CANADA

# House of Commons Debates

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**OFFICIAL REPORT**
**(HANSARD)**

## Monday, November 1, 1999

**Speaker: The Honourable Gilbert Parent**

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# HOUSE OF COMMONS

**Monday, November 1, 1999**

The House met at 11 a.m.

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*Prayers*

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• (1105)

## POINTS OF ORDER

COMMITTEES OF THE HOUSE

**Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I believe you would find unanimous consent for the following motion:

That the standing committee on aboriginal affairs be authorized to travel to Victoria, Vancouver, Terrace, Prince George and Smithers, British Columbia, during the week of November 14 to 20, 1999, during its consideration of Bill C-9, an act to give effect to the Nisga'a Final Agreement; and

That, during its consideration of matters pursuant to Standing Order 83.1, the Standing Committee on Finance be authorized to adjourn from place to place within Canada and to permit the television broadcasting of its proceedings thereon; and that the said committee be permitted in 1999 to make its report pursuant to the said standing order on or before December 10, 1999.

**The Speaker:** Does the hon. member have the permission of the House to put the motion?

**Some hon. members:** Agreed.

**The Speaker:** The House has heard the terms of the motion. Shall I dispense?

**Some hon. members:** Agreed.

**Some hon. members:** No.

[*Editor's Note: Chair read text of motion to House*]

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

**Some hon. members:** Agreed.

(Motion agreed to)

# GOVERNMENT ORDERS

[*English*]

## NISGA'A FINAL AGREEMENT ACT

BILL C-9—TIME ALLOCATION MOTION

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

That in relation to Bill C-9, an act to give effect to the Nisga'a Final Agreement, not more than one further sitting day shall be allotted to the consideration of the second reading stage of the said bill and, fifteen minutes before the expiry of the time provided for government business on the day allotted to the consideration of the second reading 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 stage of the bill then under consideration shall be put forthwith and successively without further debate or amendment.

• (1110 )

**Mr. Randy White:** Mr. Speaker, I rise on a point of order. I would like the Chair to note that the official opposition has only been given a matter of hours to debate this issue and already the government is moving time allocation. I question why the government would do such a thing.

**The Speaker:** That is surely a point of interest, but not a point of order.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

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

● (1155 )

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

(*Division No. 47*)

YEAS

Members

Alcock
Assadourian
Axworthy (Winnipeg South Centre)
Bakopanos
Bélanger
Bennett
Bevilacqua
Bonin
Bryden
Caccia
Cannis
Carroll
Chamberlain
Charbonneau
Coderre
Comuzzi
DeVillers
Dion
Drouin
Easter
Folco
Godfrey
Graham
Grose
Harb
Iftody
Jennings
Karetak-Lindell
Kilgour (Edmonton Southeast)
Kraft Sloan
Lavigne
Leung
Longfield
Mahoney
Marleau
Matthews
McGuire
McLellan (Edmonton West)
McWhinney
Minna
Murray
Nault
O'Brien (Labrador)
Paradis
Patry
Peterson
Pillitteri
Proud
Reed
Robillard
Saada
Sekora
Shepherd
St. Denis
Stewart (Brant)
Szabo
Thibeault
Valeri
Volpe
Wilfert
Assad
Augustine
Baker
Bélair
Bellemare
Bertrand
Blondin-Andrew
Boudria
Bulte
Calder
Caplan
Catterall
Chan
Clouthier
Collenette
Cullen
Dhaliwal
Dromisky
Duhamel
Eggleton
Gagliano
Goodale
Gray (Windsor West)
Guarnieri
Harvard
Jackson
Jordan
Kilger (Stormont—Dundas—Charlottenburgh)
Knutson
Lastewka
Lee
Lincoln
MacAulay
Maloney
Martin (LaSalle—Émard)
McCormick
McKay (Scarborough East)
McTeague
Mifflin
Mitchell
Myers
Normand
O'Reilly
Parrish
Peric
Phinney
Pratt
Redman
Richardson
Rock
Scott (Fredericton)
Serré
Speller
St-Julien
Stewart (Northumberland)
Telegdi
Torsney
Vanclief
Whelan
Wood—120

NAYS

Members

Ablonczy
Bailey
Bergeron
Brien
Cadman
Chrétien (Frontenac—Mégantic)
de Savoye
Doyle
Duncan
Forseth
Gauthier
Goldring
Grewal
Hanger
Herron
Hill (Prince George—Peace River)
Keddy (South Shore)
Kerpan
Lowther
Manning
Martin (Esquimalt—Juan de Fuca)
Mayfield
Morrison
Obhrai
Picard (Drummond)
Proctor
Ritz
Schmidt
Solberg
Stinson
Strahl
Turp
Wayne
Bachand (Saint-Jean)
Bellehumeur
Borotsik
Brison
Casson
Davies
Debien
Duceppe
Epp
Gagnon
Gilmour
Gouk
Guimond
Harris
Hill (Macleod)
Hilstrom
Kenney (Calgary Southeast)
Konrad
MacKay (Pictou—Antigonish—Guysborough)
Marchand
Martin (Winnipeg Centre)
Mills (Red Deer)
Nystrom
Penson
Price
Reynolds
Robinson
Scott (Skeena)
St-Hilaire
Stoffer
Thompson (Wild Rose)
Venne
White (Langley—Abbotsford)—66

PAIRED MEMBERS

Adams
Anderson
Bigras
Byrne
Cauchon
Dalphond-Guiral
Discepola
Fry
Guay
Keyes
Laurin
Malhi
Marceau
Mills (Broadview—Greenwood)
Perron
Sauvageau
Tremblay (Rimouski—Mitis)
Alarie
Beaumier
Brown
Cardin
Copps
Desrochers
Dumas
Godin (Châteauguay)
Ianno
Lalonde
Loubier
Manley
Mercier
Pagtakhan
Pettigrew
Tremblay (Lac-Saint-Jean)
Wappel

**The Speaker:** I declare the motion agreed to.

**Mrs. Sue Barnes:** Mr. Speaker, I rise on a point of order. I was delayed on my aircraft. I would have loved to have voted with my government.

SECOND READING

The House resumed from October 27 consideration of the motion that Bill C-9, an act to give effect to the Nisga'a Final Agreement, be now read a second time and referred to a committee, of the amendment and of the amendment to the amendment.

**Mr. Richard M. Harris (Prince George—Bulkley Valley, Ref.):** Madam Speaker, it is obvious from the noise on the Liberal members' side of the House that Bill C-9 is not an important bill to them. Therefore they are not really concerned, as they have demonstrated on a number of occasions, about hearing the voices of the people of British Columbia, the province that will see the impact of this ill planned and ill conceived bill that is wrought with peril, should it proceed.

• (1200)

I am speaking about Bill C-9, the Nisga'a final agreement act. Before I go any further I want to point out to anyone who is watching and any of the Liberal members who would care to listen what the government has done to the people of British Columbia, and indeed to the people of Canada.

**Some hon. members:** Oh, oh.

**Mr. Richard M. Harris:** Could we please have some order in the House, Madam Speaker. This is very disrespectful.

**The Acting Speaker (Ms. Thibeault):** Order, please. I ask members to listen out of courtesy to the hon. member who is now speaking to Bill C-9.

**Mr. Richard M. Harris:** For those who care to listen, it is important to point out before we get into the real debate on the Nisga'a in my presentation the Liberal government has brought in what is commonly known as debate closure or time allocation on Bill C-9, a government bill which involves some $1.3 billion of taxpayer money.

It involves several thousands of square kilometres in the province of British Columbia. It involves establishing, for lack of better words, a self-governing nation in the province of British Columbia. By the way it was the NDP Government of British Columbia that pushed through its legislation, totally ignored the call for referendum and more debate or even some form of serious public inclusion in the negotiations of the Nisga'a agreement. That call was disregarded by the provincial Government of British Columbia.

In essence, the 96% or 97% of the people of British Columbia, the taxpayers, the people who have lived there for generations and have voiced opposition to the Nisga'a agreement, were ignored by the Government of British Columbia and now they are being ignored by the Government of Canada.

These elected representatives have a mandate to look at what is in the best interest of the country, be it national or regional, and to make decisions which reflect a concern that the result of this decision will not result in more conflict for years to come. Certainly their handling of Bill C-9, the Nisga'a agreement, has no representation of those factors in any respect.

Not only have they cut off debate on Bill C-9. Not only have they clearly demonstrated that they are not willing to listen to the voices of the people of British Columbia. That voice is represented in a huge way by the members of parliament in the Reform Party, the official opposition, of whom well over 20 come from the province of British Columbia. They are not willing to listen to the hon. member for Skeena, the Reform Party's chief critic for Indian affairs. By the way, the Nisga'a land claim area is in his riding. There is probably no one in the House who knows the situation better than the hon. member for Skeena. There is probably no one who has talked to more people in that area of the country than the member for Skeena. There is no one who knows the implications and the effect that will be caused by the Nisga'a agreement better than the member for Skeena.

• (1205)

We, his colleagues in the House, have drawn from not only what he has clearly given us through the information he has provided but have drawn from the people in our ridings.

My riding of Prince George—Bulkley Valley is not too far from the Nisga'a land claims area. In case members think that by being a few hundred miles away the effect loses something, I point out that in the spring of this year we had a meeting on this very subject in my riding in Prince George, B.C. In the neighbourhood of 500 people came out to discuss the Nisga'a agreement, so the concern is there.

We in the Reform Party recognize that what has been the status quo for treating native concerns in the country over decades and generations simply has not worked. Surely anyone in the House who took the time to look even once a year at the auditor general's report could clearly see in the report that the auditor general year after year after year cast a huge amount of criticism on the operation of the department of Indian affairs operations, the way natives are treated, the total lack of accountability for the funding, the billions upon billions of dollars of funding that have gone into native programs, and the zero accountability. The signing a few years ago of this alternative funding agreement has simply made matters worse.

Members would only have to look at the last six years of auditor general's reports to see exactly what I am talking about. The auditor general brought in his report and talked about the disaster that has occurred in the department of Indian affairs; the different ministers', once they have had a crack at it, running of that ministry; and the inherent disaster because they continue to follow a path of total confusion, to a point where there is no light at the end of the tunnel.

The minister of Indian affairs stands in the House and thanks the auditor general for pointing out these things to the government and

assures us that they have taken note and will take steps to address them. The same criticism comes back the next year.

In the case of Bill C-9, the Nisga'a agreement, this is the worst possible thing the Liberals could do. They have no idea of the impact this will have on not only British Columbia but on Canada as a whole. They have no idea because they have refused for decades to strike out in a new direction to try a different approach than just the same old thing that has not worked.

• (1210 )

Despite the tens and hundreds of billions of dollars this government and previous governments have spent on native programs the fact is, and they know it, that the standard of living, the social conditions and the lifestyle have not changed in 35 years. The lifestyle of average band members, despite the billions of dollars, has not changed. That is evidence that something is wrong, and they know it.

* * *

## BUSINESS OF THE HOUSE

**Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.):** Madam Speaker, I rise on a point of order. I wish to inform the House that the party scheduled to propose a motion on the allotted day tomorrow has requested that the day be moved to Thursday. In the interest of co-operation that permeates throughout the House today, I wish to unallot tomorrow and designate Thursday, November 4, instead as the allotted day pursuant to Standing Order 81.

* * *

## NISGA'A FINAL AGREEMENT ACT

The House resumed consideration of the motion that Bill C-9, an act to give effect to the Nisga'a final agreement, be read the second time and referred to a committee, of the amendment and of the amendment to the amendment.

**Mr. Randy White (Langley—Abbotsford, Ref.):** Madam Speaker, I want to talk a bit about democracy in the House of Commons and what is going on with the Nisga'a agreement.

I want to make very clear that once this bill went into committee we expected the government to travel to British Columbia at the very least, but more important across the nation, to get input into whether or not people agree with the ramifications of the agreement.

It took my colleagues in this place all day Friday, all day today and basically even prior to that last Thursday to try to convince government members that the proper thing to do was to travel to the areas where the agreement affects people most. They did not want to travel. Basically every committee of the House travels when bills are before them. At times I wonder why they travel on bills that do not have major ramifications. However this bill does.

Originally we asked and expected that the committee would travel to Prince George. We originally said Kamloops. The government said Prince George because there would be less of a hassle there. Then there was Terrace, Vancouver, Victoria and Smithers. The fight was over Smithers.

Government members did not want to go to Smithers to talk about this matter because they felt undue pressure would be put on them by the concerns expressed by the people about the Nisga'a agreement. They did not want it. It happens that the people who have concerns in Smithers, by and large, are the Gitksan, other aboriginals in dispute who say that this is an overlapping agreement. Government members do not want to hear that. They just want the agreement to come to Ottawa and they will sign it, and away we all go. We won a little battle on that one, which should not have taken place in the first place.

We found this morning when we came into the House of Commons that they called time allocation, which limits the amount of time we get to speak. The Reform Party, the only party that is in opposition to this matter, has had only four hours and 12 minutes to speak to a bill which costs Canadian taxpayers approximately $1.3 billion and has flaws in it. They called time allocation so we will actually get a total of six hours to speak to it.

This tells the people of British Columbia to go to hell. That is what government members are saying. They do not care about their views. They do not care about overlapping claims. They do not care about the amount of money being spent. They just want to sign the agreement. The Government of British Columbia, a government with 38% of the popular vote, is the most unpopular government in the history of British Columbia, the most current unpopular government in North America. It is hard to believe the Liberals refuse to look at it.

• (1215)

An NDP member from the socialists over here says that will change but it will not change.

Before I get into the agreement itself I have another point. What is the role of any opposition party? Is is not just the official opposition party, there are other parties, the NDP such as it is, the separatists, and Joe what's his name and the other fellows.

We are supposed to be critiquing bills in the House of Commons. Has anybody read this or even questioned the amount of money, $1.3 billion? We say it is that and others say it is $500 million. Others say it is $1 billion. Even that issue alone is worthy of opposition by all opposition parties. That is what this House is about, yet time and again the other three parties in this place support the government. Why? It is because they are not looking at the content of the agreement. They are basically looking at

whether or not they might be able to salvage a few votes out of the people who might agree with the bill. That is what this is all about.

**An hon. member:** We just voted with you.

**Mr. Randy White:** Yes, both of you. It is amazing. Members of the NDP are trying to justify their position. They vote more often with the government than not. It is the same with the other parties.

I want to make a point about seven Liberal members of parliament from British Columbia. Why is it that they voted for time allocation and why is that they are voting for this bill when after we polled their ridings we found that there is no support for it? They come to the House having been told by the government whip that they will vote for the Nisga'a agreement whether they like it or not.

We sent polls to 534,000 homes in British Columbia and 10,000 returned. That is an extensive poll. It showed that in British Columbia 91.5% want their MP to vote against Nisga'a. It is not 60% or 70% which is high, it is 91.5%. Does that viewpoint carry forward here through members of parliament at voting time? No. We just saw the opposite from the Liberals and three NDP from British Columbia.

Of the Liberal ridings targeted, opposition to Nisga'a among respondents ranges from 81.5% to 94% in those ridings alone. Yet those members stood and voted for it.

Oftentimes we hear members say they do not know much about the agreement. My colleague from Skeena knows more about aboriginal agreements than anybody else in the House. Our caucus makes a point of studying the agreements. There is one point alone as to why the opposition parties should have been in opposition to it.

On page 217, paragraphs 3 and 4 of chapter 16 read:

> 3. From time to time Canada and British Columbia, together or separately, may negotiate with the Nisga'a nation, and attempt to reach agreement on:
>
> (a) the extent, if any, to which Canada or British Columbia will provide to Nisga'a lisims government or a Nisga'a village government direct taxation authority over persons other than Nisga'a citizens, on Nisga'a lands; and
>
> (b) the co-ordination of Nisga'a lisims government or Nisga'a village government taxation of any person with existing federal or provincial tax systems.
>
> 4. Nisga'a lisims government and Nisga'a village governments may make laws in respect of the implementation of any taxation agreement entered into with Canada or British Columbia.

● (1220 )

If that does not beat all. I cannot believe the other three opposition parties in the House of Commons would allow taxation without representation and would allow treaties with that in it without debating it in the House. I do not understand why.

One day in the not too distant future, similar difficulties with these treaties will come into our homes and into other areas of the country. I hope we convince the other parties over here to at least have the commitment and the courage to stand up in the House of Commons, amid all the worry of the rhetorical comments, and bring to the attention of this nation the problems that are involved with these treaties.

[*Translation*]

**Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.):** Madam Speaker, we have repeatedly heard the arguments of our esteemed colleagues in the Reform Party. They have repeatedly been shown that their allegations run totally contrary to fact.

The Nisga'a final agreement represents an important page in Canadian history. That is why I want to take this opportunity to set out a number of these facts, once again.

First and foremost, I must point out that the Nisga'a treaty was negotiated within the context of the Constitution of Canada. All of the provisions set out in the treaty may be realized within the scope of the Constitution as it stands. I hope members will allow me to elaborate.

Section 35 of the Constitution Act, 1982, recognizes and confirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada. However, we do not know specifically the nature and scope of these rights.

Unsettled claims involving ancestral rights, have, in many instances, slowed economic development. Accordingly, in an effort to define ancestral rights, a number of issues have been put before Canadian courts.

We have learned a lot about ancestral rights through the decisions of these courts, but this new knowledge was not enough to resolve once and for all the disputes arising from the claims that are still being made in this regard.

In the most recent cases relating to the existence and nature of ancestral rights in British Columbia, the Supreme Court of Canada concluded that, if there were no treaties, provincial lands could be subject to ancestral rights.

On the other hand—and this is more important still—the courts declared that ancestral rights are group and region specific. In other words, when the courts examine questions relating to ancestral rights, they do so according to the specific facts presented to them, and in relation to the specific group involved.

Consequently, if certain general principles arise out of the current case law, we still cannot count on court decisions to reach conclusions on ancestral rights which could be applicable to all regions of Canada or of British Columbia.

It can take up to ten years for a decision to be brought down in certain cases relating to ancestral rights. What is more, a specific decision might not settle issues applicable to other regions. Let us imagine then, how long it will take and how costly it will be to settle the issues that are still outstanding in British Columbia. It is inconceivable. We also need to keep in mind that, in certain cases, general acceptance of the outcome is not likely to be easy.

Like the courts, the present government agrees that the best way of settling outstanding issues relating to ancestral rights is to take the negotiation route rather than the legal one. Litigation involves conflict and can damage good relations, while negotiation involves reaching mutually acceptable solutions and establishing better relations. This is the approach favoured by Canada.

In Canada, treaties are the traditional method of negotiating solutions to outstanding ancestral rights issues. As with existing ancestral rights, treaty rights are also recognized and confirmed under section 35 of the Constitution Act, 1982.

The treaties covering most of Canada were signed prior to 1927. However, this process was never carried through to completion in British Columbia. The Nisga'a treaty is the first modern treaty to be signed in British Columbia. It definitively resolves the outstanding ancestral claims of the Nisga'a. These concern primarily rights to land and resources, and the right to self-government.

● (1225)

In 1995, the Hon. Ronald A. Irwin published a guide entitled ''The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government''.

This approach signals an evolution in the long established thinking on this issue. For decades, Canadians looked for ways of reconciling the prior presence of aboriginals in this country with the sovereignty of the state.

Long before the arrival of the Europeans, aboriginals lived in this country and managed their own affairs. In British Columbia, and in other regions, the First Nations had well established social systems and forms of government.

Under section 35 of the Constitution Act, 1982, existing ancestral rights are recognized and confirmed. The federal policy on the inherent right of self-government adopted in 1995 recognized that the rights provided for under section 35 included the right to self-government. This shows that Canada is prepared to negotiate concrete and attainable agreements in this regard and to include them in treaties.

There are differing opinions on the scope of inherent rights, as there are on other ancestral rights. The present government, however, has chosen to resolve self-government issues by negotiating concrete agreements according to the Canadian constitutional and legal framework.

If I may, I would like to give a brief explanation of how a negotiated agreement works in the current constitutional context in relation to ancestral rights to self-government.

The Constitution Act of 1867 determines the legislative jurisdictions of the federal and provincial governments. These are defined primarily in sections 91 and 92 of that Act.

The scope of ancestral right to self-government may vary according to the specific situation of the first nations community involved. Consequently, under section 35, the ancestral right to self-government must be considered on a case-by-case basis.

That is what happened with the Nisga'a. The Nisga'a final agreement does not merely define all rights relating to lands and resources to be enjoyed by the Nisga'a according to section 35 of the Constitution Act, 1982, it also identifies the rights to self-government they will have under that same section. The Nisga'a treaty makes no change to the federal and provincial areas of jurisdiction defined in sections 91 and 92 of the Constitution Act of 1867.

According to some, the Nisga'a final agreement created, de facto, a third level of government and this would require a constitutional amendment. The significance of a third level of government is not clear; what is clear is that the Nisga'a final agreement works well within the present constitutional context.

The protection of rights under section 35 of our Constitution does not mean that these rights are inflexible, as some critics would have us believe. Although protected under section 35, they are not absolute.

A number of Supreme Court of Canada decisions have confirmed that governments still exercise a general power, but have to justify any interference into ancestral or treaty rights. The Nisga'a government will evidently carry out its activities within the Canadian constitutional context.

Anyone who has consulted the final agreement knows that the Canadian Charter of Rights and Freedoms will apply to the Nisga'a government. This means that Nisga'a laws will be subject to the charter, like the entire decision making process of the Nisga'a government with respect to such things as licensing or the sale of lands. The Nisga'a government will have to comply with the charter like any other government.

At the risk of repeating what has been said over and over again, federal and provincial laws, including the Criminal Code, will apply on Nisga'a land once the treaty takes effect. Although in

certain isolated instances, Nisga'a law may prevail, the Nisga'a will have no exclusive legislative powers. Theirs will be a parallel legislative model.

The Nisga'a laws will take precedence in issues of internal management exclusive to the Nisga'a only. They may be, for example, laws concerning their culture, their language or the management of their land or their assets.

