour of the aboriginal people. The Supreme Court has brought down decisions on all manner of topics: fisheries, hunting, forests, and aboriginal entitlement has been advanced considerably by the courts. Yet Parliament is quick to claim the Supreme Court victory as its own, in the case of the one decision that is in its favour, and to bring in legislation to ensure the Supreme Court decision is respected. But for the 100 or more decisions in favour of the aboriginal people, these are quickly put into file 13 and forgotten. This is absolutely deplorable, and is more or less what is happening here.

There are major problems on the reserves. I have already referred to the residential schools. That may be a thing of the past, but there are other problems. Would we in white society accept children being told they cannot go on to post-secondary education next year because there is no money to send them there? Yet that happens on the reserves, and is absolutely unacceptable.

*Government Orders*

When I was Indian Affairs critic, we made representations year after year in an attempt to remedy the situation. It remains unchanged. There are still children on the reserves who have graduated from secondary school and are being told that, because one group of students has already been sent out, they will have to wait for another year for their turn at post-secondary education.

Then there is the housing problem, with three and four generations under one roof, sometimes. The federal government is incapable of coming up with the money to build houses, as it was supposed to under the social contract of the day. That was what the social contract was: we will take care of you. And look how they are being taken care of.

There are problems with drugs, alcohol, housing, education, and health. There is everything negative imaginable. In my opinion, our attitude with respect to first nations is a disgrace to Canada.

What is happening today with Bill C-6 and the new specific claims commission? As far as I am concerned, we have been working to change this for a long time. The minister listened to people who appeared before the standing committee, but he is completely ignoring what they said.

● (1540)

Everyone, the primary stakeholders, those who will have to live with the bad system, have said, "This cannot be done. It will not work".

To start with, who will appoint members to the commission? The governor in council. Once again, it is the white man who has decided, "We know what you need and what will help you. We will give this to you, no matter what you say". It is a little like saying, "We know what is good for you, we want what is good for you and we will give you what is good for you". In the end, it is not what is good for them, but what is good for us that is the priority.

The governor in council appoints members to the commission. Do the first nations have a say in whether a given member is a good choice?

We have been denouncing partisanship in the commissions for a long time, and it is no different whether we are talking about immigration or the First Nations Specific Claims Commission. Let us talk about Elijah Harper, who lost his seat in the House of Commons when he was defeated by the member for Churchill. He left and was appointed to the commission. He is a Liberal and he was appointed to the commission.

What should we expect? More partisanship? People appointed on the recommendation of the minister will have the mandate to decide the future of the poor aboriginals who are not able to take charge of themselves? That is what Bill C-6 currently before this House is all about.

Moreover, the bill sets a \$7 million limit on claims. Think of how much money was made with aboriginal land since Confederation. That is incredible.

Recently, in British Columbia, I saw the multinational paper companies scramble, because there were land claims, to take all the natural resources out before the commission completed its work. The

government is complicit in the sense that it is saying, "It will take time. There are claims. A claims commission will be established in British Columbia".

In the meantime, the multinational paper companies are having a field day, clear cutting part of British Columbia. When all is said and done, the government will say, "We have reached an agreement with the aboriginal people. Here are the beautiful resources we are giving you". But there will be no resources left.

This is what I have been witnessing during the past ten years. This bill is similar. While half the province is being clear cut in spite of a land claim that the government is unable to settle, anyone who goes to the commission will be told, "If your claim exceeds \$10 million, we cannot help you. Have it settled by regular courts. See you again in 20 years, when a decision is made".

Aboriginal people know that claims often end up before the Supreme Court before the government settles. Once the Supreme Court has made a decision—as I said earlier, decisions are nearly 100 to 1 in favour of the aboriginal people—there is nothing left for them.

It is totally demoralizing to see a bill like the one before the House today, which basically follows this pattern. Any claim over \$10 million is excluded. Then, the commission makes recommendations to the minister on whether the claims should be dealt with. And if they are not happy, the aboriginal people can always go before the courts.

All these people are appointed by the governor in council, on the recommendation of the Minister of Indian Affairs and Northern Development. There are no aboriginal people in cabinet, yet they are the ones who will suffer the consequences of the decision made today. If find this frankly revolting.

And yet I once thought I had some aboriginal blood. At one time in my career as Indian Affairs critic I asked myself why I felt so strongly about this cause. So I had my family tree done and I finally discovered that I do have aboriginal ancestors, but it goes back ten generations. So, I cannot really say I have any aboriginal blood.

However, I have always been a person who defends justice. I have a problem accepting that the people who were here before us, people whose rights have been recognized by the courts, are being told today just what they have always been told, "We will take care of you".

We have a Minister of Indian Affairs and Northern Development who is today's updated equivalent of the Indian agent who used to be on every reserve. In the past, on every reserve, when someone wanted to change a pole, permission had to be obtained from the Indian agent.

It is still somewhat like that today. There is no longer an Indian agent on every reserve, but there is one, here in Ottawa, sitting in the seat of the Minister of Indian Affairs and Northern Development.

*Government Orders*

Today, these people have to beg. When there are cuts or freezes in the budget of the Department of Indian Affairs and Northern Development, it is the children of Kanesatake or the children of the Chilcotin who will be told, "You will not be going to school this year because there is no money for you. You will live together with four generations under the same roof in Pikangikum and you will stay like that, because there is no money to build houses for you".

There is no money, and yet these amazing surpluses keep appearing in Ottawa, and there are even some they are trying to hide.

• (1545)

In fact, we saw the statement of the Minister of Finance yesterday. The surplus will not be as significant as we thought, but at year end, it will likely be two or three times greater than he estimated. In the meantime, he will have ignored the real needs of aboriginals, which come under federal jurisdiction. The federal government must stop interfering in areas under provincial jurisdiction, demonstrate competency in its own areas and give the aboriginals what they need.

Do they need money? Probably. However, they have a greater need for respect; the money will follow. If the federal government respected the aboriginals, it would sign treaties with them and, for once, it would respect them. It has not done this for the past 200 years.

Today, the Indians' representative, meaning the Minister of Indian Affairs and Northern Development, has introduced a bill that is inconsistent with the needs of the aboriginals in general, with the needs of communities in general and the needs of everyone who appeared. This morning I asked the question, because I am not on the committee and the witnesses told me that it was true. Many people appeared before the committee to voice their opposition to this bill.

However, the government is ignoring them and is creating its own structure and its own commission. The government is saying, "I know what is good for you; I am going to give it to you, and if it is not consistent with what is good for me, I am going to give you a bit less because what matters is what is good for me".

The aboriginals will be caught in the same dynamic they have been in for the past 200 years. It is not just each reserve; there are also the courts. The Assembly of First Nations met in Vancouver and all the chiefs said that this bill makes no sense.

What is the government doing? First, it is gagging us so it can ram this bill through. Who will be stuck then? It certainly will not be the Minister of Indian Affairs and Northern Development. From on high, he will appoint the commission members, set the rules and decide what is in order and what is not. Then he will consult the governor in council and impose his regulations on the aboriginals, who always lose out.

I am sorry if I am being a bit hard on the government, but from my seven years of close contact with these people, I have learned a lot. I know that the first nations opened up their lands to others because they consider that the earth belongs to everyone. It is not their way to go to a notary and draw up a deed for a piece of land 50 by 60 feet, for instance. They are prepared to offer open-hearted hospitality to newcomers and have always done so.

Today, they are looking for compensation because we can see the situation they have been put in over the past 200 years. Their position is a totally hopeless one, completely dependent on the federal government and the Minister of Indian Affairs and Northern Development. Yet, their original societies were highly sophisticated and highly developed. When the Europeans arrived, they decided that this was not how things were going to be done here, and they imposed their model, the European way of doing things, saying, "We will impose our model, will draw up contracts—treaties as they were called at the time—and because these people have no way of defending themselves, we will just get around those contacts and continue our inexorable move toward total domination of the aboriginal people". That is what is happening here.

Fortunately, in my opinion, the approach used in Quebec is a different one. Cree Grand Chief Ted Moses has said so as well. He is pretty well fed up with the federal government. In his opinion, the Government of Quebec is doing its job, and this is true. The James Bay and Northern Quebec Agreement has been a model for negotiating agreements. The Nisga'a used it as a model. All of the main aboriginal nations have watched what was going on with the James Bay Cree, yet the government seems to be indicating that it wants nothing to do with all that.

This is a very unusual situation. The Government of Quebec has even indicated its intention to bring the James Bay agreement up to date, even if it is already the best in Canada. So when I see the minister turning up here with a bill that no one on the aboriginal side wants, when I see the government cutting off debate on the issue because it wants to adjourn Parliament, when I see it wanting to force its wishes on the aboriginal people, I find this totally unacceptable and I am happy that my party's position is to vote against Bill C-6. I want my aboriginal friends to know we will not let them down.

• (1550)

[*English*]

**Mr. Charles Hubbard (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, I listened with some degree of interest to the hon. member. As all members know, the purpose of the bill is to bring quicker resolution to the many comprehensive and other claims that are before our nation.

The member speaks for la belle province, the province of Quebec. I know it is rather a big concern to many first nations in Quebec. There have been various dams built, various changes of land and territories. In many places in northern Quebec, first nations are living in very small communities.

Perhaps the hon. member could briefly outline the position he would suggest should be taken with these first nations. They sit among some of the great riches of our nation, the natural resources of mining and the great forests. Often they complain that they simply sit back and watch as the trucks go by taking the lumber from their traditional territories off to the mills and they get very little from that.

Perhaps the hon. member could tell the House what his party would suggest as solutions to these problems that first nations complain about in his own province.

*Government Orders*

[*Translation*]

**Mr. Claude Bachand:** Mr. Speaker, I do not think we have anything to learn from the rest of Canada with respect to the first nations in Quebec. I think that the Cree have the highest quality of life of all the first nations in Canada. It was in this manner that we decided to proceed.

The hon. member said we should move quickly. Yes, we want that too, but he cannot tell me that the bill before us today will help resolve disputes more quickly. That is not the case. As long as there is no respect, as long we pay more attention to multinationals or, for example, the member for LaSalle—Émard, who is also with the multinationals, as long as the big lobby groups continue to contribute to the Liberal Party, they will not be sensitive to the poor and the first nations.

We, as a society, have done things differently. We have said, "We recognize that you inhabited this land". We have made mistakes. We too have been corrected by the court. However, we listened to the court. We have shared all of our natural resources there with the first nations. We have said that the Cree would receive some of the royalties. We reached an agreement with them. In fact, we have just signed other agreements with the Peace of the Braves.

Our society, the Quebec nation, is ahead of the rest of Canada. Canada should follow Quebec's lead. I think that is the right solution, not implementing a phony commission where the minister makes recommendations to the Governor in Council, to cabinet, to appoint friends to the commission to resolve the problems and the first nations are given absolutely nothing with which to defend themselves.

I think that is the solution that should be considered. First there needs to be respect and then sharing. We acknowledge that the first nations were here before us and we have found a middle ground for sharing royalties with them that come from the natural resources.

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, I would like to ask a question of my hon. colleague, who for a long time handled the first nations file and followed its evolution.

He was there when the royal commission on aboriginal peoples tabled its report. With his knowledge of the file, and in order to illustrate our point of view to those listening, I would appreciate it if he could draw a comparison of sorts between what was proposed by the royal commission on aboriginal peoples, that is the Erasmus-Dussault commission, the spirit with which a self-government process was to be put in motion, and what is proposed now with Bill C-6 on specific claims, the infamous Bill C-7 on governance and Bill C-19. Does he see any differences and, if so, where?

• (1555)

**Mr. Claude Bachand:** Mr. Speaker, I thank the hon. member for his question, asking whether I see any differences. The difference between a bill like bill C-6 and the report of the Erasmus-Dussault commission is that they are worlds apart. It is the exact opposite of what the Erasmus-Dussault commission wanted.

Moreover, that is why, when the commission's report was made public, the minister of the day hurried to shelve it. It has been gathering dust ever since. Nevertheless, it cost I do not know how

many tens of millions of dollars. It was a royal commission that worked for a number of years.

But they decided to continue with the same type of bills as the one before us today, Bill C-6, and the one we will see soon, Bill C-19. They do not trust the aboriginal peoples. They know what is best for the first nations; they will keep them in their place, and make decisions for them. Nothing has changed.

This bill is the direct descendant of everything that has happened in the last 200 years. The issue will never be settled until the government has respect for the first nations, until the government sits down to negotiate, nation to nation, with clear terms of reference. Commissions and committees are not going to settle the fundamental issue.

The bill before us, as it now stands, is incompatible with the Erasmus-Dussault report.

**Mr. Gérard Binet (Frontenac—Mégantic, Lib.):** Mr. Speaker, it is a pleasure to take part in this debate on Bill C-6, the Specific Claims Resolution Act. This bill is one of the ways the government proposes to provide the first nations with the necessary tools for self-governance, so they can fully participate in life in Canada.

The Specific Claims Resolution Act is part of the government's overall strategy to institute a new specific claims resolution process that is more effective than the current process.

Our colleagues on the other side of the House have submitted a series of significant amendments to Bill C-6, in direct response to the concerns of first nations and in order to improve this bill. These amendments should, in turn, help the first nations have confidence in the new Canadian Centre for the Independent Resolution of First Nations Specific Claims, to be established under this bill.

With regard to the proposal currently under consideration, it has been said that the current specific claims resolution process could be more effective and, as a result, long costly court cases could be avoided. We must invest in the essential issues affecting aboriginals instead of in costly court cases.

Under the current claims resolution process, only a few claims could be resolved each year. The current list of claims is growing daily, in excess of those resolved.

This bill had the full participation of the first nations. There was a joint task force, which presented recommendations on the need to establish an independent entity responsible for claims resolution. As the minister indicated this morning, the fact that this bill is being considered today proves that the initiatives of this joint task force have been largely successful.



*Government Orders*

Originally, the bill limited the tribunal to settlements under \$7 million for claims resolved in the proposed system. After numerous consultations and presentations before the Senate committee, an amendment was moved to increase this ceiling to \$10 million.

This new ceiling is realistic. This amendment responds to the concerns of first nations. As we said, this increased amount would apply to most of the claims currently before the Government of Canada.