In all other instances, federal and provincial legislation will take precedence, otherwise the Nisga'a laws will have to meet federal or provincial standards or exceed them to be enforceable.

It should be clear to all those carefully examining the Nisga'a treaty that it falls perfectly within the scope of the Canadian Constitution.

• (1230)

Perhaps those who claim that the Nisga'a final agreement is unenforceable without an amendment to the Constitution of Canada simply do not understand the importance of negotiating the reconciliation of ancestral rights within the Canadian federation. Do these people perhaps want to be able to impose arbitrary solutions unilaterally? For our part, we are in favour of negotiation and reconciliation.

We all know where unilateral decisions might lead. History is full of examples of solutions imposed by one group on another. Where feasible, lasting agreements are more easily reached when they have the support of all those to whom they apply.

To conclude, the Nisga'a final agreement is a solution that has been negotiated within the Canadian confederation. It reconciles the rights of the Nisga'a with the sovereign rights of the government, as well as respecting the interests of other Canadians.

I strongly urge all members to put behind them the erroneous and petty arguments advanced by Reform Party members and to support the implementation of the necessary legislation.

In ratifying this treaty and giving it effect through this bill, we will be welcoming the Nisga'a into the Canadian family, while at the same time respecting their dignity and giving them the means to protect their culture and their language.

[*English*]

**Mr. Ken Epp:** Madam Speaker, I rise on a point of order. Since the government member speaks authoritatively on behalf of the government, I wonder whether we could have unanimous consent to pose some questions to him.

**The Acting Speaker (Ms. Thibeault):** Is there unanimous consent to ask the member questions?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Chuck Cadman (Surrey North, Ref.):** Madam Speaker, I am most pleased to have the opportunity to speak today to the historic Nisga'a final agreement.

As a member of parliament from British Columbia, my constituents will certainly be impacted in a number of ways on the issue which we are now debating.

We have already seen emotional and antagonistic reactions to the Nisga'a final agreement. I encourage all members in this place to please study the agreement in a calm and rational manner and to please spend the time and the effort to properly review the debate and the process of the legislation. It really does us no good to become involved in heated exchanges and it certainly does our constituents no good if we do not properly review what is now before us.

The legislation appears to be the start of what may become a series of agreements with a number of our aboriginal citizens of this country. As a precedent we must ensure that what is being done is right for all Canadians, both the Nisga'a who will be most acutely affected by this agreement, and the non-Nisga'a who will also be influenced in a number of ways.

I note the title of what we are currently being asked to study. It is called the Nisga'a final agreement. That bothers me. It does not have to be the final agreement. With all due respect, changes can be made and have to be made. This is an agreement between the Nisga'a people, the province of British Columbia and the Minister of Indian Affairs and Northern Development. The agreement is binding on the parties, but the Minister of Indian Affairs and Northern Development only recommends agreement to this place.

It is up to each and every member of parliament now to decide whether to accept this agreement, whether the agreement requires change or whether the agreement is unacceptable and must be rejected. As it states within the agreement, the former minister only warranted her participation to the extent of her authority. She signed the agreement as the Minister of Indian Affairs and Northern Development. She had no more authority than that. I realize that she may well have had cabinet support for her actions, but she definitely was not acting on behalf of this place. That is why we are now tasked with review, comment and a vote. We should not and cannot shirk this responsibility.

As I said, the title, Nisga'a final agreement, troubles me. We are not being presented with a fait accompli. This legislation is just like any legislation that comes before us. We must do our job and

ensure that it is correct and proper. We must ensure that it accomplishes our aims in the fairest and most effective manner.

As I stated above, the agreement is between the Nisga'a, the province of B.C. and the Minister of Indian Affairs and Northern Development. Those parties need only ratify any changes or amendments made by this place. In fact, the agreement makes specific reference to amendments as decided by the parties.

I will now express the concerns I have with specific parts of this agreement.

Canadians will hear a lot about paragraph 13 of chapter 2 concerning the general provisions of this agreement. It states:

> Federal and provincial laws apply to the Nisga'a Nation. . .but:
>
> (a) in the event of an inconsistency or conflict between this Agreement and the provisions of any federal or provincial law, this Agreement will prevail to the extent of the inconsistency or conflict.

● (1235 )

**Mr. Charlie Penson:** Madam Speaker, I rise on a point of order. I hesitate to interrupt my hon. colleague. I know that he has many important points to make. However, I would note that there is not one Liberal member in the House and on an important debate like this I think that is very improper.

**Mr. Chuck Cadman:** Madam Speaker, I thank my colleague for his point of order.

There is a provision recognizing the supremacy of the charter of rights and freedoms, but it is clear that paragraph 13 states that federal and provincial laws take second place to this agreement. The agreement must prevail whenever there is an inconsistency or conflict between the agreement and our provincial or federal laws.

I would now like to illustrate some of my concern over this provision which retains primacy of the law to this agreement.

I would like to refer to chapter 12 of the agreement. Chapter 12 covers the administration of justice. I note that in paragraph 1 the Nisga'a government has the power to provide a Nisga'a police service. That is no problem as this provision has been permitted on a number of our aboriginal lands across the country.

My concern is with paragraph 4(a)(iii), which provides that the Nisga'a people will be permitted to create laws regarding the use of force by members of the Nisga'a police service as long as those laws are in substantial conformity with provincial legislation. I am concerned that the agreement is limited to require the Nisga'a laws only to conform to provincial legislation.

There is substantial and effective law on the use of force by police officers within the Criminal Code of Canada. There appears to be no requirement for the Nisga'a to conform to the federal law in this regard.

This surely cannot be the intent of the government. Section 25 of the criminal code provides our peace officers with statutory authority in the use of force while administering and enforcing the law. This section protects peace officers across Canada, but there is a question as to whether it will protect the members of the Nisga'a police service should the Nisga'a government go that route.

Furthermore, I wonder whether the Nisga'a people will be at risk if we do not have the same legislated rules for the utilization of force by Nisga'a law enforcement personnel. Will members of the Nisga'a police service have broader or greater powers in regard to the use of force than is presently provided for within the criminal code?

This whole section on the administration of justice makes me wonder whether the federal position was asleep at the switch in the drafting of the agreement. As I have just stated, there is no mention of ensuring that federal law with respect to the use of force is maintained.

There also does not appear to be any provision to recognize federal police officers who in the course of their duties are required to operate within Nisga'a lands. Paragraph 15 of this section recognizes the possibility of a ''provincial or other police constable'' performing duties within the Nisga'a lands, but there is no mention of federal police officers.

When reading the agreement in its totality it often refers to provincial and municipal police services, but it does not mention our federal law enforcement personnel. The agreement recognizes and accepts the need for these provincial and municipal police services to, at times, effect duties and responsibilities on Nisga'a lands. I can readily see the issuance of subpoenas, arrest warrants and investigative inquiry causing outside police officers to enter Nisga'a territory, but I can also see the necessity of federal officers, such as the RCMP, to do the same. I can immediately think of the RCMP Prime Minister's protection detail operating within the Nisga'a lands should the Prime Minister ever decide to visit that area of this country. I can think of RCMP officers involved in drug investigations and customs and immigration work, perhaps organized crime and white collar crime.

I am concerned that the agreement seems to be silent in this regard. Is the federal government abdicating its responsibility for federal policing under this agreement? If not, why is the federal aspect of policing not specifically included within the agreement?

This legislation cries out for review, debate and amendment. Initial indications from the government lead us to conclude that

changes are just not to be considered. The Nisga'a people themselves will be disadvantaged by this Liberal government policy. The people of British Columbia will be negatively affected. The precedence of this legislation will in turn affect other native bands and citizens of other provinces.

I urge members of the government to reflect on what they are doing. Too often members on the opposite side of this place take their marching orders from the Prime Minister's office and cabinet and fail to stop inappropriate and ill-advised legislation from passing into law.

● (1240 )

I conducted a poll in my constituency of Surrey North. Admittedly, it was not a scientific poll. However, 83% of the respondents were opposed to the current form of the Nisga'a agreement. A full 77% were completely opposed to the process which was employed to get the agreement.

I am glad the government, in its wisdom, which I question, will send the aboriginal affairs committee to British Columbia. I think the government will have its eyes opened because the numbers which I have quoted are reflective of the feeling in British Columbia.

I thank the House for providing me the opportunity to express these concerns over Bill C-9, the Nisga'a final agreement act.

**Mr. Charlie Penson (Peace River, Ref.):** Madam Speaker, I am glad to have the opportunity today to debate Bill C-9, the Nisga'a implementation treaty.

What I am really disappointed about is the way the whole thing has developed. We have seen again the government's misuse of government power. Time allocation was imposed on the Nisga'a bill at second reading, which was something like the 58th time the Liberal government has used time allocation or cut off debate since 1993. It took Brian Mulroney's administration nine years to get to that figure, but the Liberal government only took six. This is a terrible affront to Canadian citizens. This is a very historic moment in our time. I believe historians will look back at this time and ask ''What were they thinking about? Why was debate cut off? Why did they not discuss the very wide implications of what they were doing?''

In regard to the Nisga'a itself, there has been a considerable change in the attitude of the courts since the NDP government of B.C. was elected in 1991. There are no treaties in effect in B.C. and there never were. Therefore, there is some need to do that. There has been a tremendous change in the B.C. NDP government. It has essentially acquiesced. It did not put up a fight in regard to these land claims. It let the supreme court make decisions without any argument on the con side.

The reason I say that it will be an historic debate and an historic time for Canada is partly because of what the Indian affairs minister said a few days ago, which is on the minds of most Canadians. It will be on the minds of more Canadians as they learn more about this treaty and where we are going. What the Indian affairs minister said was that what we are doing with the Delgamuukw, the Nisga'a and the east coast lobster fishery is leading to a claim on all the resources of Canada.

I see it in my riding of Peace River where the former minister of Indian affairs and northern development came up with a memorandum of understanding about opening up all of Treaty 8. One hundred years after Treaty 8 was signed, the minister has now reached an agreement, which says in essence that we are going to open it up, we are going to give them more money and more land. It would be a done deal were it not for the Alberta government saying ''Just a minute. There are a lot of claims on that land through resource companies, forestry, oil and gas interests. This is public land''.

What effect has it had in my riding? It has had the serious effect of really depressing investment. Who would invest when they do not know who the owner will be and what the terms will be as a result of that ownership?

The minister let the cat out of the bag, but essentially most people need to be very clearly aware that this is just a first step in a very long journey.

Let us deal with that for a moment. When our ancestors came to this country I do not think there was anyone who did not recognize that the aboriginal people were the first people here. That is an absolute given. Did they have the use of the land? Of course they did. They had the use of the land before we got here.

There are now about 300,000 aboriginal people living on reserve. There are about 400,000 living off reserve. Because things have gone off the rails so badly on the reserves they do not even participate. They are living in other areas off reserve, mostly in cities such as Winnipeg. That leaves over 29 million other Canadians who have to be dealt with. We have to come to some kind of accommodation here. It does not mean that we will give away the entire country to 300,000 on reserve and 400,000 off reserve. Is that the answer? Of course not.

● (1245)

A lot of us came from other areas. My ancestors came from Scotland, a land that was taken away by the English. Does that mean I should put in a land claim there? Some of my ancestors came from France, from the religious wars, from the Protestant side that were driven out of France. I am going to France for a vacation this year. Do I look up to see where my ancestors came from and put in a land claim there? Of course not. We simply have to treat people on the basis of equality in the country; equal opportunity for everybody involved.

I want to say from the outset what the Reform Party is saying about how we should be treating aboriginal people in Canada. It is all on the basis of equality. We want a fresh start for all aboriginal people. I have several reserves in my riding. I see the poverty there. I also see rich people who hire expert advisers from the United States paying them $150,000 a year for advice on medical facilities and on all kinds of things to try to start businesses on reserves. They are leeches living off the system. Other people are living in abject poverty on those reserves. Is that what we want to perpetuate? I do not think so.

We want aboriginal people to be full and equal partners in Canadian society. We want aboriginal women to be full and equal partners both on and off reserve. We want aboriginal families to be protected by the same laws that govern non-aboriginal families. We want aboriginal people to have the same rights and protections that every Canadian enjoys. We want to eliminate the discriminatory barriers that widen the gulf between aboriginal and non-aboriginal people. I see this every day in my riding. We want to ensure a bright future for all Canadians regardless of the colour of their skins. What we are looking for is equality for all.

How will the treaty accommodate that? I would suggest that it fails miserably. People will become aware, just as they did with the Charlottetown accord, the great debate on the constitution, and with the Meech Lake accord before that, of the contents of the Nisga'a treaty and the wider implications for all Canadians.

A Liberal member from southwestern Ontario found out first-hand what happens when there is a land claim in an area. The Indian affairs department buys up farmland and pays exorbitant prices in order to accumulate enough land for a reserve. The local farmers cannot compete for the land. That is the kind of awareness I am talking about.

I suggest at some point there will be a land claim made for the Bay Street area of Toronto. Members should try to put some numbers together on what that will cost because the aboriginal people were there first and had the use of that land. Is that going to be the criteria by which we judge this? The finance department should come up with an estimate of what the cost might be.

I just want to read a *Globe and Mail* article that was in the paper this weekend. It states:

> This week, the Finance Department produced a $200 billion figure—the worst-case scenario if Canada's native communities getting everything they are currently claiming in litigation and land claims. It is a staggering amount, more than what Ottawa collects each year on taxes and revenues.
>
> Even so, the figure is incomplete:

It is incomplete because it does not include what the government has already spent on settlements. It does not account for the several thousand lawsuits that have yet to be filed. It does not account for the additional 57 major land claims, including the bulk of the province of British Columbia.

Even while we are debating the Nisga'a treaty, other groups living in the area are saying ''No, that is partly our land. You have taken some of our land in this Nisga'a agreement and we have a claim in on that land as well''. We see there are overlapping claims. If we read our history books we know that the earlier explorers who came out here knew that the land changed hands. There were wars from time time. It was in one group's possession at a certain time and in another group's possession at another time.

What is the cost? It is $200 billion and counting. We have a government that is completely out of control. I want to talk about the local implications for my riding and for the national scene.

• (1250)

I will now talk about a good friend of mine, Archie Calliou, who is now deceased. He was an Indian who never took a treaty. I met with him many times and he would say to me ''Charlie, the sooner this system is beaten down and every aboriginal person on earth has equality of status the same as the rest us the better''. He would tell me that his father told him to never take a treaty because he would be on welfare the rest of his life.

He married a woman from the Sucker Creek Band at High Prairie who had been on treaty. She got away from the treaty and began working in a hospital in the Beaverlodge area. They owned a home, had a holiday trailer and took vacations. He worked for years and years on substance abuse on reserves. He said that if the system was allowed to continue, 100 years from now it would be exactly the same. There would be a tremendous waste of the potential of aboriginal people. He said that the reserve system had to be broken down. There are no property rights on reserve and no incentive for somebody who really wants to get ahead because it is communal property. He said that the sooner we did away with the system the better.

I am voting against the bill. I think every Canadian should be aware of the serious implications it poses.

**Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.):** Mr. Speaker, I rise to speak to Bill C-9, an act to give effect to the Nisga'a final agreement.

First, I want to assure the Nisga'a people, other great native groups and all my constituents that my interest in the bill is to address the need for a better future for the Nisga'a people and all those under the Indian Act, in relationship with each other and other Canadians.

We understand that after years of negotiation within a framework dictated by the Indian Act but controlled by the federal

government and Indian affairs, most Nisga'a leaders feel that they have no alternative but this agreement. British Columbians have been wrongly told that it is this deal or nothing.

Official opposition MPs are not similarly tainted. We question and oppose because we do not believe the agreement is, in the long term perspective, in the best interests of the Nisga'a people, the long range interests of aboriginals throughout B.C., or in the interests of the people of Canada.

Canada can do much better than this. It is first the Nisga'a of future generations who will have to live with the practical consequences of the so-called final agreement. All British Columbians are being experimented with by an Ottawa mentality on aboriginal affairs. We should therefore pay particular attention in the House to what B.C. MPs say on the matter. Members of the House should also recognize what all British Columbians already know; that the NDP government in B.C. has manipulated much of the agreement process. It has never had a clear, specific political mandate from British Columbians to deliver such an agreement.

On this day, much is before the courts as the deal drives a wedge between aboriginal groups, between British Columbians and will likely disturb much across the country. Ontario is going to feel the effect of the agreement or arrangement in the future. It can only be hoped that by the time the debate is over Canadians from all parts of Canada will understand that the bill and the agreement to which it gives effect have ramifications for them. It is my estimation that many of those impacts are negative. In respect of bringing the country together, it is negative, from the aspect of the principle of equality and equity for all, where we need to strive to realize better than before, one people, one land, one land.

Sadly, the agreement goes in the other direction. The fiscal impacts will be negative. The resource management impacts will be negative, like those of the Marshall case. The impact on aboriginal and non-aboriginal relations will be negative. This is not simply a bill or an agreement affecting a particular group of aboriginal people in British Columbia. The nature and style of it will copied throughout Canada.

My constituents seem to be telling me that the deal appears to divide people and perpetuate discord and likely will not significantly help local social life, to give a hand up out of subsistence levels. My community has goodwill and deeply desires aboriginal success so that we all together fulfil talent and achieve more cultural respect, autonomy and self-reliance.

I clearly speak for my community when I say that the voters want native peoples to succeed, maintain identity and have all of what the aboriginal forefathers have desired for their people. Sadly, the agreement has the potential to bring more sorrow and disappointment when the grand objectives and overstated government media displays are not realized by aboriginal young people who have had expectations raised. When they are dashed they will seek someone to blame.

There are major defects in the deal. The first is that the current approach grants special legal, social and economic status to people based on membership in a minority group. That is what ''Status Indian'' means and is defined in law. It arises out of a confusion between ''rights'' and ''benefits'' and how best to move forward.

● (1255)

The second defect is that it provides for undemocratic and unaccountable governments. The current approach to aboriginal political development fails to demand or to ensure genuine fiscal and democratic accountability from local aboriginal governments to their own people. Therefore, aboriginal people do not have the most elementary grip on their own governmental institutions.

There is a grassroots movement starting among ordinary aboriginals demanding fiscal and democratic accountability from their leaders and from Indian affairs. In frustration, they come to our party when they are shut out by their local leadership and when their pleas are ignored by the federal government. So far their voice has been largely unheeded. I see no clear reflection of their concerns in the agreement we are being asked to quickly pass this week.

The third big defect in the approach that is perpetuated in the bill is that it is based largely on socialist economics, collective ownership of land and resources, government ownership of land and resources and excessive regulation with little market discipline. There is an absence on reserves of the most basic of property rights and contract rights. There is a near absence of free markets in housing, labour and capital.

Where has all this worn out traditional approach led? Where has special status and socialist economics led? It has not led to prosperity for aboriginal people. It has yielded poverty, misery and despair for too many. It has also led to a series of court cases that are further poisoning relations between aboriginals and non-aboriginals. In addition, the billions of dollars that Canadians commit to Indian affairs every year is now leading to an additional contingent liability to all Canadians of up to a possible $200 billion.

Now specifically when one reads the terms of the agreement, too many times there appears words to the effect that details will be worked out in the future without guarantees of democratic process or accountability to an electorate. Specifically, the Nisga'a alone will be able to determine who is on their list of being considered a Nisga'a person and who is not. They will make their own laws about who can legally be a Nisga'a. Canada has very limited power about who is or is not a Canadian, and certainly the provinces and municipalities do not control entry and entitlement to vote or to receive benefits through control of citizenship membership status. The specific term ''Nisga'a citizenship'' is used in the agreement,

and they will be able to banish or de-list or refuse to admit anyone they desire according to the rules they have yet to pass within their government.

If there is a conflict in this area between federal and provincial law, it clearly states on page 167, sections 39 and 40 that Nisga'a law is paramount. This is a sweeping powerful tool for any government to control dissidents or political opposition from entitlements and participation. It is a concern when the use of banishment and other disenfranchised tools is well known in current aboriginal practice in Canada.

This is just one example of the well-meaning but fatally flawed construction of this misguided agreement. I do not believe in special legal status for anyone, and most British Columbians never have. It is our view to Quebec or any group. This is a formula for social disaster. It is different from targeted social benefits that can help.

The world is changing rapidly and if Canadians are to be able to continue to provide food and shelter for themselves in the global village, they will have to adapt to changing ways to participate in the world economy. The key is full participation in the world, not isolation from it. However, in order to participate and thereby benefit, one needs to purchase an admittance ticket. Stamped on that ticket of admittance to obtain sustenance in the new economy are the words ''skills'' and ''education''. That ticket must be purchased through individual effort and merit.

The agreement does little to anticipate the future of the world and how all of us need to be ready to participate and earn the basic necessities of life. We all must ''earn'' our way by creating wealth that comes from being in a market. Indeed, most of the employment on Nisga'a lands will either be with the Nisga'a government or with the Nisga'a government owned corporations. The isolated socialist collective of Nisga'a will likely remain dependent if their members do not move to participate in the global economy.

I do not think the specific terms will help average individuals within the territory of the agreement. It is hard to see how lasting goodwill will come when so many basic principles of democracy, economics and accountability have been violated. However, form often follows function and when wrong ideas and false assumptions narrow the range of choices, the shape of destiny will always be sadly lacking, if not bringing deep sorrow.

The mandate to negotiate and the manner in which it was done by B.C. politicians is discredited. The arrangement will not bring about lasting reconciliation. It certainly is not final in the ordinary sense of paying.

• (1300)

Much is to be worked out in the future and it is written in vague terms. Fairness is very elusive in the package. Its emphasis is to separate rather than bring together. Legal equality principles have been abandoned. In such experiments we must support equality, democracy, accountability, the coupling of entitlement with responsibility, tolerance of diversity and mobility rights so they are intertwined in settlements with Canadian natives. It is of grave importance when we assess the proposal for embedding by treaty small closed societies in a large, complex and open society that itself is struggling to keep its place in a changing world.

Although my speaking time has run out, Canadians will be dealing with this agreement for generations to come and the social disturbance and shattered dreams will likely perpetuate for a long time.