We know that some say there should be no limits at all. Again, there are many spending priorities, and our budget is not unlimited. We must live within our means and according to our financial obligations.

Another important element from first nations that we heard in the Senate hearings was the concerns regarding the appointment process for the chief executive officer, the commissioners and adjudicators of the proposed new body.

We now have an amendment that would give first nations a greater opportunity to make representations with respect to appointments and to be more actively involved in the review process. There is also a proposal to confirm post-employment conflict of interest rules.

Much work has already gone into drafting this bill, and there have been many studies, including three separate reviews by committees of Parliament, and more than 50 hours of debate.

It has been a long road to get here. As a government, we pledged to have a system in place to resolve first nations claims in a way that would be accountable, transparent and impartial, that would level the playing field for negotiation and resolve claims more quickly and effectively, to provide aboriginal people with enhanced opportunities for economic development in a climate of certainty.

• (1600)

This bill enables us to leave behind an outdated process and take a new direction that will provide first nations with a more fair, effective and equitable tool.

Time has now come to act on this.

[*English*]

**Mr. Charles Hubbard (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, on behalf of all of us I thank the member for his very excellent speech. He covered most of the more important points of the bill. He has been a very valuable member of committee. He mentioned the number of hours the committee spent, not only dealing with Bill C-6 but also dealing with the other bills that will be before the House.

With his intense interest in this, I certainly see today, from the quality of his speech, that he will continue to be a very valuable member of our committee that works on these bills.

[*Translation*]

**Mr. Gérard Binet:** Mr. Speaker, I thank the hon. parliamentary secretary for his question.

With respect to the bills concerning aboriginal people, we have put in a great deal of effort in recent months to try to find solutions. It is not an easy job, when there are 630 communities and therefore 630 chiefs, to find solutions that please everyone.

Nevertheless, this government is making efforts to find solutions that are truly fair for the future, to help the aboriginal communities, which are in need of help. Not all of these communities need help. We are told that more than 50% of them are doing very well.

For those that are not doing as well, these bills have been drafted accordingly. As we know, the purpose of Bill C-6 is to save on the huge amounts spent on legal fees. This money would be better spent more equitably for first nations.

[*English*]

**Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance):** Mr. Speaker, it is a pleasure to join in the debate today on Bill C-6. I am sorry we have to do it under the threat of time allocation but I will try to take the time to share with colleagues my concern for the bill and my general concern for aboriginal people across the country.

I am sure that most hon. colleagues in the House realize that my concern for aboriginal people is simply not academic. Over a long number of years, particularly in our fostering ministry with children, my wife and I have been involved with aboriginal children for a long time. Indeed, three aboriginal children are part of my family.

I have a 24 year old son, a very fine young man attending Malaspina University-College, who is member of the Ahousaht Band, a first nation on the west coast of Vancouver Island. I also have two daughters, one who will soon be 19 and one who is 17. Both of them are very beautiful young ladies and are members of the Blood and the Siksika Nations in Alberta.

My concern for aboriginal peoples is simply not just the words on paper. It is something that we have lived with and been concerned about for a long time. I am concerned enough about bills like this to make sure that when they are presented to the House of Commons and to our native peoples across Canada that they are done right. I have a lot of concern about Bill C-6 because I do not think it has been done right.

I rise today to speak on the government's bill to create the Canadian centre for the independent resolution of first nations specific claims.

As we all know, the original purpose of the bill was to create an independent institution to provide for the filing, negotiation and resolution of specific claims. Let me state unequivocally that the Canadian Alliance fully supports the speedy resolution of claims. It is unfortunate, however, that Bill C-6 will not, in our view, speed up the resolution of claims, particularly the larger, more costly ones.

Try as he might, and as he might say otherwise, the Prime Minister will have an everlasting legacy over his treatment of the aboriginal people of Canada. I believe that he has had his heart in the right place. He has tried to get it right but it is just unfortunate that aboriginal Canadians continue to pay the price for him getting it wrong.

*Government Orders*

This has been going on for a good long time. In 1969, when the present Prime Minister was the minister of Indian affairs, he had the opportunity to set in motion something that would have been good for aboriginal people in consultation with aboriginal people right across Canada that quite possibly would have not brought us to the point where we are today in the lives of many aboriginal Canadians. If he had done it right 30-some years ago we would not be in the place that we are today. For the over 30 years that the Liberals have been having a go at this, they have simply had the lives of aboriginal people in the palms of their hands.

Are aboriginal people today better or worse off? I must say that from my experience with our aboriginal peoples across Canada, aboriginal Canadians are still the poorest, most undereducated group of people in all of Canada. Their on reserve unemployment rates rank as high as 80% to 90%. The drug and alcohol abuse is heartbreaking and the imprisonment and re-offending rate is higher than any other group in Canada.

There is the result of the Liberal legacy and, unfortunately, to Canadians and, in particular, to aboriginal Canadians, it is an infamous one.

• (1605)

With regard to this particular bill and the amendments that are being debated, I find it very interesting that the Senate has recognized nearly all the main problems with this bill that the Canadian Alliance brought forward during the previous debates here in the House of Commons. It is unfortunate that the Senate amendments, although slight improvements to the bill, do not go far enough in resolving the inadequacies of it. It is for that reason that I and my colleagues in the Canadian Alliance are opposed to the amendments as well as the bill itself.

I want to remind all members of the House that the Canadian Alliance policy is clear with regard to the settling of aboriginal claims. We state in our policy book:

Our position in land claims negotiations will be to ensure respect for existing private property rights, affordable and conclusive settlement of all claims, and an open and transparent process involving all stakeholders.

I am on record in the past and will say so again today that aboriginal Canadians will not be able to move forward as individuals or as an autonomous group in our society until the outstanding claims are settled conclusively and with some finality.

Frankly, I believe that the Prime Minister and the Minister of Indian Affairs are living in a world that has simply passed them by. They refuse to acknowledge that their past attempts to resolve the many outstanding issues have all failed and yet they continue to repeat the same mistakes over and over again in their dealings with aboriginal Canadians. Fresh approaches and renewed attitudes are needed in order to see any substantial change for the better for aboriginal Canadians.

That does not mean a top down bureaucracy enforcing laws upon aboriginal Canadians. It means an entirely consultative approach with aboriginal Canadians, where together there will be work done to make this work for them.

The new claims resolution centre will not operate as an independent body. The commissioners and adjudicators will not be

representative of all stakeholders, as they will be appointed by the Prime Minister. Aboriginal and non-aboriginal people alike are truly suspicious of the Prime Minister's motives, particularly when it comes to impartiality, patronage and conflict of interest issues. I have every reason to believe that this will continue at this new centre and negate any legitimacy in its final decisions.

As I understand the process involved under this bill, the centre would consist of a commission and a tribunal. In turn the claims process will proceed through three stages: First, the intake and preparatory stage where the first nation submits its claim to the commission, arranges research funding and notifies interested parties of the claim.

Second, the validity stage where the Crown decides whether or not to accept the claim. If the Crown refuses the claim, the first nation can ask for dispute resolution led by the commission. If that fails, the first nation can ask the commission to refer the claim to the tribunal to decide on its validity.

Third, the negotiation stage. When a claim is accepted by the Crown or deemed valid by the tribunal it enters a commission led negotiation. If negotiations fail, the first nation can ask the commission to refer the claim to the tribunal for a binding decision on cash compensation to a maximum of \$7 million.

I have several concerns regarding this bill. First, although the centre has been slated to be in Ottawa, there appears to have been no consideration where the most cost effective location for the centre will be.

I am pleased to note that the Auditor General of Canada will audit the financial accounts of the centre annually and a report of the audit will be made to the centre and the minister. Although there is a time lag for the reporting mechanism of the centre to the minister and a further time lag of the minister tabling the relevant documents in the House of Commons, there is the appearance of some transparency.

However what does concern me is that the minister will not be presenting the quarterly reports from the centre to Parliament. I believe this is wrong and that they should be tabled, thus keeping parliamentarians fully apprised of the centre's financial well-being. Surely we do not want to have another billion dollar gun registry boondoggle on our hands.

• (1610)

Regarding the efficiency of the process, the government needs to re-examine its approach to defining access to the proposed claim centre. If it is to be more efficient, the minister needs to determine how to allow more access for legitimate claims.

If the review and tribunal process is truly to be convenient to all the parties involved, it should be held at a time and a place convenient to all the parties concerned. Currently only the convenience of the panel has been considered, certainly not the needs of aboriginal people.

Perhaps the clause that causes me the most concern is clause 77. This clause reads:

The Governor in Council may make regulations (a) adding to Part 2 of the schedule the name of any agreement related to aboriginal self-government; and (b) prescribing anything that may, under this Act, be prescribed.

*Government Orders*

Once again this appears to be a loophole that allows the government to fill in the blanks after the bill has already passed under the watchful eye of Parliament. Although the Prime Minister talks the talk about parliamentary democracy, he is often unable to walk the walk. Legislation should not be something that can be added to arbitrarily after the fact. This clause should certainly be deleted.

Who is standing up for the taxpayer in this process? Based on the information that has been provided to me, I believe the bill will actually discourage the use of the less expensive alternative dispute mechanisms. Taxpayers pay far too much already. Encouraging and in some cases forcing the use of the court system only adds to the tax burden of all Canadians.

In conclusion, let me state again that the Canadian Alliance supports the fair and expeditious resolution of claims in a manner that benefits relations between aboriginal Canadians, the federal government and every other Canadian. We do not believe the bill will achieve that goal. The bill really creates a two tier claims system. It may expedite smaller cash claims at the expense of larger claims and claims for land.

Again the federal government has got it all wrong with the timing. Under this draft of the bill, first nations cannot file claims based on events that occurred within the 15 years immediately preceding the filing of a claim. We need to stop and think about that for a moment. Aboriginal people need to know what that means for them as a nation. It means that a first nation can be denied its treaty rights for 15 whole years without recourse. In a democracy is that fair? Of course not. Aboriginal Canadians have been waiting for the settlement of their treaty rights and claims for years and years. This bill will only add to that kind of burden.

Clearly the bill will raise false hope and open the floodgates for more claims that first nations have held back. The centre risks being overwhelmed by cases, just like the Liberal gun registry, resulting in an even larger backlog and ultimately higher costs. It is money that could be spent on aboriginal health, aboriginal education and aboriginal housing. That is simply not fair.

In the past three decades, 30 years, the government has settled only 230 claims. There are 500 claims still waiting to be heard and first nations representatives tell us they expect up to 1,000 more claims to be filed. At the current rate it will take almost 200 years to deal with all of these claims. If one were an aboriginal person in this country hearing that kind of figure, how would one feel?

• (1615)

In 1993 the Liberal red book promised an independent claims commission jointly appointed by first nations and the Government of Canada. How many times have we heard of the promises in the 1993 Liberal red book? There was the GST, the ethics commissioner, and now an independent claims commission that was supposed to include aboriginal peoples in the founding and establishment of it. Bill C-6 clearly breaks that promise by concentrating the power to make appointments in the Prime Minister's office. Shame.

At this time, as far as I am concerned and as far as the Canadian Alliance is concerned, Bill C-6 should be scrapped and rewritten.

There are too many fundamental flaws in it and the bill should not be ratified.

I ask all members of the House who truly want to see the legitimate aspirations of aboriginal Canadians move forward to take a good look at the bill and vote against it. It is a bill based not on clear thinking and the rights of aboriginals, but on political expediency. We need to give real hope to aboriginal Canadians. Bill C-6 simply does not achieve this goal.

• (1620)

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance):** Mr. Speaker, my hon. colleague has served the Canadian Alliance with distinction in the past and will probably play an important role in the future with the new conservative party. The member has served as the senior critic in matters dealing with aboriginal affairs. He has a real heart for aboriginal people and a heart for justice being served. He has had the privilege of knowing aboriginal people on a fairly close basis because he has some adopted first nations children.

What is my hon. colleague's take on the absence of timelines in Bill C-6? It would allow the government to stall and stonewall for an indefinite period of time without any reasons. That is the way the bill is set up. Why would the government do this? What could happen since there are no timelines in the bill?

The member knows from his own experience with his family and with colleagues and with all the other scenarios of life that timelines are necessary if we are expected to get some recourse and make some progress. I would appreciate my colleague's response to that.

**Mr. Reed Elley:** Mr. Speaker, the Liberals have their hearts in the right place, but often they do not follow through with legislation that in the long run will do what they say it will do.

Timelines for resolution are absent in Bill C-6. There is no question that can be used as a serious disadvantage for land claims being settled over time. We need a dispute resolution system that will bring closure to these claims. Native people and non-native people also are often left on the hook so to speak in terms of settling claims.

In my riding there are nine native bands. About four or five of them are involved at various stages in the B.C. land claims process. As long as there is no timeline to this, there simply will not be a resolution to it. It is a flaw in the bill and it will not bring certainty and satisfaction to our aboriginal people.

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, there are aboriginal people living in my province of New Brunswick. It is so important that every member of the House of Commons realize the role that aboriginal people played in the beginning of Canada.

In my riding, the historic city of Saint John, Canada's first city incorporated by royal charter, when our people left the United States and came to build part of our city along with our francophone people, it was the aboriginal people who greeted them. They were there. They do have land claims.

*Government Orders*

I do not understand why the government will not bring forth some policies that would allow aboriginals to deal with their land claims. The aboriginal people should have their dignity.

I do not know how many in the House have taken part in a sweet grass ceremony. I have taken part in a sweet grass ceremony. When they do that they say that we see no evil, we hear no evil and we speak no evil. That is the way our aboriginal people are. They see no evil, speak no evil, hear no evil. All they are saying to the government is that they want to be treated fairly. They want the government to do what is right.

Does the hon. member think the bill should be totally cancelled, or are there amendments that he thinks could clarify the bill and fix it up, so it would properly look after the land claims? The hon. member said that there were so many claims it would take perhaps 200 years for every land claim to be looked after. That is not good. We have to take steps to correct this.

• (1625)

**Mr. Reed Elley:** Mr. Speaker, it is clear that in the legislative process there is a legitimate way for us to provide checks and balances in terms of getting the best kind of legislation. The hon. member's party put forward a lot of amendments. Our party also put forward a lot of amendments. Those amendments actually were defeated at this level, but a number of them did get into the Senate. The Senate has made a number of amendments similar to the ones which we on the opposition benches have suggested. The unfortunate thing is that the Senate, from our view, did not go far enough in terms of adopting wholeheartedly the amendments that we suggested to the legislation.