**Mr. Bill Gilmour (Nanaimo—Alberni, Ref.):** Mr. Speaker, I am pleased to have the opportunity to address Bill C-9, the Nisga'a final agreement act.

Many of my colleagues have addressed the serious concerns shared by British Columbians regarding the Nisga'a bill, but the bottom line is that this is deeply flawed legislation. The agreement was negotiated in secret. It was negotiated by a provincial government that has faced numerous scandals and which now has the lowest approval rating of any elected government in Canada. The Liberals may want to look at the process in B.C. and see what it did to that government because it is going to do the same thing to the government here. Those who try to force legislation down the throats of people who do not want it will pay the political price.

There was no active consultation in B.C. The member for Vancouver Island North went into this in great detail. He was our party's aboriginal affairs critic in the last parliament. In his speech last week, he went through in detail how the consultation process simply did not work. He said that it was smoke and mirrors, that there was no listening, no involvement. Because of that, British Columbians want to have a referendum. They want their chance to have a say. They do not feel the provincial government or the federal government are listening to the people of B.C.

What is the answer from the government side? That it is too complex of an issue, that a referendum simply is not going to work.

People are not that stupid. They understand the ramifications. They see the inequality. They see the holes in this agreement. Quite frankly they do not trust many of their politicians. They want to have a say. There is nothing wrong with that. There have been referendums before that have worked.

A referendum that worked was the Charlottetown accord. Canadians voted down ethnic based legislation. They said no. They voted it down no more strongly than in British Columbia. They simply said that equality was the way to go and this government is going in exactly the opposite direction. That is typical of this

government. It has bungled legislation over the last six years we have been in opposition.

The public service pension bill was considered a few months ago. The government is raiding the pension fund for $30 billion. Remember it is the government that promised to scrap, abolish and kill the GST but we still have it.

In many ways that is the Trudeau solution. It goes back that far. Trudeau's Canada did not include the west. He had no understanding of the west. He did not comprehend anything beyond upper and lower Canada, Ontario and Quebec. That was his Canada.

This government's vision is very much Trudeau's vision. It is insisting on forcing controversial treaties on British Columbians. Bear in mind that this is the first treaty of many that are going to spread right across the country. There is no support. There is no support in British Columbia for this type of legislation. It is not surprising that the Trudeau legacy simply does not work.

• (1305)

Look at Alberta, the province next door to B.C. The national energy program throttled Alberta's booming oil economy. What is different in this case? Nothing, other than it is British Columbia's turn to get the Liberal boot.

This heavy-handed government is not going to allow forthright debate in the House. A few hours ago the government moved time allocation on the bill which means that the opposition parties and even the government cannot fully debate it. The government said no, that is enough. At the end of today there will be a vote and it will be a done deal. It will be over. Is that democracy? Is that where we are going with the government?

I would like to broaden the picture. The Nisga'a agreement is the tip of the iceberg. The government and the courts, particularly with the charter, are taking us in a direction I do not believe Canadians want to go. They are taking us away from equality into areas where special groups have special rights.

The Nisga'a deal and the Marshall decision on the east coast have given us an inkling of where this country is going. We are going to be in turmoil over the next number of years. I can refer to the Musqueam reserve in Vancouver where the leases on land with $150,000 and $200,000 homes are being taken over. A lease is now $25,000 a year and people are being thrown out of their houses.

The Marshall decision simply said that Donald Marshall had the right to fish for eels. It has expanded to lobster. We now see it affecting snow crab. The Sable Island oil deal is now on hold because the natives want to be heard. Logging in British Columbia and New Brunswick is being undertaken against the will of the provincial governments. That is where this treaty is taking us. It points out the lack of vision on the part of the government.

What is the vision? Where did the government see this parliament and this country going? Are we headed to become a group of separate societies? That is where the government is taking us. Natives will have separate rights. We have seen what is happening in Quebec. Is that the vision? Is that where we are going? It is a shotgun approach.

Do we want to have equality? Do we want to have a country where the laws are the same? Despite one's ancestry, despite one's race, despite one's sex, whatever, the laws are the same. I thought that was what Canada was all about but apparently not because the government and the courts are taking us in a completely different direction.

The Nisga'a deal is the tip of the iceberg. The provincial NDP and the federal Liberals are ramming this agreement through against the will particularly of British Columbians. We can see where this is taking us.

The Marshall decision is another example of where we are going or perhaps where we do not want to go. The newspapers have shown many cases where natives have decided that the natural resources are theirs. It started with Donald Marshall and the ability to fish for eels and it has now gone to oil and gas. My colleague from northern Alberta was talking about what is happening with the oil industry. There are other natural resources, such as timber. Where is it going to stop? Where are we going?

The supreme court has brought down decisions which are against the will of this parliament. Parliament has laid down what is supposed to be the rules for the laws of this land. Yet the judges have decided that they know better and are circumventing the will of parliament.

• (1310)

That is the bigger issue of what we are talking about with Nisga'a. It is the bigger issue of where Canadians should be looking to the future, of where they want the government to go. What is the vision of the government? Where do we want the country to end up? Do we want a group of separate fiefdoms or do we want equality and togetherness? I believe we want to be united with one set of rules for all in one country.

**Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.):** Mr. Speaker, I suppose I should open by offering my eternal heartfelt thanks to the governing party for giving me the privilege of speaking in the House because it has the opinion that nobody is allowed to speak unless the Prime Minister and his minions believe it is okay. Here I am, one of the chosen few.

Some people might want to know why I am speaking on behalf of British Columbia because clearly I am not a British Columbian. However, the ramifications of the Nisga'a treaty extend far beyond the boundaries of British Columbia. This is not simply a provincial

issue. It is a national issue. It is about the balkanization of Canada. It is about legislated race based government.

It has often been said that insanity is doing the same thing over and over again, always with the expectation of a different and better result. What we see here is the extension of more than 130 years of policies by successive Canadian governments toward the native people based on racial segregation, paternalism and legislated inequality.

Treaties, the reserve system and the department of Indian affairs have conspired to keep Indians out of the social and economic mainstream, but only for their own good of course. The Nisga'a treaty will not only perpetuate the evils of separate status, it will accentuate them.

One does not have to be terribly observant to see what has happened to Indian people under the system which the government likes so well and now wishes to extend to the Nisga'a, a group of people which up until now has not had a treaty and has been relatively independent. Are they entitled to a land settlement? I would say yes, of course, but not in the shopworn treaty concept of collectivism. Let each adult have a piece of land to manage, dwell upon, sell or whatever as he or she sees fit, just as European settlers could do with their homesteads or land grants.

Why, where, when and how did we introduce this concept of communal land ownership, which is socialism, into the Canadian mainstream? Give the people substantial seed money to establish themselves, but give it to individuals, not to some unaccountable collective, and let that be the end of it. End this cycle of dependency. Throw away the bureaucratic urge to subordinate Indian people to bureaucrats or to an Indian elite. Stop treating them like dependent children and financing the venture by stripping the hides off the backs of other Canadians.

I have a long memory. It is rather instructive that a former Minister of Indian Affairs and Northern Development, the current Prime Minister, had some progressive ideas on the subject. He introduced a white paper that recognized the evils of the old collectivism with these ringing words: ''To be an Indian is to lack power, the power to act as owner of your own lands, the power to spend your own money and, too often, the power to change your own condition. To be an Indian must be to be free, free to develop Indian cultures in an environment of legal, social and economic equality with other Canadians''. Note the word equality.

● (1315)

The white paper proposed to repeal the Indian Act and wind down the Department of Indian Affairs and Northern Development within five years. It went on to state:

> The Government believes that its policies must lead to the full free and non-discriminatory participation of Indian people in Canadian society.

The paper recommended that dependency be replaced by equal status, opportunity and responsibility. The paper stated ''it is no longer acceptable that Indian people should be outside and apart''. Those are fine words, but we all know what happened.

The current Prime Minister continued for a year or so to speak eloquently in favour of an end to the determination of status by race. Even that great collectivist, Pierre Elliott Trudeau, jumped on to the equality bandwagon with these words:

> —the road of different status has led to a blind alley of deprivation and frustration. This road. . .cannot lead to. . .equality. The government will offer another road that would gradually lead away from different status to full social, economic and political participation in Canadian life. This is the choice.

What happened? The chiefs and the Indian affairs bureaucrats fought like tigers to retain their powers and privileges. The dilatory Trudeau lost interest and the minister, now the Prime Minister, made a strategic retreat. Had he followed through with his ideas, racial integration would be an established fact and many of the horrors of life on reserves and in urban Indian ghettos would be behind us. It is useless to dwell on what might have been, but surely we can try to move forward instead of reinforcing the same old mistakes.

It is time to put aside historical divisions and bind up the wounds of injustice from another century. The fact that some of our European ancestors felt free to treat Indians as an inconvenient life form to be displaced in the name of progress does not make me guilty of anything. I did not participate. Nor is the fact that some Indians—not the Nisga'a by the way—killed some white people, who pressed them beyond endurance, a matter of consequence for the 21st century. This is the new age. We cannot continue to wear the scars of the past.

My ancestors arrived in North America hundreds of years ago. Does that entitle me to more rights and privileges than first or second generation Canadians? I think not. The ancestors of the Nisga'a reached this continent thousands of years ago. Does that mean they should be treated differently from the rest of us? I submit that it does not. We must remember that the Nisga'a do not have an existing treaty to set them apart from other Canadians, but the government is deliberately proposing to create a different status.

The legislated entrenchment of social and political differences along racial lines in the United States was known as segregation. A handful of determined activists created a few ripples of dissent which ultimately grew to a great wave that washed away an evil system. Even South Africa, which I have been told modelled its racially based homelands on Canada's Indian reserves, now recognizes that all people are equal before the law regardless of skin pigmentation.

Some may say that when our society becomes more mature we will be able to remove inequalities from the proposed arrangements with the Nisga'a. Sadly the more noxious and discriminatory

clauses of the treaty will be immune to correction by a future government because they will be constitutionally entrenched. If we proceed with this folly, future generations including the Nisga'a will justly curse us and curse this parliament for the race based balkanization of our country.

● (1320 )

**Mr. Dick Proctor (Palliser, NDP):** Madam Speaker, I am pleased to take part in this debate. Like the previous speaker I am not from the province of British Columbia. I do not represent that riding, but that is where any similarities end with regard to my support for this treaty.

The treaty was signed in August 1998 and has been ratified by the Nisga'a people and by a free vote in the B.C. legislature. Ratification by parliament is the final step.

The Nisga'a final agreement sets aside approximately 2,000 square kilometres of the Nass River valley as the Nisga'a land and establishes a Nisga'a central government with jurisdiction similar to that of other local governments. Two thousand square kilometres sounds like a significant piece of property and it is. I note that it is about 25% of the size of the constituency I have the privilege of representing in Saskatchewan.

Under the final agreement the Nisga'a will own surface and subsurface resources on Nisga'a lands and have a share of the salmon stocks in the Nass area wildlife harvest. The final agreement also provides the Nisga'a financial transfer of some $190 million payable over 15 years as well as $21.5 million in other financial benefits.

We believe that the payment will support economic growth in the region and help to break the cycle of dependency that has endured over the centuries. In addition, the final agreement specifies that personal tax exemptions for Nisga'a citizens will be phased out.

The criminal code, the Canadian Charter of Rights and Freedoms, and other provincial and federal laws of general application shall continue to apply. These provisions and others are comprehensibly set out in the final agreement.

The treaty provides for a total of $253 million in one time payments to the Nisga'a over 15 years from this government. The B.C. government has contributed land valued at slightly in excess of $100 million, another $37.5 million in forgone forestry revenue and $40 million for paving highways in the area. In addition, a fiscal financing agreement is in place to transfer money to the Nisga'a for social services. Ninety per cent of that is already being transferred so we are talking about a 10% increase in that area. Finally a known source revenue agreement details how the Nisga'a government revenue will phase in to reduce federal transfers.

I want to emphasize, as I said a few moments ago, that over time the Nisga'a will become much more self-sufficient than is the case at the outset.

With regard to surface and subsurface resources such as logging, fishing and minerals, they will be managed by the Nisga'a in accordance with provincial laws and regulations. Unlike other treaties the Nisga'a final agreement does not require the Nisga'a to surrender their rights under the constitution. That is important because it was recommended by the Royal Commission on Aboriginal People and this treaty has been agreed to without such a clause. It is therefore seen as a way to coexist rather than a means to have aboriginals surrender their rights in exchange for a treaty.

We believe that the level of public and legislative debate on the final agreement has been unprecedented in the province of British Columbia. It included hundreds of public meetings, province-wide public hearings by an all-party committee of the legislature, and media coverage across the province. It is noteworthy that in the legislature there were more than 120 hours of debate, which I am told is more debate than on any other piece of legislation in B.C. history.

**An hon. member:** Certainly not here.

**Mr. Dick Proctor:** Not here. I agree with the hon. member, and that is why we voted against the time allocation motion earlier today.

We support the treaty. We are proud that our New Democratic Party provincial colleagues in British Columbia have taken this historic step. The Nisga'a treaty was 20 years in the making and its signing is an important step toward stability and certainty for all British Columbians. We are hopeful that the post-treaty era will bring greater stability and more opportunity for economic development.

● (1325)

I will answer some of the questions I have been sitting here listening to for some time. We hear repeatedly that it is a race based treaty. We do not accept that. We think it is based on justice, fairness and stability. We think this treaty may make laws so that non-aboriginal people may indeed become Nisga'a citizens. That is provided for in the agreement. It also protects the rights of non-Nisga'a people living on Nisga'a lands.

We also hear calls that a referendum should be held on this matter in the province of British Columbia. There has been a great deal of consultation on the bill. There is neither the requirement nor the need for such a referendum.

I will close by noting that the treaty transfer of ownership of the land collectively to the Nisga'a people allows for the protection of property rights. It allows for various ways for people to privately own the land they live on. It specifically says that individuals

cannot get less in terms of property rights than they already have. They can only get more.

Finally, we have heard that the treaty denies all rights to Nisga'a women. There is absolutely no basis for this claim. Women's rights are protected by the charter of rights and freedoms which applies to Nisga'a law.

We support the treaty. We are proud that our NDP colleagues in B.C. have taken this historic step to rectify wrongs of the past. We note that it is 20 years in the making and that it is an important step toward stability and certainty. We want to help aboriginal people not only in British Columbia but across the country build stronger, more self-reliant communities.

**Mr. Myron Thompson:** Madam Speaker, I rise on a point of order. I commend the last speaker on his remarks regarding the agreement, but I also ask because of his ability to look at legislation and his interest in these kinds of things if we could have unanimous consent for a five minute question period of this member.

**The Acting Speaker (Ms. Thibeault):** The hon. member is asking for unanimous consent to ask questions of the member. Is that agreed?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Gurmant Grewal (Surrey Central, Ref.):** Madam Speaker, after listening to the amusing speech of the NDP member, I rise on behalf of the people of Surrey Central to speak in opposition to Bill C-9, the Liberal government's Nisga'a final agreement act.

The Leader of the Opposition who delivered the best speech in the House, as well as our critic for Indian affairs and a number of my colleagues in the Reform Party have already spoken in opposition to the passing of the bill.

All of us on this side of the House as members of the official opposition party feel compassion for the Nisga'a people. Our sole interest in the debate on this bill is to establish a new and better future for the Nisga'a people in relation to each other and to other Canadians. We understand that this agreement is all the Nisga'a people could hope to achieve.

After years and years of negotiation within a framework dictated by the Indian Act but controlled by the federal government and Indian affairs most Nisga'a leaders feel they have no alternative to this agreement and the principles on which it is based. For them it is this or nothing. We understand that. I am sad they are forced to support it.

The official opposition will oppose the bill because we do not believe the agreement is in the long range interest of the Nisga'a people, the long range interest of the British Columbian people and the long range interest of the people of Canada. We are proud that we are the only party in the House opposing the passage of the bill through the House. We want all Canadians, particularly our aboriginal brothers and sisters, to know and remember that. History will absolve us.

Although we are alone in our opposition in the House, outside the House we have support from academics, legal experts, aboriginals and many others including the government's own B.C. Liberal cousins, the B.C. Liberal Party. All Liberals do not think alike, if they ever do.

• (1330)

They are all warning about the flaws in this treaty. They are warning about the impact of this treaty on future and present treaties with our aboriginal people. Almost 90% of the constituents of the seven members of the Liberal Party who represent B.C. do not support their position on the Nisga'a treaty.

The Reform's position is that this agreement contradicts one of the key founding principles of the Reform Party, namely that we believe in true equality for Canadian citizens with equal rights and responsibilities for all.

We want equality for all Canadians. We want a new start for aboriginal people in Canada. We want them to be full and equal participants in Canadian society, with the same rights and protections that every Canadian enjoys. We want aboriginal women to be full and equal partners both on and off reserve. The Nisga'a final agreement does not meet these requirements.

It took years and this agreement was created behind closed doors. The B.C. government denied the people of B.C. a referendum on whether to accept the treaty. There was very little public input. The B.C. government passed the agreement through the provincial legislature by invoking closure on the debate before it was completed. The NDP government of B.C. which supported this agreement is on its way out.

It appears that the federal Liberal government will pass the agreement through this House regardless of how much debate is allowed.

There will be many injustices caused by this precedent setting treaty. Our future generations will not forgive this Liberal government for passing this treaty. It is the same Liberal government that refuses to listen to the critical reports of the auditor general.

How do we differ from the government? Unlike the Liberals, we believe that many of the impacts of the Nisga'a agreement will be negative. The fiscal impacts will be negative. The resource management impacts will be negative, like those of the Marshall case, and the impact on aboriginal and non-aboriginal relations will be negative.

The underlying approach to aboriginal government and economic development ratified by this bill is absolutely wrong. The underlying principles are defective and will not lead to the desired ends. An entirely different approach to aboriginal self-government and economic development based on better principles is desperately needed for the 21st century.

No one is proud of the system. No one is proud of the approach or the track record of the government in terms of tackling poverty, illness, violence, family breakdown, shortened lifespans and the despair that has been caused for thousands of people.

The unemployment, mortality, illiteracy, suicide and incarceration rates on reserve among aboriginal people, particularly young people, are the consequences of the legacy of 130 years of Liberal and Tory governments. Of course there are some exceptions. Some bands have a high standard of living. Some individuals have made progress. However, these are the exceptions rather than the rule. They have succeeded in spite of the system, not because of it.

There are three problems with the Liberal approach to aboriginal agreements. The big problem is the special status granted to aboriginals based on race; not based on need, but based on race. That is what status Indian means and it is defined in statute. That status denies aboriginals many of the political and economic tools available to other Canadians, from responsible self-government to all the tools of the marketplace and private enterprise for economic development. That status builds barriers rather than bridges between aboriginals and the rest of the Canadian community.

The second defect of the current approach is that it provides for undemocratic and unaccountable governments. The current approach to aboriginal political development fails to demand or to provide genuine fiscal and democratic accountability from local aboriginal governments. The federal government has failed to provide responsible government for aboriginals in either the fiscal or democratic sense at the local level.

The third problem is aboriginal economic development. The Liberals and the Tories have based this on socialist economics, collective ownership of land and resources, government ownership of land and resources, and excessive regulation of every economic activity on Nisga'a land.

• (1335)

Today we have the impact of the Delgamuukw decision by the courts that puts a lien on virtually every acre of land in British Columbia.

Another example is the chaos created in the east coast fishery by one supreme court decision based on an interpretation of the faulty approach to economic development.

Now we have the Nisga'a agreement that is based on 19th century thinking instead of a 21st century approach.

This agreement proposes laws that will override federal and provincial law. The taxation regime perpetuates special status based on ethnicity. It perpetuates access to resources based on race. These elements will lead to nothing but conflict.

The mistakes the government is making today will produce effects in the years to come. Future generations will not forgive. The help our aboriginal people need should be based on their needs and wants, not race. We have recognized those needs. Based on those needs we have to help our aboriginal brothers and sisters. Many years down the road we will face dire consequences if we treat people based on race and not need.

**Mr. Howard Hilstrom (Selkirk—Interlake, Ref.):** Madam Speaker, I am pleased to speak on behalf of the people of Selkirk—Interlake. I intend to address this issue in a limited way due to the complexity of the Nisga'a treaty.

The Nisga'a treaty has arrived in this parliament to be debated and passed, or not passed, as members of the House decide. I would like to say from the outset that I am against the signing of this treaty for the simple reason that contained within this lengthy document is a large question as to whether the Parliament of Canada has supremacy over this land and over the laws we all live by.

That the supremacy of parliament has been supplanted to the degree that is possible within this agreement I think bodes poorly for the future of our country and our children; not only Canadian children of non-Nisga'a descent, but also Nisga'a children and future generations of Nisga'a people.

The people of Selkirk—Interlake and I support the signing of treaties and support negotiations with aboriginal people. Within my riding we have firsthand experience with this process in that we have lands being added to our reserves through purchases and additions to the land holdings of aboriginal people. We certainly see that there is nothing wrong with that.

The problem, which I will restate briefly, is the question of who is ultimately supreme with regard to the functioning of society within geographic boundaries. I believe it is purported by the government that the boundaries of Canada are still from the Queen Charlotte Islands, past Victoria, right through to Newfoundland and past Prince Edward Island. This contiguous land mass is meant to be governed by this parliament.

I have a problem with whether Canadians really understand and know what is going on, whether they understand and know what is happening to their country. They may well, on full information, be willing to say that it is a great treaty and it is just what they are looking for. The problem is, that has not been done to this point in time. The chance for Canadians to really understand was contained

within this debate in the House. What do I see in regard to parliamentary democracy, the give and take of debate, the understanding of the issue? I see limited participation on the part of Liberal members. I see limited opportunity for us to question ministers, parliamentary secretaries and other members of the government who speak on this issue.

● (1340)

Canadians have to know absolutely, to understand and to buy into it in order to have the future that I perceive we should have in Canada, a future of peace and harmony. If Canadians do not fully understand this treaty, all of a sudden they will wake up to see disputes between aboriginal tribes over borders. We have already seen it in the case of Nunavut. Islands off the shore of Quebec have been claimed by both the Quebec Cree and by Nunavut.

Why would we be setting up future problems in our country? We see neighbouring aboriginal first nations to the Nisga'a already disputing portions of the land that will fall under Nisga'a control. It does not seem sensible to proceed with this treaty, vote it into law and then proceed to negotiate and fight through the courts for many years. Animosity will build among native people, as well as among native and white people.

I am looking at background material which has been provided by the government. It says that the Nisga'a government may make laws in respect of a number of areas, including citizenship, language and culture. It also indicates that the criminal code will form part of the criminal law of the Nisga'a land. The problem arises in the administration of justice. I will deal with this from the concept of organized crime.

Organized crime operates solely on accumulating wealth. When it comes to combating organized crime, the only way it can be done effectively is by having an overriding supreme parliament and a national police force that is capable of and has the authority to conduct investigations on every square inch of Canadian land and into every corporation subject to Canadian law. In this case there will be, in effect, Nisga'a crown corporations set up to do Nisga'a business.

Under this administration of justice the Nisga'a will have their own police service. What is in the Nisga'a document that will guarantee that the RCMP will be able to conduct investigations without having the Nisga'a government saying no, the RCMP will not investigate a given corporation, or it will not investigate a certain set of individuals?

Anyone who says it is entirely unlikely that the Nisga'a people will be involved in organized crime does not know very much about organized crime. Organized crime is prevalent throughout this country. Every society, every race, every background has individuals who are involved. It is paramount that the Canadian government, through parliament, have the authority and the ability to conduct investigations into organized crime on Nisga'a land and within Nisga'a corporations.

● (1345)

Corporations and businesses are the very means by which money is laundered in this organized crime scheme. Those in organized crime find it very difficult to launder their money so they can account for it without its being recognized as having come from the sale of drugs or other illegitimate means.

If parliament is not supreme, the Nisga'a government can stop or thwart investigations. This has been done in the United States where there are all kinds of problems between jurisdictions. Organized crime could flourish through the corporations which are set up to administer the collective on the Nisga'a land. This is a great concern and relates back to the supremacy of parliament.

In South Dakota there was a similar set-up with regard to the supremacy of the state legislature as opposed to aboriginal land. There is a farm with 859,000 hogs on a piece of land in South Dakota. It is and will continue to be an environmental disaster. Where is the supremacy of the federal government of the United States over that kind of environmental damage?

I am against this treaty because the material has not been put out to Canadians. It is not 100% clear on jurisdiction. It is not 100% clear on who is in charge. As a result, I see nothing but problems for Canada and the Nisga'a people in the future.

**Mr. John Finlay (Oxford, Lib.):** Madam Speaker, I would like to speak about one of the most important features of the Nisga'a final agreement, one that goes to the very fabric of democracy and justice.

We have heard a lot of talk in recent years and recent days about the need for governments to be accountable. It is one of those things which distinguishes a democratic system from other political systems and it is one of the central features of the Nisga'a government as proposed in this treaty.

Political, legal and financial accountability is expected of governments in Canada. Accordingly they must answer to the Canadian public with regard to the decisions they make, the funds they receive and the money they spend. If governments are not perceived as being sufficiently accountable, they are replaced at election time. That is the bottom line.

We ensure accountable governments by demanding transparent and fair mechanisms, for example, clear and open processes of lawmaking such as we practise in this House. Decision making must be established, as well as procedures for appeal or review of those laws or decisions. The Nisga'a final agreement does exactly that. Accountability is one of the central themes of the treaty chapters on Nisga'a government, fiscal relations, the Nisga'a constitution and the fiscal financing agreement.

The Nisga'a government will be a democratic government that is accountable to its citizens. The Nisga'a constitution will be one of the key elements ensuring accountability of the Nisga'a government. This treaty requires that elections be held at least every five years. The Nisga'a constitution sets out a system of financial administration and conflict of interest rules that are comparable to standards generally accepted for governments in Canada. All adult Nisga'a can vote and hold office.

The final agreement requires that the Nisga'a constitution set out procedures to enact laws and a means to challenge the validity of those laws. In addition, the treaty provides for a strong majority in order to amend the Nisga'a constitution. Initially there is a requirement that an amendment be approved by at least 70% of Nisga'a citizens voting in a referendum. This is a high threshold but fittingly so.

The Nisga'a people themselves recognize the importance of accountability. Indeed their constitution requires each office holder to take an oath of office to provide good effective and accountable government for the Nisga'a nation as a whole.

● (1350 )

That is not all. The final agreement stipulates a requirement for appropriate procedures to appeal or review administrative decisions of Nisga'a public institutions, to ensure the coming into force and publication of Nisga'a laws, and for the establishment of a public registry of laws.

Nisga'a citizens who are not residents of Nisga'a lands as outlined in the agreement, and there are some 200, can vote for the Nisga'a lisims government and can participate in the three urban locals: Vancouver, Terrace and Prince Rupert. Each of these locals is represented by a seat in the central Nisga'a government.

The Nisga'a government also has an obligation to consult with residents of Nisga'a lands who are not Nisga'a citizens about decisions that directly affect them. The final agreement specifies that the Nisga'a government must give full and fair consideration to the views expressed during that consultation. The Supreme Court of British Columbia has authority for appeals and challenges to administrative decisions of Nisga'a government brought by anyone whether or not they are Nisga'a citizens.

Residents of Nisga'a lands who are not Nisga'a citizens can also vote and run for election in public institutions that have elected members, such as school boards and health boards, and when the activities of those institutions significantly and directly affect them.

The approach taken in the Nisga'a final agreement also ensures that the Nisga'a government is financially accountable to its members and to the governments from whom some of their funding is derived. Under the fiscal financing agreement the Nisga'a government is required to prepare and provide audited accounts and financial statements for the Government of Canada and for the Government of British Columbia. Those accounts and statements must meet generally accepted accounting standards in Canada. Where funding is provided by the federal government, the reports can be reviewed by the auditor general.

Through the provisions contained in the final agreement, the accountability of the Nisga'a government at the local level will improve the current situation existing under the Indian Act. The Nisga'a treaty will establish a direct relationship between the Nisga'a government and its citizens. This is as it should be.

Under the Nisga'a treaty there is no lack of clarity. The Nisga'a government is clearly responsible for the decisions it makes and the lines of accountability are set out in the treaty for all to see and know.

This is democracy at its best. The Nisga'a government will be responsible for the well-being of all Nisga'a citizens and all those who reside on Nisga'a lands. Accordingly it will be accountable to them and to the government that provides some of the funding.

Let us not forget that the charter of rights and freedoms will apply to Nisga'a government and to all laws on Nisga'a lands. That means that all laws and decisions the Nisga'a government makes will be subject to review to ensure they are consistent with the charter.

Under section 24 of the Nisga'a final agreement, anyone who feels his or her rights and freedoms as guaranteed by the charter have been infringed or denied may apply to a court of law to obtain a just remedy.

For many years the Nisga'a people have been coming together every year to scrutinize the actions and decisions of their leaders. At these annual meetings the Nisga'a people have discussed matters that are important to them and have made resolutions to provide direction to their leaders. They have held leadership elections regularly. They have been negotiating with the Government of Canada for 20 years.

Over those years the Nisga'a leaders have earned the respect of their people. That is not to say that like other governments they did not have those within their membership who opposed them; however, the Nisga'a electors know that their leaders are accountable and that they have a regular opportunity to elect a new government if the current one does not live up to their expectations.

Clearly the Nisga'a people are well accustomed to having accountable leaders. The treaty confirms this fact and places the responsibility for governing the Nisga'a people in their own hands, a responsibility they are more than ready to take on. It is time that they did just that.

• (1355)

For too long now a minister of the federal crown has been responsible and accountable for every aspect of the lives of the Nisga'a people. It is time to move forward. The Nisga'a people have clearly identified their wish to do so by virtue of their support for the treaty. The Nisga'a people and their leaders have never lost sight of their goals. They have always attempted to fulfil them for the benefit of future Nisga'a generations.

Here they are today on the brink of achieving this longstanding vision. Let us not stand in their way now. Let us ratify the treaty which will return to the Nisga'a the responsibility and accountability for looking after their own affairs. It is the right thing to do.

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# STATEMENTS BY MEMBERS

[*Translation*]

## QUEBEC MINISTER RESPONSIBLE FOR TRANSPORTATION

**Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.):** Mr. Speaker, an incriminating letter written on Government of Quebec letterhead paper by PQ minister Jacques Baril was addressed to Pierre Béliveau, a stakeholder in Arthabaska's socioeconomic sector. PQ minister Baril wrote ''You are an good example of those Quebecers—and there are still too many of them—who, in order to look good in the eyes of the federalists, will readily smear the Quebec government''.

For months now, Mr. Béliveau, a number of Quebec organizations and myself have been condemning the government of Lucien Bouchard for not following up on its commitments to students through Emploi-Québec.

Mr. Béliveau told *La Presse* ''In an independent Quebec, I would not have received a letter from the separatist minister, I would have been picked up by the state police''.

The comments made by minister Baril in his letter concern all the files of Quebec students at Emploi-Québec. Mr. Baril is afraid to apologize in the National Assembly and he refuses to meet the Quebec media.

* * *

[*English*]

## HIGHWAY 97

**Mr. Werner Schmidt (Kelowna, Ref.):** Mr. Speaker, highway 97 runs through my province of British Columbia, from Alaska to California, passing through the Okanagan Valley and my riding of Kelowna. It is an extremely important trade corridor both within British Columbia and with our good neighbours to the south and to the north.

In recognition of its importance, much of highway 97 has been designated as part of the national highway system. There is, however, a significant portion of the highway that has not been so designated. That portion is between Osoyoos on the United States border and the junction of highways 1 and 97 at Monte Creek.

Today I am asking the Minister of Transport to join me and the civic leaders of the southern interior of British Columbia to facilitate the continued growth and development of this dynamic and progressive part of Canada by working with them and designate this essential part of the highway as part of the national highway system.

* * *

## HOME BASED BUSINESSES

**Ms. Sarmite Bulte (Parkdale—High Park, Lib.):** Mr. Speaker, on October 22 I attended the first Communities Most Friendly to Home Based Businesses awards co-hosted by the Royal Bank of Canada and the Home Business Report in Toronto.

Through a nationwide survey the communities of Gander, Newfoundland, Barrie, Ontario and Maple Ridge, British Columbia were identified as being the most friendly to home based businesses.

Home based businesses are an incubator for innovation and ideas. With advances in technology, more Canadians are working from home. Communities are recognizing the benefits of responding to the needs of this growing workforce which now totals approximately over one million people.

Initiatives such as these awards acknowledge those who challenge stereotypes and applaud visionaries who are adapting their communities to support the values of home based businesses.

I would like to offer my congratulations to the award recipients: Libby Staple, Diane McGee and Brock McDonald. I would also like to thank Jim Rager of the Royal Bank, and Barbara Mowat of the Home Business Report.

* * *

## REMEMBRANCE DAY

**Mr. Larry McCormick (Hastings—Frontenac—Lennox and Addington, Lib.):** Mr. Speaker, the 20th century has been kind to Canada. We have been blessed with the absence of war in our land, was as it has been known only too well in other parts of the world.

Since the turn of the last century, more than 1.4 million Canadians served off our coasts and abroad on behalf of their

country in five wars, and in numerous peacekeeping missions. More than 116,000 never lived to see their peaceful home again.

● (1400 )

This coming Remembrance Day, Canadians are being asked to participate in a two minute wave of silence; silence for those who paid the ultimate sacrifice and for those who have suffered and who are still suffering, silence to show our solidarity as a nation in promoting world peace.

I applaud the leadership shown by the Royal Canadian Legion who with Veterans Affairs Canada and funding by the Millennium Bureau of Canada are rightly encouraging the revival of this custom.

On November 11, I will be participating in the two minute wave of silence and encourage all Canadians to please pause in what they are doing for two well-spent minutes.

Lest we forget.

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## CANADA CUSTOMS AND REVENUE AGENCY

**Ms. Beth Phinney (Hamilton Mountain, Lib.):** Mr. Speaker, I am proud to announce that today marks the Canada Customs and Revenue Agency's first day of operation.

The new CCRA, which assumes the full mandate of Revenue Canada, will give Canadians better service and streamline tax, customs and trade administration.

[*Translation*]

The new agency illustrates once again the flexibility of Canadian federalism, by creating a work environment that will promote relations with the provinces and territories in order to reduce overlap in services.

The new agency will have the necessary flexibility to set up a streamlined tax administration that will benefit all Canadians.

[*English*]

Throughout this century, Liberal governments have always been proud promoters of progressive policies that benefit all Canadians. The agency is all about the same evolution; proud of our past, ready for the future.

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## THE LATE GREG MOORE

**Mr. Grant Hill (Macleod, Ref.):** Mr. Speaker, Canada's Greg Moore was tragically killed yesterday in the final CART race of the year. Greg was a Canadian motor racing hero, having followed in the footsteps of Jacques Villeneuve to compete in the highest ranks of professional racing.

A native of Maple Ridge, B.C., Greg started racing go-carts with blinding speed. He moved quickly through the junior racing ranks to reach motor sports hero status. What words described him? He was Fast, no question of that, articulate, fun-filled, focused, sensitive and hugely competitive.

His family supported all his racing activities fully but they knew the dangers, accepted the risks and we grieve with them. For Greg Moore's Reynard/Mercedes-Benz that carried him to fame with a blazing roar today is silent and still for good.

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[*Translation*]

## MEMBER FOR LONGUEUIL

**Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.):** Mr. Speaker, some Bloc Quebecois members are finding out that Quebec's independence is not what young people want. It is about time Bloc members realize that Quebec's separation from the rest of Canada is not a very popular idea when you talk to people.

The following comment is from the Bloc Quebecois member for Longueuil, not some ardent Liberal supporter. She said ''I no longer consider the support of my generation to the sovereignty project as a definitive and irrevocable given''. She adds, probably with some sadness, ''I realize that resentment alone against the ''bad federal government'' no longer makes sense for the young people I met on my way''.

Welcome to the real world, Madam. Like their elders, young Quebecers want to make sure they have a future within Canada.

* * *

## CLAUDE MASSON

**Mr. Yves Rocheleau (Trois-Rivières, BQ):** Mr. Speaker, yesterday, Claude Masson of the daily *La Presse* and his wife Jeannine Bourdages lost their lives in a tragic air crash. With his passing, the Quebec media has lost of one its leading figures.

Mr. Masson was born at L'Épiphanie in 1941, and began his career with the weekly newspapers of Montreal's Rosemont district. A high-profile journalist with *La Presse* from 1965 to 1974, he then moved to Quebec City's *Le Soleil*, where he was news chief and subsequently editor in chief.

In 1984, Mr. Masson was appointed president and publisher of the *Nouvelliste* in Trois-Rivières, the readership of which then expanded dramatically. He returned to *La Presse* as its vice-president in 1988.

In the eyes of his colleagues, Mr. Masson was a man of remarkable professional and human qualities. He was a journalist of integrity and an involved citizen. I personally have had several

opportunities, one of them recently, to appreciate the pleasant manner this sincere and likeable man had with people. His passing will be felt far beyond the media world.

On behalf of the Bloc Quebecois, I offer deepest condolences to his family and friends.

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## EGYPTAIR FLIGHT 990

**Mr. Preston Manning (Calgary Southwest, Ref.):** Mr. Speaker, yesterday we were deeply saddened to learn of the crash into the sea of EgyptAir flight 990 with 217 passengers and crew on board.

• (1405)

On behalf of the official opposition and all members, I wish to express my most sincere condolences to the relatives of the victims.

Nothing that can be said will take away the pain of this tragedy, but we want the victims' families to know that our thoughts and prayers are with them.

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## EGYPTAIR FLIGHT 990

**Mr. Jacques Saada (Brossard—La Prairie, Lib.):** Mr. Speaker, EgyptAir flight 990 has turned into an absolutely unspeakable tragedy for 18 Canadian families.

Although words are inadequate, I want these families to know that all of us in this House, all of the parties together, are sharing their pain.

The victims include Claude Masson, the deputy publisher of *La Presse*. A person universally recognized for his humanity, who rigorously seeks out the truth in the facts and their honest interpretation and who finds such definite expression for the social role of the press and the media in general, can be said to have been a success in life, a life that was far too short.

Truth and humanism today have lost a strong defender.

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## EGYPTAIR FLIGHT 990

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, it is with profound sadness that I rise today on behalf of the NDP parliamentary group to offer my sincere condolences to the families and friends of those people killed in the crash of EgyptAir flight 990 early yesterday morning. Two hundred and seventeen people lost their life somewhere in deep water off the east coast of the United States.

We think particularly of the Canadians on this flight, including Claude Masson, deputy publisher of *La Presse* and his wife, Jeannine Bourdages. Mr. Masson had become known for his commitment to journalism and his editorials, which informed and often challenged the thinking of Quebecers.

We would like to express our sorrow to their two sons, Bruno and Philippe, and to the Quebec journalistic community.

I would like to offer to all families and friends in mourning my sympathies and the condolences of all my New Democratic colleagues.

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## ADISQ GALA

**Mr. Pierre de Savoye (Portneuf, BQ):** Mr. Speaker, yesterday evening the production *Notre-Dame de Paris* triumphed in Quebec City, at the 21st gala of the Association de l'industrie du disque, du spectacle et de la vidéo, the ADISQ.

In addition to this well-deserved success, the whole Quebec record and entertainment industry was in the limelight yesterday, and for good reason. In the past year, Quebec performers have sold close to three million records, a performance which speaks volumes about the economic strength of Quebec's cultural industry, and which also shows how much Quebecers love their performers.

While these figures are impressive, let us not forget the creativity and talent of Quebec authors, composers and performers, because this is where their real strength lies.

Through their voices, words and notes, these performers know how to reach us and to move us. On behalf of the Bloc Quebecois, I congratulate those who won a Félix award, and I thank them for the pleasure they bring to us on a daily basis.

* * *

[*English*]

## THE LATE GREG MOORE

**Mr. Lou Sekora (Port Moody—Coquitlam—Port Coquitlam, Lib.):** Mr. Speaker, it is with deep sadness that I announce that Greg Moore, age 24, an accomplished race car driver from Maple Ridge B.C., was killed in an accident on October 30, 1999.

Greg suffered massive head and internal injuries after crashing into a wall at 350 kilometres an hour during the Marlboro 500.

I had the pleasure of playing golf in the Greg Moore Golf Tournament this past summer. He was an exceptional young man. His death is a great tragedy.

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## AGRICULTURE

**Mr. Rick Borotsik (Brandon—Souris, PC):** Mr. Speaker, I thank the Manitoba-Saskatchewan farm delegation for exposing

the Liberal government's lack of understanding and compassion for western Canadian issues. It just goes to show that the federal government's task force on western alienation was a colossal waste of time. In fact, the Liberal government should write a how-to book on how to alienate western Canada.

Farmers are tired of the government's lack of leadership, long term vision and workable solutions for the industry. The minister of agriculture stands idle as our industry faces increasing subsidized competition, rising input costs, natural and economic disasters and an inadequate national safety program.

• (1410)

Canadians and our producers are waiting for the federal government to finally take notice of this vital industry and give it the respect it justly deserves.

In February 1993, the current minister of agriculture stated when he was in opposition that ''GRIP and NISA have been a disappointment to the farmers and the industry''.

I think it is safe to say that most farmers today would take GRIP and NISA over the disastrous program the Liberal government created with AIDA. Most farmers would agree that AIDA should really stand for the abysmal ineffective deplorable assistance program.

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## PREBUDGET CONSULTATIONS

**Mr. Pat O'Brien (London—Fanshawe, Lib.):** Mr. Speaker, as the MP for London—Fanshawe, in September, for the sixth consecutive year, I held a prebudget consultation with my constituents in London—Fanshawe and key organizations in the city of London.

A number of people called on the government to reinvest part of the surplus in priority areas such as health, education, research, the homeless and defence. Other people asked our government to emphasize tax cuts, particularly for low and middle income Canadians.

I was very pleased to hear from a wide cross section of community groups, such as the Chamber of Commerce, Co-op Housing and the University of Western Ontario to name only three.

Anyone who participated in the consultation will attest that there were two dominant themes presented that evening. First, it is clear that Londoners want both a tax cut and reinvestment in priority services, in other words, a balanced approach dealing with a surplus.

Second, there was consistent and clear approval of the economic performance of the government.

I wish to thank all those who participated in the sixth annual town hall and to assure my constituents I will continue to raise their concerns here in Ottawa.

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## CANADA MORTGAGE AND HOUSING CORPORATION

**Mr. Jay Hill (Prince George—Peace River, Ref.):** In 1997, a young family purchased a mobile home in the town of Tumbler Ridge in my riding. They received confirmation that they had qualified for a CMHC insured mortgage.

The family invested their life savings, $20,000, in the 5% down payment, purchase of the lot and the utility hook-ups. Two months after settling into their new home, they got a terrible phone call.

CMHC had designated Tumbler Ridge a ''special risk community''. This meant that anyone employed by or living with a worker of the community's largest employer, Quintette coal mine, was ineligible for a CMHC insured mortgage, yet employees of the other companies qualified.

Had this family not been approved by CMHC, they would have invested the additional 20% in their mortgage rather than property improvements. Instead they lost their home and their life savings.

Canadians living in resource based communities deserve to be treated equally. As I have done countless time in the past, I call on the government to end the policy of discrimination.

* * *

[*Translation*]

## RENÉ LÉVESQUE

**Mr. Daniel Turp (Beauharnois—Salaberry, BQ):** Mr. Speaker, today I want to pay tribute to a great democrat and a true visionary. It was 12 years ago that René Lévesque, one of Quebec's most prominent political figures, died.

Through his commitment, tenacity, determination and courage, René Lévesque was, for over 30 years, the architect of modern Quebec and an inspiration for millions of his fellow Quebecers, to whom he said they formed ''something that resembles a great people''. As a democrat, he accepted with great dignity the verdict of a people for whom he had the greatest respect and for whom he entertained the loftiest goals.