Our only recourse at this point is to defeat the legislation and simply to start over again. I am afraid the government will not do that. It is under some kind of time constraint here that has more to do with the political agenda than it has to do with taking care of the legitimate aspirations of our aboriginal people. I do not think we will see that happen which is very unfortunate.

**Mr. Charles Hubbard (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, the member will recall that last winter our committee visited his constituency and had hearings in the great city of Nanaimo. We heard from the Indian people living on Vancouver Island.

Some of the points the member has made are well taken. Others are questionable in terms of the presentation that we might have. For example, he worries about costs. Certainly costs are a factor in any budget in any given financial year.

In terms of this legislation, we are talking about a certain cost, but we are talking about maximum awards in the vicinity of millions of dollars. We have heard in the House today various figures in terms of costs, the average cost for awards and the average settlements. It might be in the best interests of everyone in the House to consult the figures that are actually available. Maybe they are involved here with different things they count in terms of costs. Generally, I think it is proven that most of the claims that have been settled in the past have an average amount of somewhere in the vicinity of about \$3 million.

The member also talked in terms of the length of time it takes to settle claims and how there is a great backlog of claims. That is one of the purposes of the legislation. It is an attempt to speed up the process and to bring faster resolution. We have to see that great amounts of money are not tied up in legal costs. Really the economic benefits of these claims would result in money for the first nations.

• (1630)

**Mr. Reed Elley:** Mr. Speaker, I thank my colleague from across the way for his intervention.

There are a couple of things I would like to say. First, one of the problems, as we know and have already mentioned this, is the absence of any timelines in the legislation. Therefore, how do we empower a centre that will be charged with the responsibility of actually moving these things along if indeed the legislation is quite absent on that whole question?

The other thing we must realize is that there is a huge backlog. I think the government's attempt to move the backlog was part of the reason for bringing in this bill. However, quite honestly, if we are going to limit the amount of claim at this point to \$10 million—by the way, that is rather strange because we suggested that it should be up from \$7 million to \$10 million in committee. The government refused to pass that amendment. We would actually like it at \$25 million. Now that it is back from the Senate it is up to \$10 million and the government is quite agreeable. That is kind of perplexing.

However, we will not see a lessening of claims. We will see a heightening of claims submissions. We are saying that there needs to be a down the future look at this. This centre and the legislation will not adequately handle what will happen in the future.

**The Acting Speaker (Mr. Bélair):** Before resuming debate, it is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Renfrew—Nipissing—Pembroke, Firearms Registry; the hon. member for Burnaby—Douglas, Health; the hon. member for Verchères—Les-Patriotes, Steel Imports.

**Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.):** Mr. Speaker, there is no doubt that there are a lot of questions that must be answered. One of the most important ones is whether this reorganization and new model will be much more effective in the settling of claims throughout the country.

It is believed by those who have contributed and worked on this for some period of time, with all the debates that have taken place with non-native and native personnel, that this is something worth striving for. This is a model that we hope will be able to more effectively process the kind of claims that are being presented before the Canadian government by the aboriginal people of this country.

There are two types of claims with which the centre would be involved: specific claims and comprehensive claims. Before I proceed, I would like to take a look at what those two different kinds of claims are all about.

Generally speaking, specific claims arise when the Canadian government, or Canada in general, fails to fulfill its legal obligations to first nations with respect to its management of their lands and other assets.

*Government Orders***BUSINESS OF THE HOUSE**

## PUBLIC SERVICE COMMISSION

Comprehensive claims are based upon alleged unextinguished aboriginal rights and title to land where no treaty has been signed. That is an extremely difficult area with which to deal.

In the old model that is in existence at the present time, it is difficult for first nations people who have no deed or piece of paper or something to declare that their comprehensive claim is a valid one. It is a difficult process to go through and not as rewarding as many first nations people would like to see because the battle continues on and on. Somewhere there has to be a mechanism in order for a process to be more transparent. Fluidity must be there and for first nations people, it must be satisfying.

I am not talking about satisfaction in terms of millions of dollars. I am talking about satisfaction in terms of justice being done. Are we being treated fairly? Are we being taken for a ride in a canoe with a hole in it? Just exactly what is taking place here?

For native people, we hope that this model, which both parties have agreed upon, will facilitate that process, be more transparent, and produce the type of satisfaction where fairness will be perceived as the key factor, and where we can be as fair as possible in these negotiations.

I would like to continue to speak about the model. It would consist of both a commission division and a tribunal division that would help to facilitate negotiated settlements.

However, before I go on to that, there is something that came to my mind which I would like to talk about. What are the real benefits of specific claims? That is extremely important.

I would like to cite my own personal experiences with the first nations people who live only a quarter of a mile from my office in my constituency, the Fort William band, a marvellous community.

It is a beautiful example of the process that is in place right now and how effectively it worked, but it worked extremely well because the band had a specific claim. It had the documentation, the history was there, the treaties were there, and it was successful in achieving its goals.

I would like to tell the House that since this claim was settled, it has already brought long term benefits to both the first nation members in the Fort William band and to its neighbours. Who are the neighbours? They are my constituents that live in the City of Thunder Bay and the surrounding area. How has this band benefited and what was the claim?

● (1635)

There were approximately 1,400 acres of land that the CNR took with the blessing of one of the past governments many years ago. It utilized that land for its own purposes and economic development, and endeavours in that region.

The first nations people, after a lengthy process and battle, managed to reclaim and get title back to the some 1,400 acres of industrial land that ran along the harbour front right to the mouth of the river. On that land today, members will find some of the most vivacious and vital economic endeavours taking place.

**Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I rise on a point of order and wish to apologize to the hon. member for interrupting his speech.

However, I wish to inform the House that I am tabling biographical information on Dr. Maria Barrados, whom the government proposes to nominate as president of the Public Service Commission pursuant to Standing Order 111.1. The proposed nomination is referred to the Standing Committee on Government Operations for consideration.

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**SPECIFIC CLAIMS RESOLUTIONS ACT**

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-6, an act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other acts.

**Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.):** Mr. Speaker, I was talking about the benefits of the settlement of specific claims. In the first nations people, as I just finished saying, there is a tremendous number of endeavours taking place now. There is an expansion of the industrial park, with industries going into it, including a sawmill, and plans are being made right now for a power generating station. As well, other establishments have been there for quite some time. There were agreements between the private sector and the first nations people so that everybody could benefit.

One of the most outstanding things, as far as I as a past educator am concerned, is the fact that many of the companies that have settled there and are planning to settle there have introduced and will be introducing schemes, plans and strategies for the education, development and enhancement of the backgrounds and the skills and so forth of first nations people so they will have the opportunity to work in these establishments in the various industries. To me that is a very definite positive achievement in this type of specific claims settlement. It will continue because we all benefit, not only economically but socially.

I am very pleased because of the interaction that will take place between the people of the first nations who work side by side with other people from the community in solving problems and creating something that they are all extremely proud of. They are proud that they can work together and proud because they are from the first nations and from the city of Thunder Bay and are achieving something that was impossible to achieve for nearly 100 years in my community.

I am very pleased and very proud of the industrialists, private enterprise, the chief executive officers and the first nations leaders in my community who managed to bring about a settlement of this specific claim to everyone's benefit.

*Government Orders*

To continue with my presentation, I said that the model would consist of a commission division and a tribunal division that would help to facilitate negotiated settlements. The commission division, where we anticipate that most of the work would occur, would have the authority to apply a full range of dispute resolution processes regardless of the size of the claim. It would not matter if it were just an island with five acres or if we were talking about 14,000 acres. It would not make any difference. It would deal with any claim that is specific as well as comprehensive, regardless of size.

The tribunal division would be making binding last recourse decisions on the validity and compensation for claims value up to the claim limit. We know that currently it is proposed to be \$10 million where negotiations have been successful. That is the cap being recommended at the present time. That is an amendment being proposed by the other place for the House of Commons to deal with.

The commission and tribunal would be distinct divisions to prevent undue influence and bias. The centre would be overseen by a chief executive officer whose responsibility would be to manage the day to day administration of the two divisions. When Bill C-6 was first tabled, the financial jurisdiction of the tribunal division of the centre was set at \$7 million. Throughout processes in the House and in the other place this financial jurisdiction has been an area of concern and contention for first nations, naturally. The other place has proposed an amendment that would increase the financial authority of the tribunal from \$7 million to \$10 million per claim.

My hon. colleague in the opposition said just a few minutes ago that he was surprised it was settled at \$10 million. He was advocating that it should be \$25 million at least. However, this amendment is essential in securing first nations acceptance of the proposed process and in assuring them of the credibility of the centre and of Canada's commitment to settling specific claims.

• (1640)

This change will demonstrate to first nations and to other critics of the bill that the parliamentary process can respond to key issues of concern, thereby enhancing the credibility of both the proposed centre and the federal legislative process while at the same time balancing the need for the fiscal responsibility expected of the government.

What does that really mean? It sounds like legal goop, jargonese and political rhetoric, but it is really saying to the people that we must have a process and a model in operation so that people begin to understand clearly that what is being done is being done for their benefit and for the benefit of all, and trust will grow and develop as time goes on.

There is no doubt about it. With my experience with first nations people for over 30 years, I can honestly say, and I do not think anybody in the House would challenge me, that there is a lack of trust in many of the processes we have, incorporated and implemented by governments of past years up to the present time. They do not nurture any sense of trust or, to a great degree, belief in any attempt by any bureaucrat, by any servant of the government, in their interrelationship and in their daily endeavours to, let us say, achieve some form of response to the claims that people are putting in and the kinds of problems first nations people might have. It is

quite possible that in general that level of trust is pretty low at the present time.

However, changes are taking place, and I am hoping that in the years to come, through the model we are introducing in this bill, trust will be generated. It may be very difficult to generate it in the more senior citizens of the first nations communities. However, as the youngsters come through and become involved in the process, as time goes on they will be able to perceive, understand and come to some conclusion that only by working together through a viable and effective model can we generate the kind of trust that is absolutely essential to bring forth a resolution to many of the problems that exist in many first nations communities.

Do I still have a few minutes, Mr. Speaker?

**An hon. member:** You don't have to use them all.

**Mr. Stan Dromisky:** I will just continue for a few more minutes because I know members are very interested in what I have to say. They are all chomping at the bit there and I can see the enthusiasm. I am putting members through a very zestful experience right now and that is why there is so much enthusiastic behaviour on the other side of the floor.

I will continue by telling members that the credibility of both the proposed centre and the federal legislative process, while at the same time balancing the need for fiscal responsibility expected of the government, is what we are hoping will be achieved in this new model.

The increased limit would not change the tribunal's role in the centre. It would simply permit a modest increase in the number of claims which would be permitted access to the tribunal decision making authority. The centre would still operate within a manageable fiscal framework with a limited annual settlement budget.

In discussions on Bill C-6, first nations and independent witnesses have expressed concerns that the claims resolution centre would not have the power to compel the attendance of witnesses or the production of documents, while the current Indian specific claims commission, which the claim resolution centre would replace, does have these powers. The other place has proposed an amendment precisely to allow the assembling of witnesses and documents.

• (1645)

The proposed amendment would allow any party, as well as a commissioner, to apply to the tribunal for an order compelling the attendance of witnesses before the commission or the production of documents to the commission.

This is not a demand or a power that is going to be given for the calling of witnesses only from the government machinery, but also for witnesses from industry. It could be that witnesses would have to be called in from the general private sector or from the community. It could be municipal leaders. It could be agents of various institutions. It could be agents of various industrial complexes.

**An hon. member:** The member from Saint-Hyacinthe is not getting any sound.

**Mr. Stan Dromisky:** I am terribly sorry. You can't hear me?

*Government Orders*

**An hon. member:** Everybody is sleeping because of you.

**An hon. member:** Carry on, Stan.

**The Acting Speaker (Mr. Bélair):** Order, please. Please address your comments to the Chair.

**Mr. Stan Dromisky:** Mr. Speaker, I said that the other place had proposed an amendment to allow witnesses to be brought in. This was seen as a necessary power for the tribunal to have since information vital to assist in the resolution of claims may not be readily available to the parties.

This power would allow the tribunal to compel non-parties to produce witnesses and/or documents which may be necessary for complete understanding of the claim. Parties may be more willing to use the claims resolution centre with this amendment since they will be able to seek orders to obtain information that may not have been readily available to them, other than through a discovery process through the judicial system.

However, the judicial system has limitations. A judge might have said in some past year that this document is not available to the general public, or there may be some impediment put in place which prevents an original document from being presented to a tribunal of this nature. This is a very important power, we might say, that is going to be designated to this body that is being advocated in Bill C-6.

Canada has a long tradition of independence by appointed persons and strikes balance in appointments by considering regional representation, gender, experience and skill. The other place has proposed an amendment to guarantee that first nations can make representation to the minister before a final recommendation is made for all appointments required by clause 5 and subclauses 20(1) and 41(1) of the legislation, such as, for instance, the chief executive officer, commissioner and adjudicator positions. Although the Minister of Indian Affairs and Northern Development has already committed to seeking first nations input during the appointment process, this amendment would set out this commitment in the legislation.

I first would like to tell members that there is no limit to the number of first nations people that could be appointed to the commission and tribunal. It is quite possible that through a process which will be inherent within the model a first nations person could readily become the chairman of one body or chairman of the other. That is quite possible.

This amendment will address the concern of many first nations as well as the Assembly of First Nations, which appeared before committees of both the House and the other place, namely, that there was no guarantee of first nations involvement in appointments set out in the legislation.

The other place has proposed an amendment to ensure that first nations will have an opportunity to make representation during the three to five year review of the claims resolution centre. Some people are saying that is too long, but it is going to take time. We know that when something new is introduced it takes time for individuals to adjust. We can look how at long it has taken the opposition to adjust to an effective model of governance.

We should not talk about the time factor here, except that it is absolutely essential that this time limit be there in order for opportunities to grow, to learn, to develop and to accept the kinds of feedback, responses and input that will be absolutely essential for making future decisions and recommendations for adjustments and amendments to the bill in the years to come.