René Lévesque was a visionary and it is to his credit if Quebec was the first government in North America to recognize aboriginal nations living on its territory.

Today's anniversary inspires those of us who believe in René Lévesque's dream to fulfil his lifetime dream of providing to Quebecers, in a democratic fashion, the tools they need to achieve their full potential.

[*English*]

### NORTH AMERICAN FREE TRADE AGREEMENT

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, if there was ever any doubt about how the North American Free Trade Agreement is damaging Canada and destroying our democracy, we have only to look at recent developments in the Sun Belt Corporation case where this corporation is suing B.C. and the federal government for $10 billion because Sun Belt has been stopped from taking B.C. water for super profits in the American marketplace.

Our natural resources are precious and irreplaceable. It becomes clearer and clearer that NAFTA, and what would have happened under the MAI and now what is threatened to happen under the WTO hearings in Seattle, is destructive and undermines our democratically elected government.

Let us be clear that these international trade rules threaten Canadian sovereignty and must be stopped. We need federal legislation to protect our natural resources and we need public intervention and protection from a market ideology that has gone berserk, sacrificing our environment and our human needs for market driven profits.

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## ORAL QUESTION PERIOD

• (1415)

[*English*]

### THE ECONOMY

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, the last time a Liberal government went on a spending spree it helped drive up the national debt to almost $600 billion. Now we learn from finance department documents that this government rather than delivering tax relief to Canadians is planning another $47 billion spending spree on the taxpayers' charge card.

Is the finance minister so out of touch with the Canadian taxpayer that he thinks taxpayers can afford a $47 billion spending spree?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, there is no such plan. It is perfectly natural that departmental officials of all the central agencies will cost proposals whether or not they in fact take place. That is an ongoing process.

If the hon. member would like, as opposed to debating myths, to debate reality, I would suggest that he come tomorrow to London, Ontario, to the finance committee.

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, here is reality. The finance minister should take a look at the actual paystub of a Canadian worker.

I got one this morning from a millwright working at a forestry plant in Saskatchewan. His gross earnings for the pay period were $2,000. He got a paycheque for $1,000 because payroll taxes, income taxes and other deductions ate up all the rest.

This worker does not want a bill from the finance minister for $47 billion. He wants tax relief now. Why will the finance minister not give it to him?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, we have provided tax relief. We did it in the 1997 budget. We did in the 1998 budget. We have provided over $16.5 billion in the 1999 budget, the three combined, over the next three years.

What is most interesting of all is that in Fresh Start, the Reform Party's election program, they said they would not provide any personal income tax relief before the year 2000. They are behind the curve.

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, the official opposition offers a 25% reduction in federal taxes over three years, which is something the finance minister cannot deliver and cannot even understand.

If this worker got this profound tax break from the finance minister, I ask him again how it is that when he looks at his bottom line he got gross earnings of $2,000, his paycheque was for $1,000, and the rest was eaten up by taxes. How does the Prime Minister explain that situation?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, for almost a decade up until two years ago, the after tax disposable income of Canadians declined.

Last year for the first time the after tax disposable income of Canadians was on the increase. We have reversed the declining trend, which is something the Reform tax plan would not have done.

**Mr. Monte Solberg (Medicine Hat, Ref.):** Mr. Speaker, maybe it is time the finance minister got off easy street and came down to main street to see how people are living under his record tax burden. They will be a little more than ticked when they find out his top priority is not tax relief at all but a $47 billion spending spree.

Why will the finance minister not cancel his $47 billion spending spree so Canadians will be able to keep more of their own money to buy so-called luxuries like food, shelter and clothing?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I have made it very clear. There is no such plan. All that has happened is that the public service from the three central agencies has costed a series of propositions, a number of which will never see the light of day.

Costing proposals is a basic responsibility of the public service. If Reformers would occasionally cost some of theirs they would not come up with some of the lamebrained ideas they have.

**Mr. Monte Solberg (Medicine Hat, Ref.):** Mr. Speaker, that is coming from a brain drain victim himself. Here goes the finance minister—

• (1420)

**The Speaker:** I think we better get past the brains and to the question.

**Mr. Monte Solberg:** Pure genius, Mr. Speaker. There goes the finance minister again trying to get through the express line with 130 items in his basket. That will not work. He is waving around the taxpayers' debit card to pay for it all.

Who does the finance minister really think he is, after all? He is taking $47 billion out of taxpayers' pockets. They would be happy to buy their own groceries if the finance minister would just let them keep a bit more of their own money.

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I tend to agree with you that talking about brains and the Reform Party is a bit of an oxymoron.

**Some hon. members:** Oh, oh.

**The Speaker:** The answer, please.

**Hon. Paul Martin:** As I have said there is no such plan. but I can certainly tell the hon. member what the government has done. It has eliminated the deficit. It was $42 billion. We have now had two consecutive years of surplus. We have cut income taxes by $16.5 billion over the next three years.

We have brought in $2 billion worth of additional credits for the national child tax benefit. We have increased the benefit for small businesses—

**The Speaker:** The hon. member for Laurier—Sainte-Marie.

* * *

[*Translation*]

## BUDGET SURPLUSES

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, on the eve of the Minister of Finance's economic update, it is as well to remember that, in the last throne speech, the government clearly indicated its intention to create new programs in areas such as education, the family and childhood, health, home care and pharmacare, all of them provincial jurisdictions.

Rather than spending its time fuelling arguments over jurisdiction, should this government's priority not be to restore transfer payments to the provinces so that they can assume their responsibilities toward the public?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, that is largely what it did last year, when it not only increased health transfers to the provinces, to the tune of $11.5 billion over five years, but also worked very closely with the provinces in connection with the national child benefit, research and development, and a whole host of areas very important to Canadians.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, in actual fact, the government did not invest $11.5 billion. What it did was cut $32.5 billion instead of $44 billion. We are talking cuts, not handouts.

Should the government's budgetary policies not be focusing on acting with the necessary fairness towards workers who pay EI premiums and allowing them to receive the benefits to which they are entitled rather than forcing them to help shoulder the cost of new programs that come under provincial jurisdiction?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, one of the things the government announced in the throne speech was a substantial increase in parental leave.

At the same time, as far as the provinces are concerned, it has not only increased health transfers, but it has also increased equalization payments substantially, including a $1.4 billion cheque to the Province of Quebec.

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, in allowing the employment insurance surplus to grow by $7 billion yearly and rolling that amount into the overall government surplus, the Minister of Finance is providing himself with some manoeuvering room at the expense of the middle class.

Will the Minister of Finance admit that, by using the surplus in the employment insurance fund to fund new government programs, he is making middle class Canadians and the unemployed foot the bill for the bulk of these new expenditures?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, middle class Canadians are the ones who benefit when employment insurance contributions are reduced. Middle class Canadians are the ones who benefit when parental leave is extended. Middle class Canadians are the ones who benefit when transfer payments for health or the national child benefit are increased.

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, it is also middle class Canadians who make up 27% of the population but carry 50% of the tax burden.

Instead of announcing new expenditures in areas that fall under the jurisdiction of others, ought the Minister of Finance not to announce some tax exemption measures that target the middle income taxpayer specifically?

• (1425)

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I am totally in agreement. That is why I was so surprised to see in the

Bloc Quebecois tax reduction approach that the party did not want any tax reduction for those with incomes of under $30,000, only for those with incomes higher than that figure.

As for us, we have decreased taxes for the least well-off Canadians.

* * *

[*English*]

## AGRICULTURE

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, news that the federal Department of Agriculture and Agri-Food has downgraded the seriousness of the farm income crisis on the prairies undoubtedly had farm families dancing in the streets this past weekend.

This analysis, albeit without any statistics to support it, must have been music to the ears of farm families that are at the end of their line of credit, unable to borrow more from their lending institutions or to pay their suppliers, and cannot afford new school supplies for their children.

In order that the unrelenting joy and affection from prairie farm families toward the government continue, I ask the Minister of Agriculture and Agri-Food when he will table these latest forecasts from his department.

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, forecasts are done every year by Agriculture Canada and the provinces in the months of July and February. They are forecasts. In between those two periods of time officials from both the provinces and the federal government continue to do analyses.

In July we all understand and realize that wheat is just coming through the ground. Come this time of year the harvest is completed. We know how much is there. We see how much individual producers have used the programs such as the net income stabilization account. It is only responsible to take a look at this. It does not diminish the fact that there are serious situations.

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, what happened last week with the farm lobby here was a total travesty and a cruel joke, as Henry Dayday will be the butt of two weeks from today.

What does the minister say to Darlene Doane from Saskatchewan who called this morning to say that with flaxen and canola off $3 a bushel they are $90,000 in arrears this year over last year? What does he say to the grade six student from Manitoba who wrote to the Prime Minister in November and said ''Because my parents don't get enough money from the crops and the cattle, we don't get as much food, clothes, school or recreation supplies?''

In light of these heartfelt questions how could the minister possibly justify his department's unavailable assertions?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, the hon. member who just asked the question and his party were one of a number of people and parties that asked us a year ago to do something to assist producers so that the precipitous drop in incomes in 1998 in comparison to previous years could be assisted. We did that. We put $900 million in, along with the $600 million.

It was in comparison. It was made very clear at the time, for 1998 versus the average for the reference years before that, that is what the program does. That is helping. It is not helping everyone to the extent that we would like it to, but we are doing all we can possibly do.

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## MERCHANT NAVY VETERANS

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, various sources within the Ministry of Veterans Affairs have told reporters that the total cost of a $20,000 package for merchant navy vets would be a $160 million.

We know, and the minister should know, that the total number of registered merchant seamen in question is 1,700. Those that are not registered are around 600, for a total of 2,300 for which a $20,000 settlement would total at the most $46 million.

Could the minister explain why his department is so poor at basic math? Is it just playing games with these veterans?

**Hon. George S. Baker (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.):** Mr. Speaker, the hon. member is quoting from newspaper accounts and articles concerning the merchant navy and the various veterans organization that had agreement and apparently according to the press have now broken down in their agreement.

I will not comment on that. I just remind the hon. member that when members of the merchant navy were finally recognized as war veterans in 1993 it was because of the actions of Liberal members of the House of Commons.

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, as everyone in the House knows, it was Minister of Veterans Affairs Gerry Merrithew who first brought the situation before the House.

Veterans Affairs Canada has begun to employ scare tactics to sell the so-called half-baked plan. First they told the reporters that a fair package would cost $160 million. Then they implied that if the merchant seamen did not play ball, they would not get any assistance.

• (1430)

Now that Hallowe'en is over, will the minister stop trying to scare the Canadian public and our merchant vets? Will he give them the compensation package they deserve at $20,000 maximum for these seamen?

**Hon. George S. Baker (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.):** Mr. Speaker, I will not comment on newspaper accounts of this matter.

The hon. member is right. It was the Tory administration in 1993. But it was because of the pressure brought to bear by the Liberal members of parliament that it happened. We might say it was one case of where the Tories did giveth and they will never have a chance to taketh away.

* * *

## REVENUE CANADA

**Mr. Jason Kenney (Calgary Southeast, Ref.):** Mr. Speaker, not only is the government planning a $47 billion millennium blowout, but today it is celebrating $47 million in new spending to make the biggest bureaucracy in the government even bigger. That is how much it is spending to give the biggest facelift in history to the revenue department.

If the government really wants to improve the image of Revenue Canada, instead of spending millions of dollars on a facelift, why does it not just cut taxes for Canadian families?

**Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.):** Mr. Speaker, the number referred to by the hon. member is exaggerated by far. We have spent money on the transition of the agency, but most of the money has been invested in our human resources. We have been working for three years in order to achieve what we have done today in the official launching of the agency.

This government is proud of what it is doing in order to achieve its aim and goal. The aim and goal is to provide people in Canada with much better services.

**Mr. Jason Kenney (Calgary Southeast, Ref.):** Mr. Speaker, if it is not $47 million, how much is it?

Why is the government throwing a million dollar party today to celebrate new spending on human resources in what is already its biggest bureaucracy? Does it not think a 44,000 person bureaucracy is big enough? Why does the government not get its priorities right? Instead of spending more on this facelift for its mega tax collection agency, why does it not give Canadian families a tax break?

**Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.):** Mr. Speaker, again the number referred to with regard to the celebration is exaggerated.

We are proud of what we are doing. It took three years to build this agency. We have been working with all the employees, with the stakeholders and with the unions. We will keep working with them. We want to make sure that this government provides people with the highest standard of service when it comes to talking about revenue.

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[*Translation*]

## AIR TRANSPORTATION

**Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ):** Mr. Speaker, the more time passes, the more clearly we see in the Onex-Air Canada business.

Since his appearance before the Standing Committee on Transport, the minister has left the clear impression that he supported the bid by Onex by opening the way to an increase in the rule of 10%.

We learned recently that, on August 23, on the eve of the bid by Onex, its president, Gerald Schwartz, told two union executives that he had been promised by Ottawa that the rule of 10% would be withdrawn.

Can the Minister of Transport tell us whether this information is correct?

**Hon. David M. Collenette (Minister of Transport, Lib.):** Mr. Speaker, I have already answered this question.

On August 23, the representatives of Onex and Canadian informed my department of their intention to put forward a proposal on Tuesday. Air Canada did the same six weeks ago.

That means that Air Canada and Onex are treating our government with the same courtesy.

**Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ):** Mr. Speaker, that is not the question. The issue is commitments.

How can the minister deny having made commitments, when Gerald Schwartz told the president of the Air Canada pilots association, and I quote, ''This angle is covered?'' Who but the minister could have given such confirmation?

**Hon. David M. Collenette (Minister of Transport, Lib.):** Mr. Speaker, with all due respect, I suggest the hon. member put this question to Mr. Schwartz and the other representatives of Onex in committee tomorrow.

* * *

• (1435)

[*English*]

## EMPLOYMENT INSURANCE

**Mr. Richard M. Harris (Prince George—Bulkley Valley, Ref.):** Mr. Speaker, it is a fact that the government is sitting on a $21 billion EI surplus that it built by gouging and overcharging Canadian workers and businesses on their EI premiums. The government's chief actuary has said that it could lower those

premiums to $2.05, sustain the fund and still provide for a rainy day disaster.

Why does the finance minister not listen to the government's own chief actuary and lower the EI premiums from $2.55 to $2.05? Why does he not just do that?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, when we took office EI premiums were at $3.07 and they were going to go to $3.30. Since we have taken office, each and every year we have lowered those premiums and today they are at $2.55. That is for four and a half to five years. That is the longest series of reductions in EI premiums since the plan was brought in.

**Mr. Richard M. Harris (Prince George—Bulkley Valley, Ref.):** Mr. Speaker, the $21 billion surplus still sits there. The $2.55 rate still sits there. The chief actuary says $2.05 is more than enough to sustain the fund and provide for a rainy day disaster.

The finance minister ignores the government's chief actuary. Why does he do that? Why does he not lower the premiums to $2.05 as the chief actuary has said? What is his problem?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, the government acts with regard to the total health of the government's finances. If one looks at what has happened over the last five years, not only have we had the largest reductions in EI premiums in the history of EI, but at the same time we have reduced income taxes by some $16.5 billion, and last year we made the largest investment in this government's history back into health care. That is what we are in the process of doing.

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[*Translation*]

## YOUNG OFFENDERS ACT

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, two years ago, the government of Mike Harris initiated project Turnaround to fight recidivism among young offenders. We learned recently that 40% of the young people taking part in this program have committed repeat offences.

Despite the failure of the Conservative policies, why is the minister persisting in her efforts to satisfy the right by totally demolishing the Young Offenders Act?

[*English*]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, the hon. member should know if he has reviewed the legislation that we do not intend to continue in the vein he described.

If the member would look at our youth justice package, it reflects a balance of Canadian values in terms of accountability and responsibility. As the hon. member knows, part of our package is premised on ensuring that we divert more young offenders out of the formal justice system so they receive the rehabilitative and reintegrative help they deserve.

[*Translation*]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, in Quebec, no one wants the changes the minister is proposing, and rightly so, because, in Quebec, we have had very good results applying the Young Offenders Act just as it is.

When will the minister listen to stakeholders in Quebec, who succeed where her allies on the right are failing?

[*English*]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, as the hon. member should know, we have indeed listened to those in Quebec who work with young people. That is why much in our youth justice proposal reflects that which has been done in the province of Quebec. That is why our youth justice package presents flexibility. It is respectful of the local needs of the province of Quebec. However it is also important to remember that we must be respectful of the local needs of others.

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## AGRICULTURE

**Mr. Howard Hilstrom (Selkirk—Interlake, Ref.):** Mr. Speaker, the Prime Minister had the audacity to tell farmers last week that their problems are not as bad as they think. The agriculture minister keeps saying that limited emergency funds are available but forgets to mention that almost all of the funds are still sitting on the cabinet table.

Now we find out that the government is pressing ahead with a $47 billion shopping spree. What will it take for the Prime Minister to realize that farmers are a priority too, another 1,000 foreclosures or how about another eight suicides?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, the hon. member knows that before last year's budget, the government put forward $900 million to assist producers.

I find it very interesting that in previous questions Reform members have told us that they do not want us to spend money. Now they stand and tell us to spend money.

• (1440)

We have already recognized the need that is there. We are continuing to work on changing programs and being innovative and flexible in programs. We will continue to find all the resources we can in order to assist as many as we can.

**Mr. Howard Hilstrom (Selkirk—Interlake, Ref.):** Mr. Speaker, the government has its head so deep in the sand it does not understand the problem.

The problem in western Canada has not been addressed by what the government has done to date. The premiers of two provinces were here. People out west are crying out. They are hurting. Some have even committed suicide. The major reason is the farm income crisis.

Does the government not understand? I am pleading. Try and do something. Do it now. Listen to the premiers of Saskatchewan and Manitoba. That is all I ask.

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the Liberal government is taking the matter very seriously. As the minister of agriculture has said, we are continuing to work on this matter.

I say to the hon. member, if he is to be taken seriously he should have the support of his leader, which he obviously does not have. In light of the Reform members' questions, they should be ashamed of themselves for not having a similar position in support of farmers.

* * *

[*Translation*]

## SOCIAL POLICY

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, to eliminate child poverty, the National Council of Welfare is urging the government to adopt an integrated family policy, while praising Quebec's approach in that regard.

Does the Prime Minister recognize that Quebec's family policy is a true model for the rest of Canada and will he pledge to allow Quebec to withdraw from federal programs with full compensation?

[*English*]

**Hon. Jane Stewart (Minister of Human Resources Development, Lib.):** Mr. Speaker, the government fully understands the role that this government and other governments can play in ensuring that Canada's children have that very important first start.

In the Speech from the Throne, we identified a number of initiatives that we will undertake, not the least of which is a doubling of parental leave benefits. We understand there are tax measures that have to be incorporated, as well as the creative development of the national child benefit with the provinces. We want to work with the provinces to focus specifically on the early years for children. We will do that.

* * *

## AIR SAFETY

**Mr. David Pratt (Nepean—Carleton, Lib.):** Mr. Speaker, although the EgyptAir tragedy is only a little more than 36 hours old, already there is speculation about the kapton wiring in the plane which was also indicated as a possible cause in both the Swissair and TWA crashes.

Can the transport minister indicate what efforts are being made through his department to study the wiring insulation issue to ensure the safety of passengers flying on Canadian carriers?

**Hon. David M. Collenette (Minister of Transport, Lib.):** Mr. Speaker, I speak on behalf of all members of the House in extending sympathy to the families of those people who were killed in this very tragic accident.

There is a lot of speculation about the causes of the accident. As we have seen in the Swissair crash and the TWA crash, one should not speculate prematurely. These investigations take a long time.

With respect to the issue of kapton wiring, it is in many Canadian planes. We are working with the FAA in the United States to ensure that this particular wiring is installed properly and is maintained properly. As far as we are concerned, there is no danger to the flying public in Canada.

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## AGRICULTURE

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, last Monday in this House I outlined as clearly as possible the official opposition's support for agricultural assistance to farmers in Saskatchewan and Manitoba. I am surprised the Deputy Prime Minister did not hear that. It was his leader who has not shown up in this House for six years on this subject.

**Some hon. members:** Oh, oh.

**The Speaker:** Please, my colleagues. We do not refer to when members are here or not here. I will ask the hon. Leader of the Opposition to go directly to his question.

**Mr. Preston Manning:** Mr. Speaker, my question for the agriculture minister is really simple. The minister says this House has allocated $900 million to help farmers. Less than $300 million of that has gone through the pipe. What is he going to do to get the other $600 million into the arms of those farmers this member represents?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, I guess the Deputy Prime Minister struck a nerve.

The administration is processing accounts every day. Over 50% of the applications did not come in until the last three weeks. We extended the date for applications in order to get that. There are cheques going out to farmers every day. They will continue to go out very quickly.

● (1445 )

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, on the very same day that those premiers and farmers were here in Ottawa looking for at least the $600 million that this

minister promised, the federal government gave away $3.6 billion in pay equity to settle a bungle in that area.

I ask the agriculture minister, would the premiers and farmers have gotten further if they had come here and asked for equal pay for wheat of equal value?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, I think it is deplorable that the Leader of the Opposition is trying to pit one Canadian against another.

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

**The Speaker:** Order, please. The hon. member for Regina—Qu'Appelle.

* * *

## TAXATION

**Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP):** Mr. Speaker, my question is for the Minister of Finance.

Canadians want tax cuts, but not just any kind of tax cuts. A recent poll by his friends at Earnscliffe confirms what the NDP has been saying all along, namely that 55% of the people back a rollback on the GST as a first step toward cutting taxes.

When will the Minister of Finance finally catch up with the Canadian people and roll back the GST, which is the most regressive and difficult tax in the history of this country?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, there is no doubt that the government would like to cut taxes in every area and as quickly as possible, but clearly one has to establish priorities. If we take a look, in fact our consumption taxes in Canada are substantially lower than in most other countries, whereas our personal income taxes are higher. That is essentially where the priority ought to lie.

**Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP):** Mr. Speaker, in 1993 in the Liberal Party red book the Liberals said they would scrap the GST. Then, in the House on May 2, 1994, the Prime Minister said ''We hate it and we will kill it''.

When will the Minister of Finance stop listening to the Reform Party, start listening to the Canadian people and roll back the GST?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, first the hon. member knows that was not what was said.

The fact is that we have made it very clear that the priority is to cut personal income taxes for middle income and low income Canadians. Indeed, if he takes a look at what we have done over the course of the last three years, that is exactly where the priorities have been and that is where they ought to be.

## GOVERNMENT SPENDING

**Mr. Scott Brison (Kings—Hants, PC):** Mr. Speaker, when the current Prime Minister was the finance minister back in 1976 he said that 16% increases in spending reflected great restraint on new expenditures. The Prime Minister must be absolutely thrilled to see $47 billion being planned by the Department of Finance and other departments in new Liberal spending.

Are the tax and cut Liberals of the 1990s going back to the tax and spending Liberals of the 1970s?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, we are going to have to work well together, so we want to be gentle today.

The fact is that when we took office total spending was $120 billion. Under the Tories it was going to go to $128 billion. It is now down to $112 billion. We have done that by focusing on the priorities of Canadians. Three-quarters of all our new spending is in health care and education. We will continue to focus on those priorities.

**Mr. Scott Brison (Kings—Hants, PC):** Mr. Speaker, the Liberals have done it by swallowing themselves whole on the GST, as we learned here earlier today.

The fact is that Canadians have paid the price to balance the books, not this government. Before the government takes a walk down memory lane to the high spending 1970s, before the Prime Minister and the Minister of Finance fuddle duddle with the surplus, why do we not give Canadians the tax break they need right now, reward them for the sacrifices they have made and give them some money back to put into their pockets?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, which tax would the hon. member like to see us cut? The 3% that the Tories introduced? We did that.

Is the hon. member's problem de-indexation or the abolition of indexation? That was a Tory initiative.

Is it with the 39 increases that the Tories introduced when we were in opposition? I think that was a Tory government.

● (1450 )

I look forward to tomorrow's fiscal update when we can discuss the absolute elimination of Tory fiscal messes.

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

**The Speaker:** Order, please. The hon. member for Laval West.

[*Translation*]

## QUEBEC

**Ms. Raymonde Folco (Laval West, Lib.):** Mr. Speaker, my question is for the Minister of Intergovernmental Affairs.

The Privy Council just released the results of a major survey on Quebecers' opinions regarding their right to remain Canadians and to always be part of Canada.

What conclusions can we draw regarding the problems of adjusting to secession in a democracy?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, if Quebecers want a clear question and if they are saying that the question asked in 1995 was not clear, it means that they have a sense of logic.

If Quebecers are saying that 50% plus one is not enough to bring about such a major change, it means they have a sense of responsibility.

If Quebecers are saying that aboriginal peoples must not be transferred from one country to another without at least being consulted, it means they have a sense of justice.

And if Quebecers are saying that secession must not be attempted unilaterally, but must be preceded by a duly negotiated agreement, it means they have a sense of the rule of law and of democracy for all.

* * *

[*English*]

## THE SENATE

**Mr. Grant Hill (Macleod, Ref.):** Mr. Speaker, there is another part of the country that wants a clear question. The government says there is no appetite in the country for Senate reform. Right now Alberta is preparing a referendum on electing its senators. It is going to ask a clear question. It is going to get a clear majority.

Will this referendum issue and the supreme court reference work for Alberta as well?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, I could say that this is a purely hypothetical question, but in an effort to be helpful to my hon. friend I remind him that our constitution says that for changes to be made to the Senate there have to be favourable resolutions passed in the provincial legislatures before the matter comes to this parliament.

I would be interested in knowing what the hon. member says about what the Alberta government is going to do or the government of any province to meet this constitutional requirement.

[*Translation*]

## GENETICALLY MODIFIED FOODS

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Mr. Speaker, in recent months, regulations governing the labelling of genetically modified foods have been passed by all European Union countries and will soon be passed by Australia, New Zealand, Japan and South Korea.

Does the minister realize that, by refusing to label and regulate genetically modified foods, a large number of European and Asian countries to which Canada exports may close their doors to our farmers and their products? Does he realize this?

[*English*]

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, just a few weeks ago the Standards Council of Canada, the Canadian Grocery Distributors Institute, the Consumers' Association of Canada, the industry and the federal government all agreed to set a criteria that would be credible, meaningful and enforceable for voluntary labelling.

Before we have any kind of labelling to any greater extent than we have at the present time we must ensure that everyone is involved in that process so that if the government or industry goes to that approach we can ensure that in the end it is credible, meaningful and enforceable.

* * *

## HOMELESSNESS

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, we have to wonder what kind of social conscience and sense of morality the government has when it can pander to the Prime Minister's office staff at public expense, at luxury resorts, vacation planning for their boss, when so many Canadians are left out in the cold, freezing and without hope.

I would like to ask the Minister of Finance this, if he cares to listen. What kind of cruel joke is this? Why has the government sunk so low that it can have soft, warm beds for the Prime Minister's office and hard, cold concrete for homeless Canadians? How do you justify that?

• (1455)

**The Speaker:** I would remind hon. members that all questions should be put through the Chair.

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the government is doing something tangible to deal with this serious problem. Aside from the more than $1 billion that we have put into social housing, we have allotted an additional $250 million

for programs like RRAP to help provide shelter for homeless people. In addition to that we are working on further programs with the provinces.

Instead of my hon. friend's unjustified premise, she should look at the actual facts. We are doing something now to help solve this serious problem and we will continue to work on further solutions.

* * *

## FISHERIES

**Mr. Gerald Keddy (South Shore, PC):** Mr. Speaker, since the Marshall decision of September 17 the only agreement reached has been negotiated without government help. Does the Minister of Fisheries and Oceans have a plan to implement when this crisis returns next spring?

**Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, unlike the opposition party we do have a plan. We have a federal representative.

If the hon. member would look at what is happening in Atlantic Canada, it is working. We have people talking. We are talking about community based solutions.

I am happy to announce today that the two bands which were allowed to fish up to October 31 have agreed to pull all of their traps and fully abide by a regulated fishery.

* * *

## ILLITERACY

**Mr. Mac Harb (Ottawa Centre, Lib.):** Mr. Speaker, my question is for the minister responsible for literacy. Statistics Canada's most recent numbers indicate that illiteracy continues to be a major problem for many Canadians.

What is the minister doing to support the efforts of the literacy movement in fighting the illiteracy problem across the nation?

**Hon. Jane Stewart (Minister of Human Resources Development, Lib.):** Mr. Speaker, while the results of the international adult literacy survey demonstrate that most graduates of the Canadian education system have good to excellent literacy skills, we know that is not necessarily the case for all Canadians. That is why in 1997 we increased the budget for literacy by 30% to almost $30 million a year.

I want to assure the hon. member that we will continue to work very closely with our partners to ensure that all Canadians have the literacy skills they need to participate in the economy of the 21st century.

## THE SENATE

**Mr. Grant Hill (Macleod, Ref.):** Mr. Speaker, the Deputy Prime Minister said there has to be some big constitutional change for an elected Senate. That is not correct.

There is nothing in the constitution that prevents the Prime Minister from appointing a duly elected senator. Alberta wants to elect its senators. It is about to conduct a referendum on that issue; a clear question, a clear majority.

Will this government respect its wish, yes or no?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, until the constitution is changed we will continue to follow and respect the constitution. I am sure the hon. member would want us to do no less.

* * *

[*Translation*]

## REPRODUCTIVE TECHNOLOGIES

**Mrs. Pauline Picard (Drummond, BQ):** Mr. Speaker, for amounts as high as $150,000, it is possible to obtain ova corresponding to certain very specific criteria, such as the appearance of donors, on the Internet in the United States.

Since the government has still not proposed any framework for the new reproductive technologies, such a situation could arise here. When, therefore, does the government intend to act?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, during the last session, we introduced Bill C-47, and we still intend to take action. We are in the process of preparing a bill to address all these issues.

* * *

[*English*]

## IMMIGRATION

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, the immigration targets announced by the government today are just enough to break even population-wise. That means that 50 years from now we will still be a country of 31 million people, roughly the same size as Minneapolis.

The famous Liberal red book said that targets would be set at 1% of population. However, today's announcement is barely even half of that.

Why did the minister not live up to the red book promise today when she had the opportunity? Why are she and the government afraid to appear to be pro-immigration and pro-growth?

● (1500 )

**Ms. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I am pleased to inform the House and the member opposite that today I announced that our commitment of 1%, which was in the 1993 red book, remains a long term goal for the government. I am committed to discussing that goal, not only with provincial and territorial governments but with NGOs and Canadians because we recognize the importance of immigration to the country.

The levels that I announced today are similar to the levels of last year. I am hoping that by working with the department to streamline processes, we will be able to achieve the targets that were announced today.

* * *

[*Translation*]

## TAXES

**Mr. André Harvey (Chicoutimi, PC):** Mr. Speaker, the Liberals won the 1993 election by promising to scrap the GST. The rest is history.

I would like to know whether they will be as enthusiastic about lowering taxes as they were about scrapping the GST.

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, since we came to power, we have shown very clearly our intention to lower taxes.

That is why, in the 1997-98 and 1998-99 budgets, we lowered taxes by more than $16.5 billion. This is the largest tax reduction in a decade, and we certainly intend to continue along the same lines.

* * *

## PRIVILEGE

MEMBER FOR QUÉBEC EAST

**Mr. Jean-Paul Marchand (Québec East, BQ):** Mr. Speaker, I believe I am personally involved, but not voluntarily, in a serious case of contempt of parliament, a case indeed so serious that it could weaken the democratic spirit of the House in our role as elected members.



This case of contempt involves both the Senate and the House of Commons and can be explained quickly by considering three issues: first, the implication of the Senate; second, the aggression on the House of Commons; and third, the undermining of my right to freedom of speech as an elected member.

● (1505)

[*Translation*]

Mr. Speaker, I did not delay in raising this point of order, on the contrary. Acting on information received in recent days, along with your letter of October 29, received just hours ago, I am anxious to address the matter today.

Mr. Speaker, as you indicate yourself on page 11,121 of *Hansard* dated December 9, 1998, ''I cannot presume of the content of a question of privilege before having heard it''. For this reason, I feel that you will allow me the time to explain this important question of privilege. I am convinced that once you have heard the facts in this case, you will conclude with me that it is indeed a very serious contempt of parliament, the consequences of which could directly affect the integrity of the House and the freedom of speech of all members. I hope you will take the time to justify your decision.

[*Translation*]

In *Parliamentary Privilege in Canada* by Joseph Maingot, chapter 12, it states on page 229:

> —any act or omission which obstructs or impedes either House of Parliament in the performance of its function, or which obstructs or impedes any Member or officer in the discharge of his ''parliamentary duty'', or which has a tendency, directly or indirectly, to produce such results may be treated as a contempt even though there is no precedent for the offence.

I did indeed say ''has a tendency to produce such results'' and ''even though there is no precedent for the offence''. The reason for this is that, of course, contempt cannot be limited. Its definition remains open-ended because no one is in a position to predict all possible cases of contempt of parliament.

According to all references consulted, contempt of parliament is essentially an attack on the authority and dignity of the House of Commons.

What I am presenting today is a case of contempt of parliament or a case with a tendency to produce such a result, one that is new, possibly unique, although I believe there is a precedent, a similar case raised in this House on October 14 by the hon. member for South Surrey—White Rock—Langley—

[*English*]

**The Speaker:** Order, please. Colleagues, if you have meetings I would like you to take them outside of the House. I would like to hear this question of privilege as I think it affects all of us.

[*Translation*]

**Mr. Jean-Paul Marchand:** I was speaking therefore about a similar precedent, which was raised by the member for South Surrey—White Rock—Langley in October and involved a federal agency, CSIS, and its direct and indirect activities in proceedings against her.

The Chair took this case under consideration, noting that it appeared at first glance to be a serious question of privilege and of contempt of parliament. The matter I put to you today may be compared with the earlier case, but appears to me more serious still, because it concerns not a former employee of the Senate, but a sitting senator whose actions involve the Senate directly in an attack on the authority and dignity of the House of Commons, or tends to produce such results.

The matter at issue arises from a civil suit brought against my by a senator who took offence at a bulk mailing of 16 pages on the Senate to my fellow citizens in April. The mailing of 48,000 copies, distributed by the House of Commons services, was intended solely to inform the public on the Senate. The document upset the senator to the point that she took action against me for defaming the Senate.

The strangest part of the matter is that the petition gives the impression that this is a simple suit by a senator against a member of parliament, which is not the case. Much more is involved. In fact, the suit involves the Senate directly, putting it in a position of hostility and aggression with respect to the House of Commons.

First, the senator speaks on behalf of the Senate. She defends the institution as if she had been given a very clear mandate to do so. She then makes provocative and disparaging remarks about the House of Commons and the elected members sitting there, something I consider entirely inappropriate and unacceptable.

[*English*]

This case arises from a civil suit brought against me by a senator. Although the appearances may lead you to believe that it is simply a lawsuit concerning an MP and a senator, it is much more. In fact, the lawsuit involves the Senate directly, placing it in a hostile position toward the House of Commons. The senator speaks in the name of the Senate, for the institution as a whole, as though she had a clear mandate to do so. In so doing, she makes a number of provocative and derogatory comments concerning the House of Commons and its elected members, which I consider to be totally inappropriate and unacceptable.

• (1510)

[*Translation*]

A personal libel suit must be limited to the factors that have a truly personal impact.

In Ms. Hervieux-Payette's suit, the personal is buried in a huge number of allegations that have nothing personally to do with the senator. Ninety per cent of the allegations do not involve her personally, but rather the Senate as a whole and its relations with the House of Commons.

For example, she feels that the comment made in my document to the effect that ''the Senate is an archaic and undemocratic institution'' is defamatory. She accuses me of making false and erroneous claims concerning the costs of that institution and the particular services enjoyed by senators. She feels that my statement to the effect that the Senate sits few hours and few days per year is defamatory. Finally, she considers that my comments are contemptuous when I state that the Senate is an institution that lacks transparency, or that senators can find themselves in conflict of interest situations since they sit on boards of directors that can sometimes bring them in excess of $400,000 per year.

All these allegations are not of a personal nature. She is speaking on behalf of the Senate. In fact, she is not only speaking on behalf of the Senate in her application, but also in her examination, which took place on August 19 and where she said ''I am speaking on behalf of the institution'' It could not be any clearer. I will table a copy in French and an English translation of that examination and of the application.

In speaking on behalf of the Senate as she is doing—and this is my first point—is the senator not involving the Senate as an institution in her lawsuit against me? Is the Senate not directly or indirectly involved in a lawsuit against a member of this House? Is the Senate not prosecuting a member of parliament through a senator?

At this time, I can assure you, based on the comments made by the senator during her examination that the Senate has played an active role in the preparation of that legal action. Is this not evidence that the Senate is behind the application made by Mrs. Hervieux-Payette?

[*English*]

What is important here is to recognize that in speaking for the Senate, the senator forces me to violate the spirit of parliament. In order to defend myself, in order to be assured of having a just and

equitable trial, I am compelled to contest the immunity of senators and to convene a number of them by subpoena duces tecum. I have no other choice. To prove my innocence, I must fight the Senate, somewhat like David against Goliath. Obviously, it is an unfair and excessive burden, a task requiring resources that far exceed those available to a single, solitary member of parliament. Does that not in itself constitute an attack on my status and role as an elected MP?

[*Translation*]

As I have said, in order to defend myself, I will be forced to call senators, Senate staff, and even senior House officials by subpeona duces tecum for questioning about the Senate's budget, costs and operations.

I will even be forced to call senators by *subpeona duces tecum* to testify about their travel, telephone and office expenses, and even about their lobbying activities and possible conflicts of interest, given their role as directors of several large Canadian and foreign corporations.

The senator is thus speaking on behalf of the Senate, implicating the Senate directly, and several other senators. But she does not stop there. And this bring me to my second point.

[*English*]

In addition to implicating the Senate, the senator also attacks the House of Commons by drawing a series of provocative parallels between the House of Commons and the Senate. For instance, she compares respective costs and functions, leading us to believe that senators are less costly and therefore more efficient than we are as elected MPs. The remarks are made with the same spirit that pushed Senator Nolin to accuse the House of Commons of becoming a circus since we have introduced televised debates. If such provocative remarks are included in a senator's civil suit against an MP, does that not in itself constitute a serious case of contempt of the House of Commons and of its role as the voice of democracy in the country?

Therefore, not only am I forced to tackle the entire Senate alone in order to defend myself, but I must also defend the integrity of the House of Commons alone as well. Do I have a mandate from the House of Commons to speak in its name as the senator seems to have for the Senate?

[*Translation*]

Again, I will be forced to call a certain number of members, and even certain ministers, to testify in defence of the House. It would even be appropriate to have each political party send a delegate to defend its rights with respect to the matters raised.

As members can see, I am not implicated in a personal attack so much as I am a victim of an attack by the Senate against the House of Commons.

• (1515)

I find myself caught, as it were, between two different institutions, which are sometimes hostile towards one another, having to battle the first and defend the second, simultaneously and on my own, because I have so far received no assistance from the House of Commons, despite the magnitude of this affair, which I feel is completely immoral and unfair. I am in an impossible situation.

This brings me to my third and final point. This civil suit is well beyond my means as a member. When a senator, with the support of the Senate and/or the government in power, as is the case here, brings a suit against a member, the battle is an unequal one. A member of parliament, particularly an opposition member, does not have access to the resources a senator does who is appointed to the Senate for more than 20 years and who can have her legal costs met by a whole set of agreements with the Senate spread out over ten or fifteen years, to which can be added some attractive contracts from the government in power.

Because of the exaggerated nature of this case and its clear attempt to muzzle MPs that dare criticize the Senate openly, my rights to freedom of speech is being jeopardized, and so is the freedom of speech of most other elected members of this House.

[*English*]

Because of the exaggerated nature of this case and its clear attempt to muzzle MPs that dare criticize openly the Senate, my right to freedom of speech is being jeopardized, and so is the freedom of speech of most other elected members of the House. Let me explain.

[*Translation*]

As soon as this business began, when the senator sent me her formal notice, alleging that my 16-page document contained defamatory material, I contacted the House legal advisers who advised me to send out a mailing to all my constituents in Québec East making several minor corrections, in order to ward off any possibility of a lawsuit and to cool off any other senators. The House legal advisers wrote up the correction notice, and although I feel it is extremely generous in certain points, it was sent out as drafted by the House.

I co-operated fully, and to the letter, with the House legal advisers in order to avoid any lawsuit. The Senator did sue me, however. Moreover, the House legal counsels told me clearly that, if there were a lawsuit, the House would very likely agree to meet the cost of representation by counsel, since I had acted readily and in good faith, particularly when the alleged errors had been committed in the performance of my parliamentary duties, in a householder mailing. In other words, I had every reason to believe that the House of Commons would back me up if there were a court case.

Members can therefore imagine my amazement to learn that the House of Commons is refusing to meet the costs of representing me

in this lawsuit. I am all the more surprised since the House of Commons generally meets the legal costs of MPs when the actions for which they are sued were committed in the performance of their duties. This is a justified practice because a member of parliament is a public figure subject to all manner of lawsuits, justified or unjustified. That is, moreover, why this is a common practice for provincial and municipal administrations as well.

In your letter of October 29, you give no reason for the refusal by the Board of Internal Economy. In an earlier letter, however, you had written that the board was ''hesitant to intervene in a dispute between parliamentarians of both Houses''. If that explanation still holds, it strikes me as rather discriminatory, and seriously threatens my freedom of speech as a parliamentarian.

First, why would the House of Commons be so hesitant to intervene in a dispute between a member and a senator? Is the House of Commons not the House of the elected representatives? And is the House not obliged to defend elected representatives, before senators, who are not elected?

[*English*]

The Speaker of the House of Commons is first and foremost Speaker of the House of Commons, not of the Senate. Does he not have a moral obligation toward the elected members of the House before those of the non-elected Senate?

Every credible organization in the western world comes to the defence of its own members first before those of any other organization. It is a question of respect in the most primitive sense.

MPs in the House, therefore, cannot be placed on an equal footing with the senators over there. We are the elected members. We speak for taxpayers and must answer to them every four or five years. We carry the flame of democracy. Without us there is no democracy. Without us the voice of the people is silent.

[*Translation*]

Senators are not elected. They are appointed to age 75 and, accordingly, are not accountable to the public every five years. Their role is not essential to the democratic process. Our democracy does not depend on the senators. Our system could do without them, but not without MPs.

So, how can we equate an elected MP with a non elected senator? This is serious discrimination against me as an MP and where my freedom of speech is compromised, like that of all the other members of this House. Nothing is more serious, as Beauchesne writes in comment 75 in the 6th edition, and I quote:

> The privilege of freedom of speech is both the least questioned and the most fundamental right of the member of parliament

To compromise members' right to speak is to compromise the very foundation of democracy and its exercise in this House.

• (1520)

[*English*]

Accordingly an excessive, exaggerated lawsuit such as this one is a forceful attempt to muzzle MPs who wish to criticize the Senate.

In refusing to cover the legal costs in my defence, the Board of Internal Economy not only assures the pre-eminence of senators over MPs but gives senators the freedom to sue MPs even for the most ludicrous reasons, knowing full well that henceforth they are vulnerable. I would remind the House that a lawsuit is not necessarily reasonable or justified because it comes from a senator. Their intentions can also be mischievous and malicious.

MPs will then be subject to forms of blackmail by senators who are non-elected and who represent particular or private interests. When governments elsewhere are reducing the advantages granted to those who are non-elected in Canada, non-elected senators are taking precedence over the House of Commons in making elected MPs toe the line. What a travesty of justice. What a travesty of democracy.