My time is up. I would like to speak for another hour or two, but I do not have the time so I am quite willing to stop right now.

• (1650)

**Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance):** Mr. Speaker, I am curious about the member's comment about this taking time.

The Liberals have been governing this country for a long time, virtually the entire 20th century. The aboriginal system in Canada is a Liberal product. Almost 100 years after slaves in the United States were freed after a terrible civil war, it was a Conservative, John Diefenbaker, who, with the bill of rights, gave first nations people the right to vote. By the early 1960s, the Liberals in their wisdom could not see that aboriginal people should have the right to vote. They have kept this paternalistic system in place that has created the many problems today.

The member said that we need more time. A philosopher once said "Justice delayed is justice denied".

Within the next 5, 10 or 15 years will we finally have all the claims settled or will it continue to be a never-ending process? Fifty or a hundred years from now will some Liberal member still be saying that it takes time to sort these matters out? Could the member give us any indication when land claims will be resolved so there will be no more justice delayed in this country? Will that happen in my lifetime?

• (1655)

**Mr. Stan Dromisky:** Mr. Speaker, I am not sure whether the hon. member from the opposition would like me to use my crystal ball to look into the future or his crystal ball to look into the future. I think he will be surprised to find that his crystal ball has no clear cut image of anything. It is cloudy and full of dirty water.

I do not have a crystal ball, but I do have information and I have the ability to understand the whole process and the problems that are involved. I realize it takes time. We just need to look at the time it has taken to settle many of the problems we have had in the past. Past governments have made mistakes, this government has made mistakes and future governments will also make mistakes. There is no doubt about it. We have to learn from those mistakes. The introduction of a bill that will get rid of some of the illnesses and ailments of the past is part of the learning process.

We have made progress and we will continue to make progress as long as we can work together in a cooperative manner. We need to sit down, discuss, come to some kind of consensus, and have the political will to do the things that are absolutely essential for the enhancement of all Canadians.

[*Translation*]

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, what the hon. member says is all very well, but the least one can say is that his crystal ball is very cloudy.

*Government Orders*

He has painted a very limited picture of reality. This matter is causing tensions between communities. No conciliation is possible in such an environment. As we speak, the Assembly of First Nations of Quebec and Labrador and the Native Women of Quebec are meeting in a general assembly in Rivière-du-Loup, and they are angry.

They have just sent us a resolution in which they confirm the opposition of the chiefs of the Assembly of First Nations of Quebec and Labrador. They also say in their resolution that they are formally informing the federal government that the first nations of Quebec and Labrador will take all political, legal and administrative measures necessary to ensure that Bill C-6, Bill C-7 and Bill C-19, do not interfere with the autonomy and development of the first nations.

Let us stop talking about conciliation: the ink is not even dry on the resolution from the Assembly of the First Nations of Quebec and Labrador and Native Women, a document we received just moments ago. They are reaffirming their strong opposition to the three bills, especially the government's attitude as demonstrated in Bill C-19.

[*English*]

**Mr. Stan Dromisky:** Mr. Speaker, I clearly have indicated that I do not have a crystal ball but I do have a lot of information, like a lot of other Canadians. We know how to effectively use it in our negotiations and our deliberations with each other to come to some consensus in solving problems. We might be tempted at times to follow zealous input and a driving force from a special interest group. That happens when that hon. member gets up to speak on behalf of a great number of people who want transparency, accountability and, above all, democratic practices to be introduced in their communities.

[*Translation*]

**Ms. Jocelyne Girard-Bujold (Jonquière, BQ):** Mr. Speaker, I seek unanimous consent of the House to table the first nations resolution to which my colleague has referred.

**The Acting Speaker (Mr. Bélair):** Does the hon. member have unanimous consent to table this resolution?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. Bélair):** We do not have unanimous consent.

**Some hon. members:** For shame.

**Some hon. members:** Oh, oh.

**The Acting Speaker (Mr. Bélair):** Does the hon. member for Jonquière wish to ask a question or make a comment?

• (1700)

**Ms. Jocelyne Girard-Bujold:** Mr. Speaker, I would be pleased to ask a question.

What has just happened is absolutely shameful, shameful beyond words.

The member who has just spoken may not have a crystal ball, but the facts are there. Throughout consideration of Bill C-6, all of the

first nations were opposed to this bill, along with all the opposition parties.

Everything in this bill is anti-democratic. I wonder what the hon. member is doing in this House when he denies the first nations' right to be masters of their own house, and to take steps to regain the independence this government has taken from them.

I would like to hear the hon. member's thoughts on this resolution, which the first nations have sent to my colleague, the hon. member for Saint-Hyacinthe—Bagot.

[*English*]

**Mr. Stan Dromisky:** Mr. Speaker, there has always been controversy ever since Bill C-7 was introduced, also Bill C-6, Bill C-19 and Bill C-19, which took 10 years of development by the first nations people. They agreed to it and then things changed dramatically.

As far as that party is concerned, there is direction from a leader and the major critic on Indian affairs in misguiding the members of his community. What he is really advocating is that the status quo be maintained with the first nations people organizations. He says that there are—

**The Acting Speaker (Mr. Bélair):** Order, please. Would the speaker address his comments to the Chair and avoid confrontation, please.

[*Translation*]

The hon. member for Jonquière.

**Ms. Jocelyne Girard-Bujold:** Mr. Speaker, through you I would like to request that the Liberal member retract his words, which were a judgment of the Bloc Québécois. We are independent people, who hold democracy dear, and we recognize the first nations.

**The Acting Speaker (Mr. Bélair):** I would like to have the attention of the hon. member for Jonquière. Neither myself nor the clerks heard anything offensive. I believe the hon. member for Thunder Bay—Atikokan's words were far more related to debate than to attack.

[*English*]

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, I will not be speaking that long, as the hon. member from the Bloc will also be speaking. It is an honour to rise in the House today to speak to Bill C-6.

My friend and colleague, the member for Perth—Middlesex, spoke on this important legislation earlier today and I yield to his knowledge on this issue. He has done remarkable service for our caucus on this file and I want to take this opportunity to thank him for all his hard work. He has been keeping our caucus well informed and he is the expert in our party on this issue.

What I do know, and what everyone in the House knows, is that we have a special obligation to our first nations people. Each and every one of us do, on both sides of the House. All first nations, as was stated by the Bloc member, are against this bill. It goes against their democracy, and we must not have that.



*Government Orders*

This has happened for hundreds of years to the first nations people. It is time that the government straightened this out once and for all. They are special. They were here before any of our people historically came upon the grounds in Canada. For the power of the first nations, they should have their own autonomy.

I was really shocked when I heard the hon. member on the government side refer to them as special interest groups. They are not special interest groups. They are special people as well as being Canadians. They do not mind being Canadians, but they are first nations. There is no question that they have special interests and Bill C-6 does not address those interests. They want to look after their children.

It is time now, once and for all, for all of us to get together and do what is right. I would like to have seen the motion that was sent to the Bloc member. Every member in the House should see it.

I am not a historian and I recognize that correcting the injustices of the past sometimes involves a very long and arduous process. Not only has our nation evolved, it has expanded, and some of the claims being made by our first nations are where some of our greatest cities now stand. The land is there. There is land that they owned, land that was theirs, and there is land still there that should be theirs. The maps of our history have been replaced by the maps of the present day. They take the maps of the present day, but they do not look historically at what belongs to the first nations.

There is no question that historic injustices have been imposed upon our first nation people in Canada. There is no question that we must ensure we can adequately reconcile the disputes of the past by the means of the present. That is the purpose of this legislation, but I am deeply concerned, as are all of our people on this side of the House, about Bill C-6. Senators as well are very concerned because they have brought forward amendments. When that happens, we know there is an injustice in the bill that has been brought forward.

Like many of the bills before the House, there is much room for improvement. As it is currently written, Bill C-6 might not fix the very problems it hopes to correct and that is why they have sent their motion. They are saying that they oppose this bill, that they have an alternative motion that should be dealt with. We have received additional guidance from our friends in other places, as I have stated, and we would be wise to consider the amendments from the Senate.

My friend from Perth—Middlesex offered his thoughts on possible changes, when he spoke to this legislation earlier today. I echo his comments and I urge the House to listen to his compassionate reasoning. I believe Bill C-6 might not be capable of addressing some of the additional factors that can be a crucial part of the claim.

• (1705)

At the present time a claim can include treaty rights with respect to hunting and fishing. In New Brunswick where I come from we have seen what can result when these important considerations are not properly dealt with. We have seen the violence that can result when a decision is forced on the community. We have seen the dangers of not taking the care necessary to correct the longstanding problems that still exist.

Certainly the Supreme Court and the Department of Indian Affairs have dealt with cases of all kinds. Some types of cases involve cultural values and practices that can complicate the process but must be respected. Bill C-6, I am told, might not properly acknowledge treaty breaches of that kind. These types of rights have been at the very core of a number of first nations communities and we must deal with them very carefully for fear of affecting those communities and hurting our first nations people.

The story of our first nations is one about promises made by governments both in the past and in the present. The steps that we take must acknowledge those promises. For many first nations communities, the land at their disposal is crucial to their standard of living and for their families. I do not think that everyone realizes that, like all of us, they have families. They want to look after their families. The land is crucial to their standard of living. They have to have their land.

There are serious questions as to whether Bill C-6 will adequately protect the rights of those whose claims fall through the cracks of this legislation, and it will not. We know that it will not protect them. Given the complicated relationship that exists between the government and our first nations, the Supreme Court has made it clear that a fiduciary relationship exists. That fiduciary relationship ensures that those who have entered into commitments with the government are not taken advantage of by the government. We should make sure that never happens.

We must take this duty very seriously if we consider this legislation and its effects. We must acknowledge that we have a special responsibility, and I say that right from the heart, to protect the interests of our first nations. I am not, as I have said, an expert in these matters. I know there are those who have spent their professional lives working for solutions to these problems. I know in my heart that something must be done and I know that the House must play a leading role. I have to say that I do not have all of the answers, but I think it is time that we started to listen to members of the first nations.

The consideration of the bill lets us revisit the mistakes that have been made in the past. Many, many mistakes have been made with our first nations. Indeed, the entire issue of first nations claims stems from oversights and mistakes that occurred when our country was still very young. Let us not make further mistakes in correcting these injustices.

As I stated at the beginning, the first nations should have their own autonomy. All first nations are against the bill, as was stated by the member from the Bloc, and it goes against democracy as it is stated right now. If it goes against democracy, that is not what we are about in the House of Commons.

The first nations have contributed to this country. They have not always wanted a handout from any of us. They want to live their lives on their land that they own, that is theirs, that they founded, and we should make sure that they can. I never want to hear anyone in this House ever refer to the first nations as a special interest group. They are founders of our country. We owe it to them to do what is right for them and that is exactly what we are here for.

*Government Orders*

• (1710)

**Mr. Rick Laliberte (Churchill River, Lib.):** Madam Speaker, on October 31 the national chief of the Assembly of First Nations stated that the AFN must and will vigorously oppose the enactment of all three bills, referring to Bill C-6, Bill C-7 and Bill C-19.

In her presentation the hon. member emphasized the relationship of the aboriginal people and the aboriginal nations of this country. I would like to ask her if she would agree with the terminology that Canada is a treaty nation. This nation was created by peace treaties. These peace treaties may have the gift to give world peace, because the world is looking for peace. That gift might be here. It might be embedded in the very treaties on which this nation rests its laurels and its certainties.

We go to bed every night as proud Canadians. However it was the aboriginal nations, through their agreements with the crown after its differences with France and Spain, which engaged by treaty to create a treaty nation based on peace and friendship.

Is the member aware that the national chief stated on October 31 that the AFN must and will vigorously oppose the bill?

**Mrs. Elsie Wayne:** Madam Speaker, the member said that the AFN has opposed the bill. Certainly the AFN has opposed the bill. The Senate also opposed the bill. It is not the type of bill that looks after the interests of our aboriginal people.

Our aboriginal people are saying once again, and they have been saying it for many years, that they have not been treated fairly and equally.

When the member states that the national chief is opposed to Bill C-6, Bill C-7 and Bill C-19, all of them, that tells us that the bill itself is an injustice to the aboriginal people. That is how the aboriginal people feel.

Does the hon. member not think it is about time that we sat around the table and we listened to the recommendations of the aboriginal people? Should we not open our minds to that for a change instead of closing the door on them every time?

For years and years we have been closing the door on the aboriginal people. For once we should open the door and let them speak. Let the aboriginal people have an opportunity to have their say. It is about time.

• (1715)

**The Acting Speaker (Ms. Bakopanos):** I apologize to the hon. member, but it being 5:15 p.m., pursuant to order made earlier today, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the motion relating to the Senate amendments to Bill C-6.

The question is on the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Bakopanos):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Bakopanos):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Bakopanos):** In my opinion the yeas have it.