[*Translation*]

Regardless, the board may try to weaken me by refusing to cover my legal costs, contrary to custom. It may protect the interests of the Senate first and permit me to be sued to the limit of my human and financial capabilities. I will, however, never give up my right to speak. So long as I am an elected member of this House, I will continue to speak of the waste and the abuse in the Senate. Not only have I the right to do so, I have the duty. Dead or alive, as the old Panamanian adage says, but never on my knees.

[*English*]

I will never give up my freedom of speech. Never shall I cease to criticize the waste and abuse of the Senate. As long as I am an elected member I will continue to criticize it because it is not only my role but my responsibility toward taxpayers.

Too often elected members are criticized for not respecting the will of the people. Here is the golden opportunity to put into application the views of the vast majority of Canadians and Quebecers who are opposed to the Senate as it exists today and who want it either abolished or reformed.

[*Translation*]

For all these reasons, I would ask the Chair to exercise all its influence to reverse this decision by the Board of Internal Economy and give me the money I need to cover legal costs in this matter so that my defence and that of the House of Commons, currently under attack, may be properly assumed.

[*English*]

**Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I have listened to something which I do not believe is a question of privilege. I think it was a plea made to the Board of Internal Economy but expressed in the House of Commons.

First, the speech of the hon. member was not concluded by a request for a referral to the proper parliamentary committee. In fact it concluded with what I said earlier. In other words, it was a plea that the Board of Internal Economy reverse a decision which he alleges the board has already taken. I will not get into whether the board has or has not taken such a decision because that could become a question of privilege if I did precisely that.

What Your Honour has before you is a dispute between two members of parliament: one a member of the House of Commons and one a member of the Senate, both being members of parliament under the constitution as we know it today. Should that constitution change someday to state something otherwise then it could be judged otherwise. Meanwhile, the fact remains that under our constitution parliament is the Sovereign, the House of Commons and the Senate in parliament assembled.

He alleges that the senator, when exercising this lawsuit against him, was speaking on behalf of the Senate. I submit that is ridiculous. That is about the same as our believing that when the hon. member who just spoke speaks in the House he speaks on behalf of all of us, let alone when he speaks outside the House.

On very few occasions would I ever admit that member speaks on behalf of me or my constituents, particularly when he speaks outside this place.

• (1525)

Second, the allegation is made in a civil suit and not in reference to what was said inside the House, or if it was at least the hon. member has not demonstrated that the civil suit pertains to something that was said in the House.

I believe that he referred on a number of occasions to a 16 page document which he circulated to several thousand constituents of his riding and was not about something that was said in the House.

Only one person is in the position to speak on behalf of this institution. I would submit, Sir, that is yourself. Only one person, similarly, can speak on behalf of the Senate. I would submit that is your counterpart, the hon. Speaker of the other place. Therefore to pretend that one member of the Senate is speaking for the institution is not factually correct.

[*Translation*]

In his speech, the hon. member also made very strong allegations regarding the government and, therefore, many members in this House. He said that the senator was taking legal action with the support, according to the hon. member's claim, of the government in office, which means some 30 members of this House.

He also said that the senator could get legal services and that her lawyers might then get contracts, lucrative ones as he put it, from MPs, more specifically from ministers.

I would ask that a very close look be taken at these allegations, since they are in fact accusations which are, in my opinion, much more serious than the ones the hon. member referred to in his arguments.

He talked about freedom of speech in this House. Indeed, members of parliament do enjoy freedom of speech here, and the House can of course take action against one of its members if he or she says something that is not true or not acceptable under the standards of our institution. However, this freedom of speech does not extend beyond the precincts of this House, and I go back to my original point, which is that the member is referring to something that took place outside the House.

I am not taking sides regarding what happened outside the House. It is none of my business. However, I do believe that we are all concerned by the allegations made in this House about parliamentarians who sit here.

[*English*]

He referred to non-elected senators having, as a result of all these allegations, precedence over elected MPs. The reference he made earlier in which he alleges that some members of the House, ministers, could give legal contracts to lawyers in exchange for defending a member of the other place is a very serious allegation. I would invite Your Honour to reread that portion of the statement very carefully to see whether anything warrants that kind of what I would call vicious attack against hon. members of the House.

I believe criticism of the Board of Internal Economy made in this way in the House is not acceptable. Members of all parties serve on the board and attempt, under the guidance and leadership of our Speaker, to do a good job on behalf of all of us in the management of this place. That is what I believe all of us do in good conscience. This kind of accusation is unwarranted, not specifically against me, but against all of us who sit on the Board of Internal Economy on behalf of this institution.

The institution itself is more important than any one of us and certainly does not warrant the kind of criticism I have just heard.

**Mr. Randy White (Langley—Abbotsford, Ref.):** Mr. Speaker, I want to make three points. It always worries me when each and every time in the House an individual stands on a question of privilege that the government immediately stands and makes a

defence as though it is the government that is being charged with a question of privilege.

When individuals in the House stand on questions of privilege, it is not just the individual they are referring to but it is a question of privilege for all members of the House. The government should take note of that. Each and every time a question of privilege arises, the government House leader seems to take it upon himself as if it was some kind of personal question against the government.

● (1530)

The House leader of the government also indicated that this was an issue of two members. It is not. I understand this is an issue of a member of parliament and a member of the Senate.

Third, Mr. Speaker, if you are to consider this at all, I do believe you have to question whether the legal fees of the individual from the Senate are being paid by the Senate or in fact by the individual. This, to me, makes a differentiation between whether this is a Senate-House of Commons issue or a person who happens to work in the Senate.

[*Translation*]

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, thank you for allowing me to speak briefly about what has just happened and about the speech of the member for Québec East.

What needs to be understood is that this is the appeal of a member to the individual who has been designated the protector of all parliamentarians in the House, to you, Mr. Speaker. It is to you in this capacity that I am speaking as the House leader of this party, because I feel involved and affected by the suit that has been brought.

I wish to humbly submit for the Chair's consideration the following, The member for Québec East, in his householder, was essentially acting as a parliamentarian. He made a few errors which, on the advice of the House's legal counsel—your employees, Mr. Speaker, people whose expertise the House makes available to members in situations such as this—he hastened to put right to the extent possible and as rapidly as possible. As a result, in one suit in which he was involved, my colleague managed very easily, with respect to matters of a personal nature involving individuals, to reach agreement with one of the senators who had decided to bring a suit.

In the second case, as a result of this also, the very nature of the suit has to do not with the personal attacks that were made, but the institution. My colleague has no way of defending himself alone, given the magnitude of the facts at issue. In order to defend himself, he would be in the completely ridiculous situation of having to call senators and members in order to testify about their expenses, obligations and responsibilities. The very nature of the suit goes well beyond the mere responsibility of this member.

Now a ruling has been made. I know that what is decided by the Board of Internal Economy normally has the consensus of the parties. We always manage to work out something in the best interests of the House. An element of co-operation is also necessary.

In this case, however, my colleague finds himself, having committed an error as a parliamentarian, and having made corrections on the advice of the lawyers and the legal counsel of the House of Commons, having accepted everything it was humanly possible to accept, in a situation of a dual lawsuit.

In the one case, there are the personal elements, and in the other—for this is a much broader and more vindictive case—it affects the MP's very ability to write to his constituents in a householder leaflet that he does not feel the role of the other place is either very important or very essential. It goes as far as that. We know our colleague has excellent chances on legal grounds to win this suit and to be exonerated of all blame.

● (1535)

But here we have an MP who has to deal with a lawsuit launched by a senator who has considerable means and influence—nothing secret about that—being on the government side. This is a person who could easily take the whole thing a very long way. Our colleague for Québec East, a member of this House—and he could just as easily have been Reform, Liberal, Conservative or NDP—is left to fend for himself.

I know there is another means for obtaining justice. I know an appeal can be made to the procedure and house affairs committee, if I am not mistaken. But I am asking you, like my colleague before me, as the protector of the parliamentarians in this House, is it a wise thing to do, to let a matter such as this rest on a decision one made very summarily, I hasten to add by the Bureau of Internal Economy?

I am not going to question the arguments that have been brought up so far, but I do know perfectly well that the net result is likely to have an extremely serious impact in future for MPs who could find themselves in touchy situations for having expressed politically divergent opinions.

What has to be differentiated is what constitutes opposing political opinions and what constitutes personal attacks—and I know you are an expert in this, Mr. Speaker. My colleague, who is currently being sued seemingly for his political opinions with respect to remarks make regarding the other House, finds himself unable to defend himself or, in the end, limited to his own means.

Is it the intention of the Chair to have MPs' ability to argue determined by the size of their wallet? If I can afford $100,000 or

$150,000 in lawyer's fees because my finances permit me, I could attack the Senate and the people with diverging political opinions.

However, an MP, like my colleague from Québec East earns his living with his parliamentary salary and cannot express opinions, because anyone could decide to sue him for expressing political opinions, even if it were acknowledged initially that some matters were exaggerated and that the correction was made as requested by the House of Commons.

I put it to you in all sincerity. We appeal to you, Mr. Speaker, as the protector of parliamentarians. We want you to find a way to sit the parties involved down, including those of the Senate, if necessary, because that was one of the elements put forward by the Board of Internal Economy. The individuals must be sat down under your influence to reconsider the case of my colleague, who finds himself in this improbable situation. This situation will have an effect in time on all parliamentarians in this House and all those who sit there from now on. This is what I draw to your attention.

[*English*]

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I do not want to add fuel to the debate, but I do feel there are a couple of points I would like to make to contribute to what has been put forward on the point of privilege.

Mr. Speaker, as a member and presiding officer of the Board of Internal Economy, you know that the issue and the facts of the case should not be tried in the House of Commons. We have now heard extensively about what ultimately could become points of contention in a civil trial that is before the courts or pending.

We have heard discussions about what parliamentary privilege may be attached to certain comments that were made in a householder that was sent out to a constituency. We can argue about the merits and the intent of that, but I find that you, Mr. Speaker, are being put in the unenviable position of being asked essentially to be a court of appeal before a court finding has been made on many of these important facts.

I also know that questions of privilege that are brought forward are often brought forward after certain circumstances have arisen. Much of the discussion that we have had before the House today already took place at the Board of Internal Economy. Mr. Speaker, you are being asked in essence not only to be a court of appeal for a civil trial but also for a Board of Internal Economy decision that has been made.

As I am also a member of that board, I know that oftentimes we will revisit decisions if new factual information comes to light. However, this is the first time in my short tenure in this place that I have seen a Board of Internal Economy matter essentially appealed to the Chair.

• (1540)

It is important to state that in the member's remarks—and I take some offence to this fact—he portrays himself as if speaking for the House in this matter. That is perhaps taking a rather broad swipe at what has occurred here. It was an individual member who decided, along political or philosophic lines, and he is entitled to say things. We also know there is privilege that attaches us to this place. However, this is a factually different situation where an individual member, for whatever reason, took it upon himself to make some very provocative and potentially personally offensive remarks about an individual in the other place. This has played itself out in such a way that he now finds himself the target of a civil suit.

I take great sympathy for what he is going through and the personal cost that this may entail. However, there is a degree of fiscal and moral accountability that is playing itself out here. It is one thing to say something in this Chamber and then rely on privilege, but to say things outside the House or to take it one step further and actually publish something about another individual or an institution, one has to be prepared to reap what one sows.

I do not want to prolong this, but I feel it is pre-emptive for the Chair to rule on the appeal at this point, particularly given that this is still the subject of a lawsuit that is pending, and particularly given the fact that we have already dealt with this, I would suggest, in a fairly substantial way at the Board of Internal Economy.

[*Translation*]

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, I do not intend to prolong this debate, this discussion, this presentation on a matter of privilege raised by the member for Québec East, unduly.

I just want to react to the intervention by the House leader of the Progressive Conservative Party when he says that, to all intents and purposes, this is an appeal from a ruling by the Board of Internal Economy.

With great respect, I would say that this is not the case, insofar as the facts presented by the member for Québec East are an attempt to show that, in the situation he is now facing, he finds himself a victim, as it were, of a suit brought because of his political opinions.

Earlier, mention was made of personal accusations, or personal attacks of which the senator in question was allegedly the victim. I submit to you and to the members of this House that one of the pieces of information in my colleague's householder concerning this senator in particular was taken directly from the Senate's Internet site. This site was modified after my colleague mailed out his householder to his constituents.

My colleague made this statement in all good faith on the strength of information taken from the Senate's Internet site. If this

site was not up to date, I do not think the member for Québec East should be held responsible.

As for the other accusations or other incorrect statements allegedly made about members of the Senate in general, the member for Roberval explained clearly that the member for Québec East made all the retractions it was humanly possible to make in the time allowed.

For instance, he was asked to mail out a retraction to all his constituents within five days. As you are well aware, Mr. Speaker, for delivery alone, Canada Post requires eight days. This makes no allowance for the time needed to put together and print a mailing.

In other words, under the circumstances, the expectations of those who are bringing this suit against my colleague were completely out of line. Given that they were completely out of line, he did what was humanly possible to set the record straight.

That said, the senator, and the leader of the government, attempted to belittle this effort, the senator posing as an injuriously affected party or victim of defamatory libel as a member of that institution that is the Senate.

● (1545)

There is no legal precedent by virtue of which a person is a victim of libel because that person's occupational group or the institution to which he or she belongs has been attacked publicly. There is no such case.

What is going on here, and it is important to point this out, is an attack directed against a member of parliament in order to restrict his freedom of speech because of the political opinions expressed by him. This colleague was elected so that he could express himself, express his ideas. That is what he has done, and that is why he is now being sued.

[*English*]

**The Speaker:** My colleagues, all questions of privilege affect all of us in this House. The hon. member has already spoken once today and I think he put his case. At the end of the presentation of his case today the hon. member did not say that he would be happy to put a motion to refer this to the proper committee.

[*Translation*]

Does the hon. member wish to do so immediately?

**Mr. Jean-Paul Marchand:** Yes, Mr. Speaker.

**The Speaker:** I think this should be recorded in *Hansard.*

**Mr. Jean-Paul Marchand:** Mr. Speaker, I move:

That the House refer to the Standing Committee on Procedure and House Affairs the matter of the refusal by the Board of Internal Economy to pay the legal fees incurred by the hon. member for Québec East as a result of the civil lawsuit launched against him by Senator Hervieux-Payette.

[*English*]

**The Speaker:** Of course the motion would only be put if I find a prima facie case of privilege in this particular case.

I have listened to a number of interveners on this particular matter. I always seek advice from all sides of the House, whether for or against a particular point of privilege. I would remind all hon. members that I not only accept this advice but I seek it from all members so that I can get a feel and balance for some of the points which are being brought up.

I am going to look at what the hon. member has said to the House today.

[*Translation*]

I am going to consider all other interventions that have been made by our colleagues, and I shall get back to the House in due time, if necessary.

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## ROUTINE PROCEEDINGS

[*Translation*]

### PRIVACY AND ACCESS TO INFORMATION

**Hon. Denis Coderre (Secretary of State (Amateur Sport), Lib.):** Mr. Speaker, on behalf of my colleague, the Minister of Human Resources Development, it is my pleasure to table three documents.

First, pursuant to section 72 of the Privacy Act and section 72 of the Access to Information Act, I have the pleasure of submitting, in both official languages, two copies of the annual report on the administration of the Privacy Act and the Access to Information Act within Human Resources Development Canada for the 1998-99 fiscal year.

This report should be referred to the House of Commons Standing Committee on Human Resources Development and the Status of Persons with Disabilities.

* * *

[*English*]

### CANADA MILLENNIUM SCHOLARSHIP FOUNDATION

**Mr. Denis Coderre (Secretary of State (Amateur Sport), Lib.):** Mr. Speaker, in accordance with section 38 of the Budget Implementation Act, 1998, I am pleased to submit two copies in

both official languages of the Canada Millennium Scholarship Foundation 1998 annual report. This report is to be referred to the Standing Committee on Human Resources Development and the Status of Persons with Disabilities.

* * *

[*Translation*]

## CANADA PENSION PLAN

**Hon. Denis Coderre (Secretary of State (Amateur Sport), Lib.):** Mr. Speaker, third, pursuant to section 117 of the Canada Pension Plan, I have the pleasure to table, in both official languages, two copies of the annual report of the Canada Pension Plan for fiscal year 1997-98.

This report should be submitted to the Standing Committee on Human Resources Development and the Status of Persons with Disabilities.

* * *

● (1550 )

[*English*]

## GOVERNMENT RESPONSE TO PETITIONS

**Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table in both official languages the government's responses to six petitions.

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## CANADA LABOUR CODE

**Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.)** moved for leave to introduce Bill C-283, an act to amend the Canada Labour Code (severance pay).

He said: Mr. Speaker, the object of this bill is to remove an unfair discrepancy in the Canada Labour Code. As the code stands now, if older people are laid off in a corporate shutdown, they often end up unable to collect any benefits because of the fact that they are deemed eligible for a pension. In many cases if they are not 65 years of age, they are not eligible for a full pension. On the one hand the pension is less than it would normally be and on the other hand, they get absolutely nothing from the severance package. This is an unequal treatment based on age.

About five years ago the then minister informed me that his bureaucrats were working on this problem and that it would be dealt with in the next edition of the law. Unfortunately that never happened. I hope to have the support of the House on this bill.

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

## CANADA TRANSPORTATION ACT

**Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.)** moved for leave to introduce Bill C-284, an act to amend the Canada Transportation Act (discontinued railway lines).

He said: Mr. Speaker, this bill would impose a three year moratorium on the dismantling of railway tracks and any related infrastructure of a railway line that has been discontinued under part III of the Canada Transportation Act.

The object of the bill is to enable potential short line operators to arrange business plans, to do feasibility studies, to negotiate and to be in a position to perhaps operate these abandoned lines. Once the abandoned lines have been dismantled, there is not enough money in the country to put them back together again, so any ongoing operational arrangements must be made before the actual dismantlement is done.

On that basis I propose this bill.

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

* * *

## SUPREME COURT ACT

**Mr. Monte Solberg (Medicine Hat, Ref.)** moved for leave to introduce Bill C-285, an act to amend the Supreme Court Act (approval of justices by committee).

He said: Mr. Speaker, the purpose of this bill is twofold. First, it would allow that nominees to the supreme court could be reviewed by the justice committee thereby introducing a degree of accountability for the supreme court. Second, it would appoint justices for a maximum of 15 years but it would still make them subject to retirement at age 75.

This bill would introduce some limits on the power of the supreme court today, something I think a lot of Canadians would like to see. The purpose of this bill is to introduce some accountability into the supreme court.

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

* * *

● (1555 )

## USER FEE ACT

**Mr. Monte Solberg (Medicine Hat, Ref.)** moved for leave to introduce Bill C-286, an act to provide for parliamentary scrutiny and approval of user fees set by federal authority and to require public disclosure of the amount collected as user fees.

He said: Mr. Speaker, user fees are becoming an increasingly large part of government revenues, yet there is almost no

accountability when it comes to how these fees are introduced in the first place and scrutiny of how they are increased.

This bill would seek to bring the user fees before the appropriate committees of the House of Commons for scrutiny and debate. We could hear witnesses who are affected by these user fees. Ultimately this would give some powers to the committees, something that is long overdue in the House. Ultimately it would ensure that the government does not continue to use these user fees. It is really taxation without representation.

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

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## INCOME TAX ACT

**Mr. Monte Solberg (Medicine Hat, Ref.)** moved for leave to introduce Bill C-287, an act to amend the Income Tax Act (removal of foreign investment limit for registered retirement savings plans and registered retirement income funds).

He said: Mr. Speaker, the retirement incomes of many Canadians are under siege because of high levels of taxation and because the social safety net, particularly the Canada pension plan and old age security do not come anywhere close to funding their retirement needs.

This idea of removing the foreign content rule on RRSPs would allow people to protect their retirement nest egg and in fact would enhance it.

Canada has only 3% of the world's markets, but of course Canadians have to put essentially 100% of their savings into those markets.

This bill would allow them to spread their risk around and enhance their return, ultimately leaving them better off in their retirement. It has received the support of thousands of Canadians who are in this position today.

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

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## CRIMINAL CODE

**Mr. Eric Lowther (Calgary Centre, Ref.)** moved for leave to introduce Bill C-288, an act to amend the Criminal Code (prostitution).

He said: Mr. Speaker, this bill relates to the offences for communicating for the purposes of prostitution. It allows the prosecutor to proceed with either an indictable offence or a summary offence. This bill was actually brought into being by issues of concern in my own constituency where people who are paying taxes want to have safe streets outside their own homes.

This approach to the amendment of the criminal code in this area has been endorsed by a federal and provincial task force on this issue. I look forward to its hearing.

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

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## INCOME TAX ACT

**Mr. Eric Lowther (Calgary Centre, Ref.)** moved for leave to introduce Bill C-289, an act to amend the Income Tax Act (child adoption expenses).

He said: Mr. Speaker, this is a very exciting bill that has had broad support across the country.

This bill would allow those who wished to adopt children to tax deduct up to $7,000 of the expenses that are directly applicable to adopting children in this country of many parents who want to adopt and many children who want to be adopted. This is one vehicle that would help that process come to fruition and it would benefit our kids.

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

* * *

• (1600)

[*Translation*]

## CANADA ELECTIONS ACT

**Ms. Caroline St-Hilaire (Longueuil, BQ)** moved for leave to introduce Bill C-290, an act to amend the Canada Elections Act (reimbursement of election expenses).

She said: Mr. Speaker, it is with considerable pleasure that I table this bill today. It amends the Canada Elections Act to give a registered party a partial reimbursement of its election expenses when at least 30% of the elected candidates sponsored by the party are women.

I think that we must establish specific measures starting now and this is why I am proud to table this bill. This bill is a major step by the world of politics in connection with the presence of women in politics. I would remind my colleagues that women represent 52% of the population. Now is the time to act.

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

* * *

[*English*]

## CRIMINAL CODE

**Mr. Eric Lowther (Calgary Centre, Ref.)** moved for leave to introduce Bill C-291, an act to amend the Criminal Code (prohibited sexual acts).

He said: Mr. Speaker, in light of current events in this country and the Liberal government lowering the age for sexual consent to 14 years, this bill is needed.