*And more than five members having risen:*

**The Acting Speaker (Ms. Bakopanos):** Call in the members.

• (1745)

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 274*)

## YEAS

## Members

Alcock	Allard
Anderson (Victoria)	Assadourian
Augustine	Bagnell
Bakopanos	Barrette
Bélair	Bélangier
Bellemare	Bertrand
Bevilacqua	Binet
Blondin-Andrew	Bonin
Bonwick	Boudria
Bradshaw	Brown
Bryden	Bulte
Byrne	Caccia
Calder	Caplan
Carroll	Castonguay
Catterall	Cauchon
Chamberlain	Charbonneau
Coderre	Collenette
Comuzzi	Copps
Cotler	Cuzner
DeVillers	Dhaliwal
Dion	Dromisky
Drouin	Duplain
Easter	Eggleton
Eyking	Folco
Fontana	Frulla
Godfrey	Goodale
Grose	Harvard
Harvey	Hubbard
Jennings	Jobin
Jordan	Karetak-Lindell
Karygiannis	Keyes
Kilgour (Edmonton Southeast)	Knutson
LeBlanc	Lee
Leung	MacAulay
Macklin	Mahoney
Malhi	Manley
Marcil	Matthews
McCallum	McGuire
McLellan	Minna
Mitchell	Myers
Nault	Neville
O'Brien (Labrador)	O'Brien (London—Fanshawe)
O'Reilly	Owen
Pacetti	Pagtakhan
Paradis	Parrish
Patry	Peric
Pettigrew	Phinney
Pratt	Price
Proulx	Provenzano
Redman	Regan
Robillard	Rock
Savoy	Scott
Sgro	Shepherd
Simard	Speller

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Bachand (Saint-Jean)  
Benoit  
Bigras  
Borotsik  
Breitkreuz  
Cadman  
Casey  
Chatters  
Crête  
Dalphond-Guiral  
Day  
Desrochers  
Duceppe  
Elley  
Fitzpatrick  
Fournier  
Gagnon (Lac-Saint-Jean—Saguenay)  
Gaudet  
Girard-Bujold  
Goldring  
Grewal  
Guay  
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Hill (Prince George—Peace River)  
Johnston  
Kraft Sloan  
Laliberte  
Lill  
Loubier  
MacKay (Pictou—Antigonish—Guysborough)  
Mark  
Martin (Esquimalt—Juan de Fuca)  
McDonough  
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Thompson (Wild Rose)  
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Venne  
White (Langley—Abbotsford)

Anders  
Asselin  
Barnes (Gander—Grand Falls)  
Bergeron  
Blaikie  
Bourgeois  
Burton  
Cardin  
Casson  
Comartin  
Cummins  
Davies  
Desjarlais  
Doyle  
Duncan  
Epp  
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Gallant  
Gauthier  
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## Members

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**The Speaker:** I declare the motion carried.  
(Amendments read the second time and concurred in)

● (1755)

[*English*]

**FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT**

The House resumed from October 31, consideration of the motion that Bill C-54, an act to amend the Federal-Provincial Fiscal Arrangements Act and the Federal-Provincial Fiscal Arrangements Regulations, 1999, be read the second time and referred to a committee.

**The Speaker:** The House will now proceed to the taking of the deferred recorded division on the motion at the second reading stage of Bill C-54.

[*Translation*]

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 275*)

**YEAS**

## Members

Abbott  
Allard  
Anderson (Cypress Hills—Grasslands)  
Augustine  
Bakopanos  
Barrette  
Bélanger  
Bennett  
Bertrand  
Binet  
Bonin  
Borotsik  
Bradshaw  
Brown  
Bulte  
Byrne  
Cadman  
Caplan  
Casey  
Castonguay  
Cauchon  
Charbonneau  
Coderre  
Comuzzi  
Cotler  
Cuzner  
DeVillers  
Dion  
Dromisky  
Duncan  
Easter  
Elley  
Eyking  
Folco  
Forseth  
Gallant  
Goldring  
Gouk  
Grey  
Harvard  
Hearn  
Hill (Prince George—Peace River)  
Hinton  
Jennings  
Johnston  
Karetak-Lindell  
Keddy (South Shore)  
Kilgour (Edmonton Southeast)  
Kraft Sloan  
LeBlanc  
Leung  
Lunney (Nanaimo—Alberni)  
MacKay (Pictou—Antigonish—Guysborough)  
Mahoney

Alcock  
Anderson (Victoria)  
Assadourian  
Bagnell  
Barnes (Gander—Grand Falls)  
Bélair  
Bellemare  
Benoit  
Bevilacqua  
Blondin-Andrew  
Bonwick  
Boudria  
Breitkreuz  
Bryden  
Burton  
Caccia  
Calder  
Carroll  
Casson  
Catterall  
Chamberlain  
Chatters  
Collette  
Copps  
Cummins  
Day  
Dhaliwal  
Doyle  
Drouin  
Duplain  
Eggleton  
Epp  
Fitzpatrick  
Fontana  
Frulla  
Godfrey  
Goodale  
Grewal  
Grose  
Harvey  
Hill (MacLeod)  
Hilstrom  
Hubbard  
Jobin  
Jordan  
Karygiannis  
Keyes  
Knutson  
Laliberte  
Lee  
Lincoln  
MacAulay  
Macklin  
Malhi

*Private Members' Business*

Manley	Marcil
Mark	Martin (Esquimalt—Juan de Fuca)
Matthews	McCallum
McCormick	McGuire
McKay (Scarborough East)	McLellan
McNally	Meredith
Merrifield	Mills (Red Deer)
Minna	Mitchell
Moore	Myers
Nault	Neville
O'Brien (Labrador)	O'Brien (London—Fanshawe)
O'Reilly	Owen
Pacetti	Pagtakhan
Pallister	Paradis
Parrish	Patry
Penson	Peric
Pettigrew	Phinney
Pickard (Chatham—Kent Essex)	Pratt
Price	Proulx
Provenzano	Rajotte
Redman	Regan
Reid (Lanark—Carleton)	Robillard
Rock	Savoy
Schellenberger	Schmidt
Scott	Sgro
Shepherd	Simard
Skelton	Solberg
Sorenson	Speller
Spencer	St-Jacques
St-Julien	St. Denis
Steckle	Stewart
Stinson	Strahl
Szabo	Telegdi
Thibault (West Nova)	Thibeault (Saint-Lambert)
Thompson (Wild Rose)	Toews
Tonks	Torsney
Vanclief	Vellacott
Volpe	Wayne
Whelan	White (Langley—Abbotsford)
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## Members

Asselin	Bachand (Saint-Jean)
Bergeron	Bigras
Blaikie	Bourgeois
Cardin	Comartin
Crête	Dalphond-Guiral
Davies	Desjarlais
Desrochers	Duceppe
Fournier	Gagnon (Champlain)
Gagnon (Lac-Saint-Jean—Saguenay)	Gaudet
Gauthier	Girard-Bujold
Godin	Guay
Guimond	Laframboise
Lalonde	Lill
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## PAIRED

## Members

Gagnon (Québec)	Lancôt
Lastewka	Maloney
Perron	Picard (Drummond)
Pillitteri	Tirabassi— 8

**The Speaker:** I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Finance.

(Bill read the second time and referred to a committee)

[English]

**The Speaker:** It being 5:58 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

## PRIVATE MEMBERS' BUSINESS

[English]

## CANADA PENSION PLAN

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance)** moved that Bill C-428, an act to amend the Canada Pension Plan (adjusted pension for persons with other income above the level at which the second percentage of income tax applies), be read the second time and referred to a committee.

He said: Mr. Speaker, Bill C-428 deals with one of the most pressing problems that will affect us in the future. We have an aging population and this demographic threatens to rupture our social programs in the future unless we deal with these challenges today. In particular, it will have a profound impact on our health care system and on our pension system.

Bill C-428 is the first of two bills that I put together dealing with the issue of pensions, specifically, how we ensure that our public pension schemes will be there for us and successive generations. If we do not deal with this we will have a sea of seniors, particularly low and middle income seniors, believing their pensions will be there for them in the future but, unfortunately, will not be there for them.

I want to provide the House with a few specifics. In 1973, 7% of our population was over the age of 65. Today it is 13%. By the year 2030, a staggering 25% of our population will be over the age of 65. In other words, two to three people working at that time will be supporting a retiree. Let us think for a moment what that will do to our pension plans.

We know our aging population will increase because people are living longer. Today it is estimated that a man will live to an average age in the upper seventies and a woman to the average age in the low eighties. It is anticipated that in the year 2030 a person's average lifespan will be 90 years of age. This means that people will receive money from their public pension plans for 25 years.

On top of that, our birthrate is falling. With our aging population there will be a huge demographic bubble. We have a truncated population that is working with a smaller and younger population coming up beneath it. As I said before, this demographic bubble will cripple and punish our pension plans unless we deal with this problem today. The Europeans and the Americans have begun to deal with this problem but we have not. If we fail to deal with it, it will be at our peril.

Bill C-428 has several purposes. First, it would open the debate on the issue of saving our pension plans and our social programs given this demographic pressure, and second, it offers solutions to saving our CPP.

Specifically, Bill C-428 does the following. If people want to retire at the age of 65 they can. If they want to continue to work past the age of 65, they can continue to work and receive their income and still receive a graded percentage of their CPP. For example, people who are age 65 will receive 40% of their CPP premiums. People who are age 66 will receive 50%. This amount will increase to a full 100% at the age of 70. This acts as an incentive to keep people in the workforce. It also reduces the demand on our CPP, and that is important.

The government has been forced to successively increase the amount of contributions we make so that today's contribution of 9.9% is a 175% increase from what it was when the CPP was originally put forth in 1966.

The purpose of the bill is to encourage people to stay in the workforce. As I said previous, in the future fewer people will be in the workforce. How do we encourage them to stay? Back when the retirement age was set at 65, the average lifespan was less than 60. Now it is higher. People at the age of 65 or 70 years of age are physiologically and biologically much younger than people at that age some years ago.

Furthermore, many of the jobs that are available today are in the service sector and that sector does not require the great physical challenges that occurred in times past in the manufacturing and resource sector.

● (1800)

People want to work. A lot of people are having difficulty making enough money to put some aside for their retirement. Why not give them the opportunity to work? Why not encourage them to stay in the workforce and give them the ability to provide for themselves?

The full concept of a mandatory retirement age of 65 in my view is obsolete. We should retire the mandatory age of retirement. It is long overdue. It is an anachronism from times past.

By keeping people in the workforce we are also keeping the brain trust. Many people between the ages of 65 and 70 are our most productive workers. They are often the brain trust in organizations. It would be a shame to lose that by farming people out to retirement when we could greatly use their skills, capabilities and experience.

The other aspect of the bill, which will be dealt with at a subsequent time, is the notion we have of the old age security system. It should be focused on the lower to middle income seniors in an effort to save it. As I said before, that money comes from general revenues. As time passes, the demands we will be putting on those general revenues will increase.

We should also ensure that the voluntary component of savings are actually strengthened. For a long time the government has stood by its anachronistic policies that have prevented people from providing for themselves upon retirement.

There are a few solutions. We should abolish the foreign content in RRSPs. There are so many ways for people to bypass the situation that it makes no sense for the government to oblige everybody else to adhere to this anachronistic system. We should double the amount of money people are allowed to put away in their RRSPs. We should

### *Private Members' Business*

allow people to pull out \$15,000 tax free from their RRSPs after the age of 60.

There is going to be greater and greater difficulty to provide for a variety of programs, including health care. Why not enable people to provide for themselves which would allow them to pay for those things that they would like to have and which perhaps may be life saving? As a physician, I see that many things that we would like to provide for our patients are not covered. People will be forced to pay for those things themselves. Where will they get the money from?

It would be innovative of the government to allow people over the age of 60 to remove \$15,000 from their RRSPs. It would be a godsend to them. It would provide for the things they need, such as food on the table or medication when they get sick. Perhaps it would help provide for their parents who would be in their nineties.

The World Bank said that there are three pillars to a sustainable, reasonable, fair and strong pension system. The first is a tax financed, means tested, minimum pension system. We have that in the OAS/GIS system. The second is an employee based mandatory pension plan. That is the CPP system. The third is private pension plans.

There are five goals for whatever we do. The first is adequacy, so that people who are retired will have enough money in their pockets to provide for themselves. The second is fairness, so that people can retire at a reasonable age and that they will have enough money to provide for themselves. The third is sustainability. Fourth is transparency. Fifth is that the system is efficient, in other words, that we get the greatest percentage and rate of return from the system that we have today.

There is a big change coming and the House is probably going to prorogue. Everybody knows this. This bill may not go anywhere, but I hope that the government listens to the essence of the bill and the intent with which it was introduced in the House. If we do not take seriously the impact of our aging population on our social programs, we will be left with tens of thousands, perhaps hundreds of thousands of seniors who cannot put roofs over their heads, food on their tables, or pay for their medication when they get sick. What kind of a society will we have if there are so many people who worked so hard for so long for our country and we are not there to help them?

The HRDC website clearly states that our publicly funded pension plans are there as a supplement to our private pension plans.

● (1805)

It is sad to say that until recently with the declining real incomes that Canadians have had, it is the low and middle income seniors who are the most hurt by the government's current regressive tax policies and its regressive policies with respect to pension plans. It cannot continue to take the easy route out simply by trying to increase contributions on the backs of taxpayers, on the backs of employees and think that this is a panacea which in the future will enable seniors to provide for themselves. The facts simply bear out that it is a fallacy.

*Private Members' Business*

I looking into the future and see an aging population and a shrinking workforce. That is going to have an impact which is not being acknowledged at this point in time.

The government could easily deal with the concept of mandatory retirement tomorrow. Mandatory retirement is ageism. It is discriminatory. It would be easy for the government to bring in a bill to abolish the mandatory retirement age of 65. Those who would choose to retire at 65 could do so. They would receive the benefits they would normally have, but for heaven's sake, we should give people the opportunity to provide for themselves.

The government should look at the work being done by Dr. David Baxter at Simon Fraser University and the book *Boom, Bust & Echo* of which Dr. Michael Foot is a co-author. That book and the work that is being done by Dr. Baxter at Simon Fraser provide the specifics and the solutions for the pension problems we will have in the future. They also address the impact on our health care system.

Everybody in the House knows from their personal family experience what will happen in the future. The demands on our health care system and the ability of the public purse to pay for all we ask will create an increasing chasm. More and more people will fall through the cracks to the bottom. More and more people will be unable to get the health care they require. It may be bad today, but it will only get worse in the future.

We in the House across party lines have ideas. Whether or not we have the right ideas is irrelevant, but all of us have ideas that are well meaning and constructive, and which we need to put into the mix. Out of the strong debate that will come from that will be good solutions which the government can act on in order to save our pensions and our health care system.

Everyone here knows of people who cannot get health care today when they need it. We know the pain and suffering they endure. People who are in severe pain are waiting 18 months and longer for hip replacements. There are children who have cancer and cannot get the medication they require because the government is not willing to pay for it. It is not that we do not have medications to treat people, it is that those medications are exceedingly expensive and the public purse is not deep enough to pay for the medications that those people require. That problem is going to get bigger. Rationing will become more extensive and more people, particularly the poor and those in the middle class will be the ones who suffer.

This bill is not about the rich. The rich can take care of themselves. This bill is about the poor and the middle class who will have significantly increasing difficulties in meeting their basic needs in the future. We also know the impact our aging population will have on issues such as housing. A number of people will not have housing. There is the impact of dementias on our health care system. All of these are issues which the government is failing to deal with. The solutions to those problems are out there.

All of us in the House are more than willing to work with the government to deal with these problems that affect all of our constituents. Through you, Madam Speaker, I implore the ministers involved to work with us. We can pull together the best minds in our country and abroad. In that way we will come up with the best solutions to ensure that our aging population will have their basic

needs met. We will not be faced with a sea of seniors suffering incalculable problems that we would prefer not to see.

• (1810)

[*Translation*]

**Ms. Diane St-Jacques (Parliamentary Secretary to the Minister of Human Resources Development, Lib.):** Madam Speaker, thank you for giving me the opportunity to express my point of view on this bill, which would reduce Canada pension plan benefits paid to recipients between the ages of 60 and 69 whose taxable income is above a certain level.

I am very proud to have a chance to defend this plan that truly manages to offer income support to its contributors and their families, when they retire, become disabled or lose a loved one. I emphasize the term contributor, in other words people who have paid contributions to the plan during their working years.

I must admit that I am surprised at the harshness of this bill. Admittedly, I am not sure what prompted my colleague to present it, especially considering that the level at which benefits would be reduced is very low. For the 2002 taxation year, the reduction would have been applicable to an income as low as \$31,677, which is just over \$2,600 a month in taxable income.

We are not talking about CEOs of companies, or presidents of multinationals, or people who made a fortune on the stock market. We are talking about Canadians who worked hard, raised their children, and managed to put a little money aside and who have a little extra money to supplement their Canada pension plan benefits. That is precisely what we are asking Canadians to do. We are talking about average workers who, thanks to Canada pension plan benefits, are able to make ends meet.

The problem is not just the category of people targeted by the bill, but also the extent of the reduction of benefits for certain people. It is a question of a 60% reduction of their pension cheque. This bill comes from a member whose party brags about promoting lower taxes.

We also notice several administrative problems that would complicate the implementation of such a measure, for example: using different reduction rates based on age, or using an estimation of the client's income to calculate the reduction of benefits.

Given the fact that income can vary considerably from one year to the next, this last point would make the Canada pension plan impossible to administer.

*Private Members' Business*

It would be difficult to calculate a reliable estimate for many Canadians, which means that many people would receive cheques long after the year end, in order to compensate for the excessive reductions that would inevitably occur. However, some clients would have to reimburse overpayments because the estimate of their income was not high enough. It is a not a very happy picture.

And what should we do about clients who live outside Canada and pay taxes in that other place of residence? How could we assess or reduce their benefits?

Moreover, what about the federal-provincial repercussions of this bill? We cannot overlook the fact that the provincial governments coordinate the plan jointly with the federal government. The CPP Act says that two thirds of the provinces and two thirds of the population must accept a change of this kind for it to become law.

And another point: has the sponsor of the bill envisaged that the courts might decide that treating clients differently depending on their age is a form of discrimination, and contrary to the Charter of Rights and Freedoms?

Finally, this bill contravenes the principle of the guarantee on which the CPP is based, that is, that the amount of benefits a person receives depends on the amount of contributions and the length of time that person has contributed.

Passing this bill would undermine the foundations of the Canada pension plan and its agreement with its contributors.

But let us set aside those crucial details for a moment and ask ourselves why the hon. member believes it is necessary to make such drastic changes.

Is it because he believes that the financial health of the CPP is threatened and that we should begin to reduce benefits immediately? If so, he is mistaken, because many actuarial reports have shown that the plan is in good health and that current financial provisions are appropriate to present and future needs.

Or is it because he hopes these measures will encourage people to return to the labour market?

• (1815)

Again, he would be mistaken, since some people receive benefits, but not by choice. No one chooses to become disabled to a point where one can no longer work. No one wants to lose a loved one simply to receive survivor benefits.

For people who choose to retire before age 65, it is obviously unfair to suddenly change the rules and dramatically reduce their CPP benefits on short notice, especially when we know that some have decided to retire at a specific age according to a financial plan that they were encouraged to develop many years earlier.

This bill includes many drawbacks and no clear advantages. That is why I will vote against it and I urge other members to do the same. However, I am well aware that no program is set in stone, and that is also true for the Canada pension plan.

That is why CPP legislation needs to be reviewed by federal and provincial governments every three years. Instead of stripping CPP or reducing benefits in a panic, as this bill would have us do, we

should instead continue to administer this plan in a conscientious manner by consulting the people concerned as needed and by maintaining our periodic reviews, because that is the only way to do things properly.

Together, we will ensure that the Canada pension plan is able to provide future generations with the same level of benefits that we enjoy today.

• (1820)

**Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ):** Madam Speaker, like my hon. colleague, I am very pleased to speak on this bill, an act to amend the Canada Pension Plan (adjusted pension for persons with other income above the level at which the second percentage of income tax applies).

I listened very carefully to the presentation by the hon. member for Esquimalt—Juan de Fuca, because I was trying to figure out what his bill was all about. I had read it, I read it again earlier and I read the letter he sent us. Unfortunately, it reads:

[*English*]

“This bill contains the following provisions”.

[*Translation*]

It is too bad he did not take the precaution of sending his letter through the official channels of the House to have it translated. We could have received a French version, instead of just the English.

In his letter, he identifies five points covered by his bill. I have read the bill over and over, sent it to the research services, and even to a lawyer, and oddly enough, nowhere in this bill have we found what he said it contained.

Understandably, it will be very, and even hugely difficult for us to vote for this bill. There will be a free vote on the bill, but I would recommend to the members from my party that we vote against it. This is a bill that is fundamentally discriminatory, a bill that would have people believe that, past the age of 65, we are still in our prime and can work ourselves to death.

Our life expectancy may be 80 years, but we should see what kind of life people have between the ages of 65 and 80. If workers can afford to take an early retirement at age 55, I do not see why they should be told that, if they stay on until the age of 65, they will receive a small portion of their pension as an incentive.

I find it quite awful that this bill is, in the end, negative. It is intended to be positive and our colleague's remarks contain positive aspects. It is true that the population is aging and that there will be fewer young people to support retirees. The statistics cannot be denied. This will be a problem.

Another problem is our very low birth rate. We cannot deny this either. However, as long as people aged 65 and up are being encouraged to remain employed, our economy can also provide employment for young people. This seems extremely important.

*Private Members' Business*

Our colleague also mentioned that it was important to increase or double the annual RRSP contribution limits. I do not object per se, except that I see no need to double the limit. It is currently about 15%. Allowing people to invest 15% of their income tax-free seems sufficient. There is no need to double it. That is one reason we oppose this bill.

Furthermore, the hon. member would also like to increase the limit on foreign investments. He wants to double the RRSP contribution limit and increase the limit on foreign investments. This is a surprising measure. I have known the hon. member since 1993. I had pegged him as more left of centre and not on the extreme right. Doubling the amount of money we can save and, additionally, invest abroad, is almost encouraging tax havens.

• (1825)

As you know, the Bloc Québécois is averse to the idea of tax havens. To us it seems rather incompatible with the position the hon. member may be taking.

Bill C-428 would make it possible for people with taxable incomes above \$60,000, the infamous second tax threshold, to work after the age of 65 and to receive a graduated portion of their pension. With this bill, the hon. member is seeking to attenuate the effects of demography. I am not convinced that this bill would achieve his objectives.

We shall vote against this bill—in any case I hope my colleagues will act on the recommendation I will be making in caucus—basically because it is discriminatory. I am somewhat uncomfortable voting against it but I would be even more so were I to vote in favour of it. This pension plan, with or without this new bill, does not affect Quebec, since we have our own pension plan. Therefore, this bill does not apply in Quebec. If there had been any advantages, I would have tried to find them, identify them and speak about them.

I shall listen to the debates that follow and during the time allotted for the hon. member to reply at the end of his speech—if we have the opportunity to resume this debate—I will ask the hon. member to explain what advantage there is in improving the precarious economic situation or improving the situation for people who want to retire or continue working. Nevertheless, the bill is not excessively clear.

[*English*]

**Mr. Norman Doyle (St. John's East, PC):** Madam Speaker, I wish to say a few words on Bill C-428.

I commend the member for bringing forth the bill. As he mentioned a few moments ago, Canada is a greying nation. It is about time that people in positions of public responsibility took note of that very salient fact. We are living longer. Many people have the capacity to work beyond age 65.

To some extent, of course, we in the chamber are guilty of turning a blind eye toward a double standard. While 65 is the normal retirement age, in both the public and private sector, it does not apply here. People here can work beyond 65 and certainly, in the Senate people can work beyond 65.

As Canadians, we value freedom. Many would ask, should people not be free to work beyond the age of 65 if they choose to do so? If

they so choose, why can they not also avail of the benefits of an adjusted Canada pension plan?

Some would ask, is it not better for the economy to have these people still productive past the age of 65? The people we are talking about here are people who choose to work, not people who are being forced to work or people who are required to work. If working makes them happy or for some reason is an economic necessity, then I would ask, why can they not carry on with a reduced Canada pension of course?

At the same time, these senior workers would reduce the financial pressure on the Canada pension plan. One of the aims and objectives of the bill is to reduce the pressure on the Canada pension plan by taking a reduced payout while these senior people continue to work. That makes perfectly good sense to me.

Bill C-428 would provide for a sliding scale of adjusted pensions over ages ranging from 60 to 69 years of age. For example, a working person taking Canada pension plan benefits between the ages of 60 and 65 would receive 40% of the CPP benefits. A 66 year old worker would receive 50% of CPP benefits and a 69 year old would receive 80% and so on.

I think this is a very good bill. The bill would also apply where the senior worker's taxable income exceeded the second tax bracket in our income tax system. Simply put, the system would apply to the majority of senior Canadians. It would afford them with a choice to continue working with a reduced Canada pension benefit as an incentive for remaining in the workforce.

Those who choose to retire at 65, of course, would receive 100% of their CPP entitlement. That makes sense to me.

I said earlier that we are a greying nation. This fact was brought home to me quite forcefully during the recent provincial election in Newfoundland and Labrador because of the last decade of out migration by young families. The greying of our province was probably more noticeable than in any other Canadian jurisdiction.

During the Newfoundland and Labrador election, I can tell members that seniors' issues played a prominent role. All the political parties had policy positions on issues that affected seniors and well they should. Today, seniors are more educated, more informed and they have a tendency to speak out on matters that affect them, and well they should. Indeed, they have no hesitation in making their views known at election time. They have become an increasingly important sector of the electorate and we in this Chamber would do well to pay them the respect that they deserve.

• (1830)

In this regard, there are a number of other matters that the House would do well to consider. We should eliminate, for instance, income tax altogether for low income seniors. Many would say that they have paid their dues. It was their blood, sweat and tears that got us where we are today. It would be a good idea to eliminate income taxes altogether for low income seniors.



*Private Members' Business*

Our nation's health care system needs to be adjusted as well, with added emphasis on home care for seniors so that they will be able to live longer in their own homes. We should assist seniors by giving them more flexibility with regard to their RRSPs. To help save for retirement, we should increase the RRSP contribution limit to 20% of income, for instance. If an individual were to cash in an RRSP tomorrow, the value of the amount cashed in would be added to the taxable income and would be taxable at the regular rate. Because they are registered retirement savings plans, why not give retired people a break? Why not let retired people cash in their RRSPs tax free up to a stipulated yearly limit?

I wish to commend the member for bringing Bill C-428 to the floor of the House, not only for its content, but because it deals realistically with the fact that we have an aging population. People are getting older. Whether or not we want to face up to it, a growing number of Canadians are facing up to it every day. Their needs, concerns and aspirations must become our common cause here in the House of Commons.

Much has been said in the House about the importance of renewed federal financial support for our health and education systems and properly so. The modern nation we call Canada is composed of people who are healthier, wealthier and more educated than their forebears, mainly because their forebears had the insight to put such publicly funded systems in place. However, because we are better informed and healthier, we are living longer. The success of the health and education system has created a new problem that our grandparents did not even know about.

Bill C-428 deserves serious consideration by the House. It treats our seniors with the respect that they deserve. The bill would apply where the senior worker's taxable income would exceed the second tax bracket in our income tax system. Simply put, it would apply to the majority of senior Canadians. It would afford them with a choice to continue working with a reduced Canada pension benefit as an incentive for remaining in the workforce, and to those who choose to retire at age 65 would of course receive 100% of their CPP entitlements.

We support the bill because it would provide more flexibility to seniors who want to work. It would help combat certain growing skill shortages in the economy. It would lessen the financial pressure on the Canada pension plan system and dare I say it? It would make some people happy.

• (1835)

**Mr. Brian Masse (Windsor West, NDP):** Madam Speaker, it is my pleasure to speak to Bill C-428. I believe it is a bill that opens the door to talk about an important issue for Canadians. Pensions are something we invest in at a very young age when entering the workforce.

The Canada pension plan has a lifelong contribution. Individuals start to become aware of the fact that they have to retire at some point in time and plan for that. The CPP is a useful tool and important social program. It is not only sustaining the ability for people to have an income and security, but it teaches people along the way to save for their future, and to ensure that they develop the habits that are necessary to put money aside in the actual retirement setting.

Bill C-428 looks at the whole issue of pensions. I commend the member for bringing it forward; however, I disagree with the nature of the bill and what it would eventually do. Nevertheless, I think it is important to recognize that we should start talking about the issue.

Specific to the bill itself, we are concerned that it would eventually undermine our universal pension plan. We have had a strong tradition of creating some social programs that have some sense of vibrancy and security for individuals from coast to coast to coast.

We know that there has been a discussion about the sustainability of the Canada pension plan. There is a great debate about this but regardless of that, we know, and it was acknowledged, that we can sustain this program should we choose to do so, and we can do it in an affordable way that makes sense.

One of the things with which we do have a problem is that the CPP benefits under the system would become income tested. We believe it should be paid to workers in a way that would be fair. This complicates that element.

It would effectively also raise the retirement age and eliminate the mandatory age of retirement which we have yet to really discuss as a nation. I feel that it is something that we could discuss some more. The bill introduces that notion, but there are some good points that have been added.

People are choosing to work longer in life for a variety of reasons. Some people are also choosing to retire earlier if they can afford to do so. That is a personal decision and we should allow that freedom. That is what we should work toward. It should not be a crutch, which this system could become, for individuals to supplement their income because there is not a good solid pension system that the country can afford.

I can give a good example. A number of people have witnessed their income depreciate through cost of living and they have had to take on additional responsibilities and jobs. If they want to do so, and they can do so, that is a very positive thing, but other people are forced into that during the latter years of their lives. That creates some significant problems for them and their families. That is something that the country must address.

One of the pension issues that we should start talking more about in the future or at least discussing it, is what is happening with young people. We are going to see further problems if we do not address it. We are seeing people entering the workforce later in life and having fewer pensionable earning years. At the same time, they are transferring their pension as they move along through private sector jobs ensuring that they are going to have the maximum benefits that they can put in. But their pensionable years are going to be condensed because they will have fewer earning years and that is going to create some problems. That is why we need to start discussing the issue.

*Private Members' Business*

We are also very concerned about one aspect of the bill that deals with foreign investment. It is one of the things with which we have great difficulty. We believe that raising the level of foreign investment to 50% would be a wrong way to go about building Canada and building the confidence in our current pensionable investments that we do have.

We have a situation right now where the Canada pension plan itself has 30% of its investment overseas. It has no forms of control, no green screen, no ethic screen, none of those things. We do not know where that money is being invested. We do not have any control over it and that is the wrong way to do business.

As we invest our tax paying dollars and our personal income, we should ensure, for example, that we are not investing in tobacco companies which we know the Canada pension plan does.

● (1840)

For those reasons, we oppose the bill. I want to commend the member for at least bringing this forward. Pension issues should be discussed, but at a more opportune time.

[*Translation*]

**Mr. Gilbert Barrette (Témiscamingue, Lib.):** Madam Speaker, I am pleased to have the opportunity of giving the government's point of view on Bill C-428.

I must admit in all honesty that this motion by the hon. member for Esquimalt—Juan de Fuca is hard to understand. It asks us to support a huge reduction in retirement pensions. Some people would lose as much as 60% of their benefits.

I am afraid that this proposal would undermine the financial support system from which we benefit today, a system that has proven itself. One need only take a quick look at its history to be convinced of that.

The Canada pension plan was implemented in 1966 with a view to providing a modest income for Canadian workers in the event of disability or on retirement. It also provides payments to surviving spouses, or common law spouses, and to the dependent children of a deceased or disabled contributor.

The Canada pension plan is designed to replace approximately one-quarter of an individual's income up to a set ceiling. The amount paid out depends on how long the person paid into the plan, and how much he or she contributed.

During the last fiscal year, 2002-03, over 4.4 million Canadians received approximately \$21.6 billion in CPP benefits. Of that amount, \$15.1 billion went to 2.9 million retirees. Over 900,000 surviving spouses and some 87,000 children of deceased contributors received a total of \$3.3 billion. Finally, another \$3 billion was paid out in disability benefits to approximately 283,000 disabled contributors and 90,000 of their children.

Canada has put in place a support system that makes us the envy of all other countries. We have made giant strides over the past three decades in reducing the number of low-income seniors. The Canada pension plan has played a vital role in that progress.

Do we really want to do anything to reduce the positive effects of the CPP now and in the future? Actuarial experts have determined

that the CPP is doing very well. It remains viable with its current contribution rates and will continue to do so for the next 50 years.

By reducing the benefits, we would be changing the basis of the Canada pension plan. The government would be breaching an important contract with all Canadian workers. It is a contract that stipulates that people who contribute to the Canada pension plan during their working years are entitled to receive benefits.

Such a change would completely undermine Canadians' trust in and their support for this plan. Do we want to run such a risk? I also have other concerns about the opposition member's bill.

Does Bill C-428 discriminate? It seems to. It targets a specific group, namely people between the age of 60 and 69. It also implies a reduction added to another reduction. It proposes reducing by up to 60% a pension that has already been diminished for people who file an application for benefits before age 65 and who are fully entitled to do so.

This bill would be a real disaster in terms of financial planning for many Canadians. It would disrupt their retirement planning. The CPP benefits they rely on to ensure their income later would be withdrawn.

This bill would end up punishing people who are saving for their retirement. It would be like saying, "Set aside some money so that we can take it all away".

● (1845)

What advantage would there be to saving for retirement? This would discourage even those who might have considered working in retirement.

In addition, Bill C-428 would have an impact on other retirement plan providers. Many retirement plans are integrated plans in which benefits are reduced by the amount of benefits paid under the Canada pension plan.

This reduction in benefits would create a gap that private pension plans could not fill. This would result in a substantially lower retirement income for many Canadians. Bill C-428 would affect the integrity of the Canada pension plan, to the detriment of many Canadians at risk, recipients of disability benefits, women, and senior women living alone in particular. Nearly 90% of recipients of survivor benefits are women.

Bill C-428 would also have a major impact on the husband, wife or common law spouse of individuals whose pension was reduced. If they died, the benefits paid to the survivor would be lower. This is clearly a bad initiative.

*Private Members' Business*

It is true that certain Canadians have greater financial means at their disposal during their retirement. However, they worked their entire lives, they saved money and they contributed to the Canada pension plan, and now that they are retired, we are going to take a significant portion of their CPP pension from them on the pretext that they have a modest but comfortable income.

CPP pension benefits are taxable, like any other kind of income. What about Canadians living outside Canada who pay taxes in their country of residence? Are they exempt from Bill C-428?

Also, the Government of Canada coordinates the CPP, in conjunction with its provincial partners. They must give their approval. Why would the provinces support a measure that could undermine a self-funding, sustainable national pension plan?

This will never happen. We will ensure that it does not. I listed a number of concerns and problems with Bill C-428, and I cannot find a single reason to justify its implementation, not one. Our government is prepared to make moderate changes to the Canada pension plan, when it needs to do so and when the majority of our partners and stakeholders support the proposed changes.

This proposal has no support whatsoever. The Canada pension plan has been responding adequately to the needs of Canadians for over 40 years. It will continue to do so in the coming years, and Canadians can count on us to see to that.

•(1850)

[*English*]

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Madam Speaker, I appreciate the opportunity to respond to the bill introduced by my colleague from Esquimalt—Juan de Fuca.

I have always been interested in pensions, actually long before I was a member of Parliament. Part of that was due to the fact that I was involved in staff relations, union activities and staff associations, and at various times different negotiations took place with respect to the future pension benefits of the people whom I represented.

The other reason I was interested in it, and members may get a chuckle out of this, was for purely mathematical reasons. To watch an annuity grow over time is truly quite an interesting mathematical phenomenon.

I remember when I was teaching at the college level at the Northern Alberta Institute of Technology, there were various times when we got into taking numbers to powers, called exponential functions. We did that when they first invested electronic calculators. I did it in my computer programming courses. I also did it when I taught sections on logarithmic and exponential functions.

I used to have quite a bit of fun with my students. I would write down an expression on the board and have them evaluate it. Then of course we would first have a debate about what the right answer was, because when we had 30 students, usually there would be about 20 different answers to the questions, so we had to first reconcile what the answer was.

One of the examples I used to give them was a function for which I wish I had a visual aid here so I could show it to members. It was quite a complicated function from the mathematics of finance

showing the growth of an annuity to which money was deposited regularly.

I would have the students evaluate this and then I would ask them if they knew what they had computed. I would go through this and ask them what they thought 365 was. They would answer that it was the number of days in a year. I would tell them they were right. Then I would ask what they thought 65 minus 20 was. They would need a little prompting on that, but I would tell them that we expected them to graduate and get a job when they were 20, and they would retire at age 65, so that would make an interval of some 45 years during which they presumably could contribute to their pension.

Five dollars was the amount at that time of a package of cigarettes. Then I had the 0.1 in there which represented 10%, which was a possible return on some RRSPs in those years. These students were always amazed because when they evaluated the function, it came out to, and I just did it again here so I would have the accurate number, \$1,312,001.33. That was the total accumulated value of one pack of cigarettes per day over a working lifetime, from age 20 to age 65.

I challenged my students by saying to them that instead of smoking, why not put it that into an RRSP. If they did that, they would have \$1.3 million in their retirement fund when they retired. I used that as an example.

That is one example of how one can provide for one's future by making regular payments into an annuity, beginning when one is very young. I am sure members have heard people who sell retirement plans and investments talk about the magic of compound interest, and that indeed is one of the examples of it. That is one of the reasons why I have been interested in this over the years.

There are two fundamental questions which need to be answered. When we deal with retirement plans, the first question is, to what extent can those retirement plans be diverted into other necessary plans? For example, we have right now a component in Canada pension which has to do with disability.

•(1855)

Let me emphasize that I have absolutely no problem with having a public social system to assist those who are disabled and who need financial assistance in order to pay for their day to day needs. However, we should honestly ask the question whether that should be administered through a plan like the Canada pension plan, which originally was designed to provide for retirement income.

As I said, I want to emphasize the fact that I am not opposed to helping those people who are disabled. I do not want that point to be misinterpreted. I am not opposed to helping those people who are disabled, but I am not at all sure that we should put it into the mix of a retirement plan. That should be a separate plan and administered separately for the benefit of those who have true needs. It could be a needs assessed plan.

*Adjournment Debate*

The other fundamental question that I think one should ask with respect to retirement plans is this one: Should income for a person's retirement be derived from payments that are made by the present generation? In other words, if I were to retire—and I know there are some Liberals in here who wish I would—should my retirement income be paid for by the young people of this generation? When the pages in here get a job should they have to pay taxes in order to pay me a retirement income? Or should I have contributed to that retirement income myself?

In other words, who should pay for my retirement income? Should I pay for it in those years leading up to my retirement or should the present working generation have to pay for those who are in retirement? This is one place where the Canada pension plan, I believe, was wrongly based foundationally right at the beginning.

**The Acting Speaker (Ms. Bakopanos):** The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

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## ADJOURNMENT PROCEEDINGS

A MOTION TO ADJOURN THE HOUSE UNDER STANDING ORDER 38  
DEEMED TO HAVE BEEN MOVED.

[*English*]

### FIREARMS REGISTRY

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance):** Madam Speaker, Monday was the first day of hunting season in my constituency of Renfrew—Nipissing—Pembroke. The subject of the Liberal gun registry continues to be a hot topic of discussion in rural Canada. I am therefore pleased to rise from my seat not only on behalf of the hunters and sportsmen of my riding but for hunters and sportsmen across Canada.

At every opportunity my constituents encourage me to continue to hold accountable a government that insists on spending hundreds of millions of dollars on a dubious policy that is of questionable value to the people of Canada.

The hunt, as the government probably intended, gets smaller and smaller every year, since hunters are giving up in disgust over the red tape, regulations and costs that are the results of the government's pursuit of law-abiding firearms owners.

The firearms registry is a complete and utter government failure, so it was with surprise that I noted three remarks by the Solicitor General about the firearms registry in response to my question of June 2.

The Solicitor General stated first that the intent of the Liberal gun registry "is not to penalize hunters and legitimate gun owners". The minister then stated that the registry system was working "more efficiently". Third, the Solicitor General remarked that the intent of the gun registry was that it was supposed to "make our streets safer".

Before I continue, I believe it is important to state my party's position on the Liberal Party's gun registry so that there can be no

confusion as to where the Canadian Alliance stands on this issue of the gun registry. The Canadian Alliance firearms policy states the following:

We believe there should be severe mandatory penalties for the criminal use of any weapon. We will replace the current firearms law, including its firearms registration provisions, with a practical firearms control system that is cost effective and respects the rights of Canadians to own and use firearms responsibly. We will especially emphasize a more stringent punishment of individuals who use a firearm or other weapon in the commission of a crime involving a threat of or actual violence.

During the summer of 2002, Dr. Ted Morton, professor of political science at the University of Calgary, prepared a paper entitled "How the Firearms Act (Bill C-68) Violates the Charter of Rights and Freedoms". Professor Morton documented the following charter violations: the right to liberty; the right to security of the person; the right to procedural fairness; the right against unreasonable search and seizure; the right to privacy; the right to be presumed innocent; the right against arbitrary detention; the right to freedom of expression; the right to bear arms; the right to council upon arrest or detention; and the right to property and equality rights.

Dr. Morton's paper goes on to explain:

To the extent that the Firearms Act restricts any of the rights listed above, the burden of proof shifts to the government to prove that such restrictions are "reasonable".

To do this, the Supreme Court has developed the "Oakes test", which requires the government to demonstrate that the Act serves as an important public policy objective; is rationally connected to that objective; impairs the right in issue as little as possible; and does more good than harm (proportionality).

While the purpose of the Firearms Act—the reduction of illegal use of firearm violence—easily qualifies as an important public policy objective, the means used to achieve this objective utterly fail the... three rules of the Oakes test.

● (1900)

**Mr. Alan Tonks (Parliamentary Secretary to the Minister of the Environment, Lib.):** Madam Speaker, I would like to thank the hon. member for Renfrew—Nipissing—Pembroke for the opportunity to rise in the House tonight and provide some up to date and accurate information on compliance with the Firearms Act.

Over the years, opponents of the firearms program have established a virtual cottage industry approach to fabricating and characterizing related to the firearms programs. Their latest creation concerns the number of firearms owners who have yet to register their firearms. This evening I would like to take a moment to reflect on that.

I would like to remind the House that the Firearms Act, which was passed by Parliament in 1995, established the licensing and registration deadlines. It also is this act, which was passed by Parliament, that requires firearms owners to obtain a licence before they can register their firearms.

Today more than 85% of the estimated 2.3 million firearm owners have complied with the licensing requirement of the Firearms Act.

Licensed owners were required to register their guns before the January 1, 2003 deadline. This deadline was not extended. Rather, we put in place a six month grace period to facilitate the processing of late arriving registration applications. We also have included in the grace period those who submitted letters of intent to register. It was incumbent on all those who submitted these letters to send a registration application and obtain their certificates before the grace period ended on June 30.

*Adjournment Debate*

On July 4, 2003, the federal Solicitor General announced that the firearms registration grace period was a success. As of November 1, more than 6.6 million firearms have been registered. That includes more than 300,000 firearms registered since July 1, 2003. The Canada Firearms Centre continues to receive and process firearms registration applications.

These firearms owners have done everything needed to comply with the law and have satisfied the requirements of the Firearms Act. I would encourage anyone who has not yet registered their firearms to do so right away.

It is important to note that properly completed registration applications are processed within 30 days. CAFC also continues to receive more than 2,000 licence applications each week. The firearms program provides an excellent tool for police officers across the country and they are using it on a daily basis.

Since December 1, 1998, the Canadian firearms registry online was queried 2.7 million times by police officers and other law enforcement officials.

As the government has often said, the intent of the Firearms Act is not to make criminals out of responsible, law-abiding Canadians. The main purpose is to protect Canadians from the criminal and accidental misuse of firearms.

As members have seen and as the record shows, the majority of Canadians have complied with the requirements of the Firearms Act. Moreover, that record shows the public interest is best served through a Canadian firearms program that is more efficient and client service oriented while enhancing the safety of our communities.

• (1905)

**Mrs. Cheryl Gallant:** Madam Speaker, how can the government pass 43 orders in council with more than 200 pages of Firearms Act regulations and not find any of them in violation of the charter?

All Canadians should be very concerned about this legislation. It is only firearms owners that are being seriously affected. When one person loses his or her rights, we all lose.

The gun registry penalizes law-abiding firearms owners. It cannot be proven that it makes our streets any safer and it is riddled with errors. It is time to put an end to this. It is time to scrap the gun registry.

Before the government leaves office I want to see a cost benefit analysis. I want to see the government produce the study that shows that it is worth the \$1 billion, \$2 billion, \$3 billion which will be spent on the gun registry in the next few years.

It is time the government is held accountable for the legacy of wasteful spending.

**Mr. Alan Tonks:** Madam Speaker, this is one of those issues where the rights of individuals are weighed against the rights and the higher interest of the total community.

It really is time for those who are opponents of gun control to come around to the realization, with the kind of registration and the millions that have been supported by the citizens of Canada, that citizens of Canada want to see a firearms legislation. They want to see it in place so that the higher interests of the community in terms

of public safety, access to the law enforcement agencies and general heightening of awareness of the responsibility associated with firearms is the framework within which the public interest will be served.

## HEALTH

**Mr. Svend Robinson (Burnaby—Douglas, NDP):** Madam Speaker, on May 28 I asked the Minister of Health a question in the House concerning the tobacco epidemic that costs 45,000 lives every year in Canada. I pointed out that the predecessor to the current Minister of Health had promised on December 1, 2001, a promise that is close to its second anniversary, to ban the labelling of cigarettes described as light or mild.

As well, I noted that a new treaty of the World Health Organization had just come into force in May. The Minister of Health signed that treaty in July, the framework convention on tobacco control, and that treaty requires countries to ban misleading descriptions.

I asked the minister how many more people or kids would start to smoke and how many more smokers would die before the minister finally does what she and the government promised to do almost two years ago, to ban dishonest labelling of cigarettes as light and mild.

Here we are in November 2003, almost two years since the minister's predecessor made that promise, and the government has shamefully taken no action whatsoever to implement the promise.

The European Union has moved ahead. On September 30 the European Union completely banned all labelling of light, low tar and similar descriptions on cigarettes sold in Europe. Cigarettes are now sold basically using colours.

The current minister has said that she will get around to this ban when the ducks are in a row. How many more ducks have to be in a row before this lame duck government finally does the right thing and moves ahead?

I would point out that in the draft regulation that was tabled in December, the government set out the rationale for banning light and mild descriptions. It pointed out that documents from the tobacco industry indicated that it believed that the marketing of brands labelled with these descriptions provided consumer reassurance, may have kept some smokers from quitting, may have delayed cessation in others and may have encouraged more girls and young women to take up smoking because of the implied suggestion of lower risks, milder taste or ease of smoking.

What was said in the proposed regulation was that the Department of Health had determined that removing these descriptions from tobacco product packaging would be a means of health protection and in the best interests of public health.

Shame on the government for not following through on an action that would save lives and that would prevent the dishonesty and deception that suggests that somehow light and mild cigarettes are any less likely to cause the range of serious health problems that tobacco causes.

*Adjournment Debate*

Why is the government not moving ahead? The parliamentary secretary is here with his text prepared from the Department of Health. I plead with him to throw away that text and stand in the House of Commons and tell Canadians that his government will finally honour the promise that was made to protect the health of Canadians and ban these dishonest labels of light and mild on cigarettes in Canada, as the European Union did, effective in September of this year.

• (1910)

[*Translation*]

**Mr. Jeannot Castonguay (Parliamentary Secretary to the Minister of Health, Lib.):** Madam Speaker, I thank my colleague for this opportunity to explain what the department has done about smoking.

As you know, controlling and curbing smoking does not lend itself to simple, short term solutions. As a general comment, despite all we do, it is never enough. We are used to that.

There may be those who think we should be doing more, more quickly, though they should also recognize that over the past few years we have made some very dramatic gains. Hence, let me draw your attention to Canada's track record so far in this area.

We have put into place a number of activities to achieve longer term objectives. Among these activities are a series of initiatives on the regulatory front, developed within a comprehensive approach.

Back in 1997, the government enacted the Tobacco Act. This legislation regulates the manufacture, sale, labelling and promotion of tobacco products in Canada.

A series of regulations have since been adopted that mandated measures such as the pictorial health warnings now displayed on tobacco packaging.

All these measures help set the background for several rounds of effective mass media interventions that we continue to broadcast.

You may remember seeing Barb Tarbox, the anti-smoking advocate who recently died of lung cancer, and Heather Crowe, another advocate with lung cancer caused by years of inhaling second-hand smoke while working as a waitress. These women bring very powerful messages because they are real people telling real stories. Their messages have been as harsh as the reality of chronic diseases and smoking-related deaths.

However, smokers have also had to contend with confusing and often misleading informations about the cigarettes they purchase. I am talking here about the cigarette packages that feature "light" or "mild" claims.

Our research shows that a majority of Canadian smokers choose cigarettes that are labelled "light" or "mild". According to the Canadian Tobacco Use Monitoring Survey, cigarettes labelled as "light", "mild" or the like were preferred by approximately two-thirds of all smokers in Canada.

These cigarettes have the potential to be just as debilitating and lethal as regular cigarettes, yet this is not the message smokers receive when they see these claims.

So, what steps have we taken since December 2001, when a notice of intent was published, indicating that our government was considering developing regulations prohibiting the display of these descriptors on tobacco packaging?

Additional research has been conducted to gain a better understanding of attitudes and the behaviour of smokers who smoke cigarettes that are labelled "light" or "mild". But because of the complexity of the issue, we are continuing to examine the light and mild issue to determine how best to assist Canadian smokers and to tailor any intervention to the Canadian context. Any future regulatory action will be based on solid information and sound reasoning, and will be undertaken at a time most appropriate to make a substantial difference.

Let me conclude my remarks by saying that smokers have the right to know the truth about what they smoke. They do not deserve to be confused by labels claiming "light" and "mild", when the product can cause as much harm as other kinds of cigarettes.

That is why we are continuing to tackle this issue. This government is committed to taking action, the right action.

• (1915)

**Mr. Svend Robinson:** Madam Speaker, that was a totally shameful reply.

The Parliamentary Secretary to the Minister of Health has admitted that Health Canada's research shows beyond a doubt that two-thirds of smokers who smoke light and mild cigarettes think that it will be better for their health, that they are less harmful, when that is decidedly not the case. Thus it is misleading.

But what is the government doing to eliminate this labelling? Nothing. The parliamentary secretary explained to the House that it is a complex issue, and that more research is needed.

How many people must die before this government acts? That is my question for the Parliamentary Secretary to the Minister of Health.

**Mr. Jeannot Castonguay:** Madam Speaker, it is obvious that my hon. friend did not really listen to the answer he was given. I listed all the measures our government has taken to fight tobacco use.

We are all aware that it is a very important issue and that we must continue our efforts, using a variety of methods to make people aware that whatever the form of the cigarettes, whatever quantity of tobacco they contain, they are bad for our health. That is the real message, in the end.

My hon. colleague knows that very well. However, for reasons I am not aware of, he tends to disapprove of our actions, even though they are good for the health of Canadians.

STEEL IMPORTS

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Madam Speaker, I am pleased to speak this evening to elaborate on a subject that is very important to me, which is the situation in the iron and steel industry in Quebec and in Canada. I will also express my disappointment in the ambiguous answer I received from the Secretary of State for International Financial Institutions on October 3.

*Adjournment Debate*

Above all, I would like to stress the importance of the iron and steel industry to Quebec and Canada. There are 17 steel works in Canada, including five in Quebec, two of which are in the riding that I represent in this House. These steel works employ more than 35,000 people, including some 10,000 in Quebec alone.

The steel industry in the town of Contrecoeur, in the riding of Verchères—Les-Patriotes, provides at least 3,000 people with steady employment. This significant industry to Verchères—Les-Patriotes, Quebec and Canada periodically experiences difficulties. It has been under a great deal of pressure since the United States imposed penalties on countries, excluding Canada, that had been proven to dump steel on their market. Quebec and Canadian markets have more been susceptible to dumping ever since.

In March of 2002, the Minister for International Trade was quoted as follows:

If we see any major changes in steel imports into Canada, we will take very prompt action.

We know that such changes did occur, however, and the government did absolutely nothing. What is more, we know that several ships carrying some 80,000 tonnes of reinforcing steel are about to set sail, or may be en route already, for ports in Quebec, the Great Lakes or the east coast.

To give hon. members some idea of what this represents, 80,000 tonnes is the equivalent of the annual output of Stelco McMaster in my riding. The importation of that much cheap steel would have a heavy impact on Canadian and Quebec steel mills, leading to reduced production, temporary or permanent closures, and all the job losses this would entail.

What does the government intend to do about this most disturbing situation? Nothing, if we are to believe the answer of the Secretary of State for International Financial Institutions. I did, however, suggest that the Minister of Finance implement the decision brought down on August 19, 2002 by the Canadian International Trade Tribunal, which would have no repercussions for Canada, since the United States was excluded.

We know that the government is reluctant to implement the tribunal's decisions on steel since several of them involve the United States and it would be difficult to reciprocate by excluding it from the application of the tribunal's decisions without having legal action taken against Canada by other countries under the provisions of the World Trade Organization.

The Secretary of State for International Financial Institutions tried to cloud the issue by answering, and I quote:

—the government is seized with this issue. The government is very much aware of the problems of the international steel market caused by overcapacity and cheap imports. The overcapacity is a global problem that we are attacking on several fronts—

He went on to talk about negotiations within the OECD regarding this overcapacity problem.

We know what brilliant solution this government has to offer with respect to the Canadian contribution to regularizing steel production worldwide: to let market forces operate and let the steel mills in Canada and Quebec that are not competitive enough die. That is at least what officials from the finance, industry and international trade

departments candidly told members of the parliamentary steel caucus on April 22, 2002.

It is time to take action and to take bold steps to help the steel industry in Canada and Quebec.

•(1920)

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, the government is very much aware of the problems of the global steel market caused by global overcapacity.

Indeed, in March 2002, the Government of Canada directed the Canadian International Trade Tribunal to conduct an inquiry into the importation of nine steel products in Canada, including reinforcing bars for concrete, and to make recommendations to address the situation if warranted.

In August 2002, the tribunal came back with its report and recommendations for action on five of the steel products. For four of the five products, the tribunal recommended action against imports from the United States and other countries. For the fifth product, reinforcing bars for concrete, it recommended a surtax against non-U.S. imports only.

The issues raised by the tribunal report were very complex and involved many stakeholders with competing interests. Over the several months following the CITT report, the government consulted extensively with stakeholders, including steel producers and steel users.

On October 6, 2003, the government announced its decision not to impose the surtax on imports that were recommended by the Canadian International Trade Tribunal.

The treatment of imports from the United States and the importance of a smoothly operating integrated North American steel market for both producers and consumers of steel were important considerations in making this decision.

Canada's obligations under international agreements were another important consideration. That said, the government is not sitting idly by.

In fact, the imports of reinforcing bars that the hon. member for Verchères—Les-Patriotes was referring to in his question are already covered under measures taken by the government in the application of Canadian trade remedy law. Imports of reinforcing bars from Turkey and nine other countries are subject to antidumping measures, which are administered by the Canada Customs and Revenue Agency.

These measures ensure that imports of reinforcing bars from Turkey and those nine other countries do not enter the Canadian market at dumped prices that would hurt Canadian steel producers and workers.

In this regard, the Canada Customs and Revenue Agency is currently reviewing the measures to ensure that they reflect the current market situation.

*Adjournment Debate*

• (1925)

**Mr. Stéphane Bergeron:** Madam Speaker, the federal government is pleased with itself, thinking that certain countries known for their propensity to dump steel have been temporarily put on alert by its waffling about whether or not to implement the decisions of the Canadian International Trade Tribunal.

Nevertheless, the potentially positive effects of this strategy, if indeed it has had any positive effects, have definitely gone sour since the federal government unexpectedly announced that it would not be implementing the decisions of the Canadian International Trade Tribunal.

Since these offending countries now know that no measures will be taken against them by the federal government, they will certainly have concluded that our doors are wide open to them, and they can flood our markets with their cheap steel.

What an irresponsible decision. The federal government has to understand that it is its duty to act, in order to avoid having businesses being forced to reduce production or close down, thereby causing considerable unemployment.

I call upon the government to at least implement the CITT decisions that do not affect the United States. Now is the time for action, before it is too late.

[*English*]

**Mr. Geoff Regan:** Madam Speaker, the government has taken steps to find long term solutions to the problems facing the Canadian steel industry.

On October 6, for example, the government announced the creation of a North American steel trade committee with the United States and Mexico to ensure that steel trade in North America operated as efficiently as possible for the maximum benefit of both producers and users.

The committee will allow our three countries to discuss common approaches in global discussions aimed at addressing steel issues. The government and the Canadian steel industry will work together in this committee.

Canada is also actively engaged in discussions at the OECD with major steel producing countries to bring an end to steel subsidies and steel overcapacity worldwide, the root causes of the problems in steel trade.

The government has been and remains deeply committed to enforcing Canadian laws that protect the Canadian steel industry and other sectors of the Canadian economy against unfairly traded imports.

[*Translation*]

**The Acting Speaker (Ms. Bakopanos):** The motion to adjourn the House is now deemed to have been adopted.

[*English*]

Accordingly, the House stands adjourned until tomorrow at 2 p. m., pursuant to Standing Order 24(1).

(The House adjourned at 7:27 p.m.)

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