The bill would prohibit sexual acts committed with children or in the presence of children under the age of 16. It would effectively raise the age of consent for sexual activity from 14 to 16 years, which is a start in the right direction.

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

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## IMMIGRATION ENFORCEMENT IMPROVEMENT ACT

**Mr. Janko Perić (Cambridge, Lib.)** moved for leave to introduce Bill C-292, an act to amend the Immigration Act (improvement of enforcement in the case of those who commit offences).

He said: Mr. Speaker, I am pleased to rise today to reintroduce my private member's bill, which is known as the immigration enforcement improvement act.

I first introduced this bill during the 35th parliament, following the 1994 murders of Georgina Leimonis and police constable Todd Baylis in Toronto. Non-citizens who had been evading deportation committed both crimes.

The bill would eliminate bureaucratic red tape and speed up the deportation of criminal non-citizens. During the last parliament this bill was a votable item and had been undergoing a review by the immigration committee when parliament was dissolved in 1997.

I would encourage all members of the House to lend their support to this initiative.

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

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## PETITIONS

### IMMIGRATION

**Hon. Charles Caccia (Davenport, Lib.):** Mr. Speaker, I have the honour to present two petitions signed by individuals from the metropolitan Toronto area.

The first petition requests that parliament ask the Department of Citizenship and Immigration to review existing income requirements to allow all potential sponsors to not be unduly burdened. It requests that more than one person be allowed to sponsor the same individual and to share the responsibility of financial support for that immigrant.

The second petition calls upon parliament to ask the Department of Citizenship and Immigration to review the existing fee structure, to combine the landing and processing fees and to lower the fee to $500 per application.

### IMMIGRATION

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, on behalf of the people of my riding, in particular those in the towns of Sundre, Carstairs and Ardrie, I have the honour to present a petition calling for parliament to change the immigration system to allow for the immediate deportation of obvious and blatant abusers of the refugee system.

● (1605 )

### AGRICULTURE

**Mr. Rick Borotsik (Brandon—Souris, PC):** Mr. Speaker, I have the pleasure of submitting to the House two petitions today. Both are on the subject of agriculture and are signed by people from Saskatchewan.

The petitioners suggest that the agricultural income disaster assistance program does not truly reflect the true needs or requirements of western Canadian farmers.

They would also like the AIDA program to be replaced with an immediate acreage payment to resolve some of the issues they are facing with respect to farm commodity prices.

### CHILD PORNOGRAPHY

**Mr. Rick Casson (Lethbridge, Ref.):** Mr. Speaker, I have two petitions to present to the House. The first one concerns child pornography.

Pursuant to Standing Order 36, it is my duty and honour to present to the House the following petition which comes from concerned citizens in my riding of Lethbridge.

The signatories are horrified by pornography which depicts children and are astounded by legal determinations that possession of child pornography is not criminal.

They call upon parliament, which has a duty to enact and enforce the criminal code, to take all measures necessary to ensure that the possession of child pornography remains a serious criminal offence and that federal law enforcement agencies be directed to give priority to enforcing this law for the protection of our children.

This petition contains 34 names, mostly from the town of Cardston.

### MARRIAGE

**Mr. Rick Casson (Lethbridge, Ref.):** Mr. Speaker, I am pleased to present the following petition from residents of Lethbridge.

Decisions by the supreme court, as well as recent pieces of federal legislation, have placed extreme stress on the traditional definition of the family. The petitioners believe that the traditional

family is the building block of society and call upon parliament to enact Bill C-225, an act to amend the marriage act so as to define in statute that a marriage can only be entered into between a single male and a single female.

This petition, which contains the names of 29 residents, brings the total number of names that I have received on this issue to over 1,500. It is a significant statement which I hope the government takes into consideration.

HEPATITIS AWARENESS MONTH

**Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP):** Mr. Speaker, it gives me great pleasure pursuant to Standing Order 36 to present some fine petitions from very educated people throughout the country, from Niagara Falls, Kelowna, as well as my riding, regarding Bill C-232, an act to make the month of May hepatitis awareness month.

The petitioners call upon parliament to support Bill C-232, one of my own, an act to provide a hepatitis awareness month, ensuring that throughout Canada, in each and every year, the month of May shall be known as Hepatitis Awareness Month.

JUSTICE

**Mr. Chuck Cadman (Surrey North, Ref.):** Mr. Speaker, pursuant to Standing Order 36 I wish to present a petition from Mrs. Nancy Caldwell of Middleton, Nova Scotia.

Mrs. Caldwell has collected some 6,700 signatures from her fellow citizens. They are requesting that parliament enact legislation providing for tougher penalties to be meted out for those who commit sexual assaults against minors.

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### QUESTIONS ON THE ORDER PAPER

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

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

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## GOVERNMENT ORDERS

[*English*]

### NISGA'A FINAL AGREEMENT ACT

The House resumed consideration of the motion that Bill C-9, an act to give effect to the Nisga'a Final Agreement, be read the second time and referred to a committee, of the amendment and of the amendment to the amendment.

**Mr. Bob Mills (Red Deer, Ref.):** Mr. Speaker, it is a privilege to speak today, as only about 16 opposition MPs will get an opportunity to speak because closure has been imposed by the government. There are 24 members of parliament from British Columbia alone who should have the opportunity to speak to this motion, but will be denied by a government that does not believe in democracy.

We need to look at this issue. All of us are concerned about the native people of this country. The United Nations has condemned Canada for its treatment of native people. We have thrown treaties at them. We have thrown money at them. We have thrown programs at them. We have thrown Indian affairs concepts at them. We still have the same problems today that we have had for so long.

● (1610 )

We have developed an Indian industry in the country, much of it run by white people. We have put in over $7 billion, at least $5 billion of which was used up by the industry itself, never reaching the grassroots people. We have chiefs and councils working against the grassroots people who we in the House should be protecting and improving their way of life.

We have tried to amend our consciences. I guess that is what we have been doing over the last 30 years. Look what we have. We have told native people that they can ignore the hunting, fishing and logging rules. We have told them that they can avoid income tax and sales tax, as well as Bill C-68. We have told them that they can be admitted to school with lower grades, have employment quotas for preferences, can invade parks and block roadways and we will just ignore it. Are we doing them a favour?

What are we doing for these people? I am sure the member for Wild Rose could tell us in great detail because he has been on the reserves, has seen the grassroots people and talked with them right across the country. The reality is that they do not have sewer and water facilities. They have a crime rate that is four and a half times greater than the rest of the population. There is a high suicide rate, three times more AIDS, no initiative, and alcohol and drug abuse is at 62%. That is the reality of what the Indian affairs policy of the country has given the native people.

In my riding, Yolanda Redcalf, a Sunchild O'Chiese member on reserve, went on a 45 day hunger strike because of housing conditions. The answer from Indian affairs was, finally we will give in to her, shut her up and we will not worry about the rest of the people. That happens over and over again. That is the policy of the government.

We need to deal with this huge problem, which is probably as great as the Quebec unity issue. It is a problem that will face us for many, many years to come.

Let us talk about some other groups that have come to the country. I often hear that we are the ones who caused the problem. To a great extent I expect that we are. As one person told me in

Kitchener last week, we should think of the refugees who came to this country. Let us go back to the Chinese population who built the railway across the country. What about the Italians who came? My wife's parents came to this country with six kids and less than $100.

In Kitchener I talked with two Polish brothers. I talked to members of the Serbian and Bosnian communities. They said ''Listen, when we came here we wanted to work. We wanted to build something better for ourselves''.

What have we done to the native people to destroy their initiative? Why are they not starting businesses? Why are they not building something for themselves and for their families? It is because of a racist policy that the federal government, largely Liberal over the last 30 years, has put forward.

As a party we believe in equality for all people. We believe that people should have the same status, no matter what their religion, colour or race. Everyone is equal. As soon as we start giving special status to people we start the decay and the decline which we see today. It is the special status which some Liberal government long ago decided to give these people that is at the root of the problem. We are not doing them any favours.

Let us look at what is happening in Atlantic Canada today. Let us look at the salmon fishery on the Pacific coast. The same thing has happened around the world. The homelands were given to the people of South Africa. There was once a guy in Germany who said that people with blue eyes and blonde hair were better. What is the difference when the Liberal government—

● (1615 )

**Mr. Andrew Telegdi:** Mr. Speaker, I rise on a point of order.

The member has no right standing up in the House and saying ''racist policy of the government''. If there is racism in the Chamber, it is over there.

**The Deputy Speaker:** That is not a point of order.

**Mr. Bob Mills:** Mr. Speaker, you can see how touchy they are about this. They do not like being called that sort of thing. Neither do we when they throw it back at us. It is not true. We believe in equality and that is really where it is at.

**Mr. Andrew Telegdi:** It is true.

**Mr. Bob Mills:** Mr. Speaker, I trust you are listening to the sort of abuse that comes from across the floor. The Liberals can say something but nobody else can say it.

What happens in the Liberal's race based policy where they build a dependency on welfare and act like an east bloc operation? Socialism might be a great idea but it just does not work.

The Nisga'a agreement has a template for homelands. This is something that will affect the country down the road in a dramatic way. People will look at the debate, or lack of it, in the House and say that this has changed the country and it is not for the good.

We are creating a rivalry, a dispute. We are creating something that will come back to haunt us for years to come in the country. The Indian industry, largely in many parts set up by whites, has not made a better place for our native grassroots people. We will destroy the Indian people by this sort of legislation, by not giving them equality and by not helping them to enter the 21st century as equals.

I see nothing in the Nisga'a agreement that will improve the situation. We are setting up a third line of government. We are setting up a third order that will leave nothing but confrontation and rivalry between the native people and their neighbours.

We should talk about that because many of the neighbours of native people have learned to understand them, to work with them and to help them. I think that is where we want to be. We do not want to set them aside as separate individuals. Even the B.C. Liberals, these people's brothers and sisters from B.C., do not agree with that.

We could talk about the cost of these treaties. We could talk about how this will be a template for what could happen and how treaties, like Treaty 8 in Alberta, can simply be reopened and the problems that can create. How can the government, in all conscience, sit there and allow the balkanization of our country? How does it have the nerve to let that sort of thing happen?

Although I am no expert, we could go through the agreement and find many others areas.

I cannot close without reading a news release. ''The motion this morning by the federal government to invoke closure on the Nisga'a treaty debate is a reprehensible abuse of democracy'', said Liberal leader, Gordon Campbell, today at noon. ''This is an egregious abuse of the democratic process and shows flagrant contempt of all British Columbians'', said Campbell. ''It is an unacceptable slap in the face to our province and to all Canadians who deserve a full and open debate on this landmark treaty''. That is from a Liberal. That is how the Liberals feel in B.C. I think that message should be listened to by all members in the House.

**Mr. Andrew Telegdi (Parliamentary Secretary to Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I am honoured to speak on Bill C-9, the Nisga'a final agreement.

I spent the first five years in this country from 1957 to 1962 in the province of British Columbia. I continue to this day to visit twice a year and make it a point to consult with members of the first nations to gain understanding of issues of concern to them.

● (1620 )

Their frustration at the snail's pace of the treaty process is one of their greatest concerns. So when members of the Reform Party call for more time for consultation, they are being disingenuous. They want to kill the bill. They do not believe in justice for our first nations.

Since my time is limited, the focus of my presentation will be the earlier part of the Nisga'a people's struggle for the social justice the agreement represents.

The passage of the bill will bring closure to unfinished business of the 19th and 20th centuries. The bill will lay the foundation of a relationship between Nisga'a people of British Columbia and our government.

The bill will address some our longest outstanding social justice issues in Canada and thus set the stage for the next millennium. We have an opportunity here today to restore trust and good faith and to truly begin the reconciliation process.

The Nisga'a agreement is not just a treaty that has been negotiated in this past decade that we are asked to ratify here today. The Nisga'a treaty is a symbol and its historical timeline is one we must acknowledge here today and we must understand in order for all of us to move forward.

British Columbia was the last part of Canada to be colonized. One hundred and fifty years ago the Hudson's Bay Company established a proprietorial colony on Vancouver Island. In exchange for all natural resources of that territory, it had to establish a simple infrastructure and governance system.

When the gold rush began, the colony of British Columbia was formed in 1858 with Governor James Douglas at the helm. It was then that a small attempt to sign treaties began. The areas where the Hudson's Bay Company did business were where the small colonial treaties were signed: at Fort Victoria, at the coal mines in Nanaimo and Fort Rupert, and the Fort Langley trading post. Fourteen small treaties in all, for a few blankets I might add.

Unfortunately the old colonial documents show a disagreement of who should pay for the cost of making treaties, and by the 1860s treaty-making was halted. If only Governor Douglas was to know how long the debate of who was to pay what would continue.

Rather than speak to the Nisga'a final agreement in Canada's historical treaty-making and policy development context, I want to speak to the Nisga'a people's living memory of this experience.

When B.C. joined confederation in 1871, article 13 of the Terms of Union stated that the federal government would assume responsibility for Indians and lands reserved for Indians. British Columbia agreed to provide lands for reserves and the Government of B.C. considered the land question to be resolved.

However, the Nisga'a did not, nor did they know that their lands and rights had been dispersed by a third party.

When the first surveyor entered the Nass Valley in the 1870s to gazette today's Nisga'a reserves, he was met by the grandfather of Frank Calder. The surveyor O'Reily was told to leave and that this was not his territory.

Within a decade of that encounter, the first of many delegations of hereditary chiefs travelled to Victoria to demand of the premier settlement of this land question. They demanded recognition of their title and affirmed the ownership of their territory since before the time of the flood. They journeyed home unsuccessful; the government of the day considered the land question resolved. The chiefs who had a direct link to each of their territories since time immemorial thought the land question had just begun.

In 1890, the first land committee was formed with its first members: the grandfather, great-grandfather and great-great-grandfathers of today's Nisga'a negotiating team.

Shortly after the turn of the 19th century, the land committee of the Nisga'a petitioned the privy council in England seeking to resolve the land question. Again their efforts were not successful.

All the time the communities of the Nisga'a raised money, penny by penny, to send representatives to the various governments, to hire lawyers to argue their cause. Over a century and a quarter of bake sales, raffles and donations have brought Bill C-9 to the Chamber today.

By 1884, the central organizing unit of aboriginal people in Canada was outlawed. The potlatch ordered the governance, religion and economy of the peoples for thousands of years and with the stroke of a pen the covenant between the Nisga'a and the creator was made illegal. As well as the loss of their land, the very social, governance and religious structures of the Nisga'a feast houses were legislated away by our government not to be repealed until 1951.

The original land committee saw the death of many of its members over the next century only to be replaced by their chieftain heirs, their sons and their nephews. The Nisga'a final agreement has been a cost to the Nisga'a people of generations of negotiators who dedicated their entire lives to their struggle.

No other time in Canada's history can we trace the lineage of active participants in a cause to direct lines for 130 years. This is not a modern treaty. This is a modern solution to a very old outstanding debt. The Nisga'a continued to lead the young province's aboriginal leaders, and in the early part of the 20th century were part of the allied tribes. The allied tribes united the diverse cultural tribes and nations of British Columbia into one goal, the land question. Chiefs from more than 50 languages assembled in an unprecedented way to peacefully question the legality of the land and its ownership. People of warring tribes, different cultures and

customs joined peacefully in one overwhelming cause, the land question.

• (1625)

How did we as Canadians respond? We amended the Indian Act to make it illegal for Indians to raise money to advance land claims. We also made it illegal for lawyers to be hired by Indians for that purpose.

The legislation stayed on the books until 1951. Did that stop the Nisga'a? No, it did not. The Nisga'a land committee went underground and worked through other organizations, including the Native Brotherhood to advance their cause. Whenever a federal government official tried to attend any meetings that discussed land questions, most groups would launch into hymns in order to cover up their illegal activity. To this day, Onward Christian Soldiers is the battle hymn of the Native Brotherhood of British Columbia, North America's oldest Indian organization.

When the legislation was repealed, the Nisga'a land committee resumed in public. In 1968, Chief Frank Calder led the Nisga'a tribal council on the land question to court. The council's lawyer was young Thomas Berger. Mr. Berger articled with Thomas Herley, underground legal counsel for the Native Brotherhood of British Columbia.

The delegation of people who stood on the steps of the Supreme Court of Canada to represent their people in the final stage were the third and fourth generation of those who posed before legislatures and courts to have their photos taken to record momentous occasions. Many of those who stood on the steps of the Supreme Court of Canada and later in Prime Minister Trudeau's office have since passed over and have been replaced by younger generations.

The Nisga'a chief negotiator, Chief Joe Gosnell's late father, Elijah and late brother, Chief James Gosnell, were both on those steps.

After a lengthy deliberation, the supreme court was evenly split on the decision for the Calder case, with one judge voting on a technicality of whether or not the Nisga'a could actually sue the government. Even though the decision was not a clear victory, aboriginal title was recognized and Prime Minister Trudeau reversed his policy on the land question. In 1973 he announced the comprehensive land claims policy.

Three years later, in 1976, Canada entered into a bilateral negotiation with the Nisga'a tribal council. British Columbia continued to deny that any aboriginal title still existed there, insisting that colonial legislation had dealt with it. However, on the heels of the Delgamuukw case and under the conditions of staying the Meares Island case, the provincial government re-examined its stand on the land question.

In July 1991, the task force to review aboriginal claims in British Columbia released its report. It contained 19 recommendations on how to negotiate the settlement of the land question in B.C.

On August 4, 1998, a canoe with Chief Frank Calder in it, grandson of Arthur Calder who met the first surveyor, was carried into the great feast hall. This canoe symbolized the many journeys the Nisga'a people made from the 1870s to the 1990s to peacefully assert their title to a land they had held since time immemorial. The journey was not just physical for the Nisga'a, it was spiritual and, at times when it buried the generations that had travelled in that symbolic canoe, it was transforming.

On November 9, 1998, members of the Nisga'a Nation ratified the final agreement through a ratification vote and on April 22, 1999, British Columbia passed the legislation it introduced to ratify the agreement. The British Columbia legislation was given royal assent on April 16, 1999. The final agreement was signed by the Nisga'a and the Government of British Columbia on April 27, 1999 and by the Minister of Indian Affairs and Northern Development on May 4, 1999.

Treaty-making is a quintessential part of the relationship between Canada and the first nations in the country. Negotiation and reconciliation are two pillars of the Canadian way. With the Nisga'a treaty, we reconcile the past with the present. We find a way to live together with mutual respect and understanding, a way to look forward with anticipation to the developments of the next century. The treaty is consistent with the federal policies on comprehensive land claims to self-government.

I respectfully urge all members of the House to support Bill C-9, the bill to ratify the Nisga'a final agreement. Justice must be done.

**Mr. Lee Morrison:** Mr. Speaker, I rise on a point of order. I was so enthralled by that departmental speech that I wonder if I could have unanimous consent to ask the reader a question.

**The Deputy Speaker:** Does the House give its consent for a period of questions and comments?

**Some hon. members:** Agreed.

**An hon. member:** No.

• (1630)

[*Translation*]

**Mr. Daniel Turp (Beauharnois—Salaberry, BQ):** Mr. Speaker, I am delighted to take part in this debate on Bill C-9, after the member for Saint-Jean, the Bloc Quebecois Indian affairs critic, and to repeat in the House that the Bloc Quebecois is in favour of this bill, that it is in agreement not only with the implementing legislation, but also with the content of the Nisga'a final agree-

ment, and that it supports this initiative because its purpose is to confer genuine self-government on the Nisga'a people.

Unlike the member for Saint-Jean, I have not had the opportunity to meet on Nisga'a lands with representatives of the Nisga'a nation, people like Mr. Gosnell, Mr. Nice, or Mr. Calder, the individual at the origin of the dispute now coming to a close, the individual who took this case to the courts, with the result that the supreme court recognized the inherent rights of the Nisga'a nation. But I recall my early days as a law student at the Université de Sherbrooke, where this important case, one of the first recognizing the inherent rights of first nations, was studied by my fellow students.

I did, however, have an opportunity to meet with representatives of the Nisga'a nation when they were here in Ottawa last week. I saw the degree to which their fight was a fight for freedom, a fight they were proud to wage, a fight they wanted to see out in the House, in parliament. We assured them that members of the Bloc Quebecois would rise and give their support for this bill, as I am doing today on behalf of the Bloc Quebecois.

I told the representatives of the Nisga'a nation that, as a professor of constitutional law interested in native issues, I found this treaty a fascinating document. It is document that shows it is possible to find a novel and original formula to bring together various people and to get them to share the same territory. The various chapters of the agreement ensure the form of self-government that all aboriginal nations, not only those of Canada, but those of other countries also, must enjoy.

Let me reiterate that the work done by the negotiators and especially the Nisga'a negotiators deserves to be recognized as a novel and original initiative that sets a very interesting precedent for the negotiations to be held elsewhere, by other aboriginal communities in Quebec and in Canada.

It is a fascinating document that includes provisions dealing with lands, land title, forest resources, roads and rights of way, wildlife and migratory birds. Environment issues are addressed. It also mentions the administration of justice, cultural artifacts and heritage, questions that are of concern to the Nisga'a and on which they will now be able to legislate. The agreement also provides for a Nisga'a government, village governments, as well as a Nisga'a Constitution and legislation that will implement the underlying principles the Nisga'a have chosen to enshrine in their Constitution.

The self-government system created by this agreement will ensure that the Nisga'a, the Nisga'a nation and its representatives will become masters of their own destiny and make their own decisions concerning their economic, social and cultural development.

• (1635)

Some of these provisions are a source of concern to certain members of this House. I must admit that I do not understand the Reform Party's attitude.

Not only do I not understand it, I am rather ashamed of their attitude in this House. Their interpretation of this agreement shows that they do not understand it. It shows that they did not examine it properly or, if they did, then they are real demagogues.

For example, when it comes to the issue of citizenship, the agreement clearly provides that it can only be granted to those who qualify as Nisga'as, but that the Nisga'as can adopt laws to extend the concept of citizenship and grant it to people who do not meet the criteria set in the agreement, as provided in clause 20 on the eligibility and registration of Nisga'as.

To claim that the agreement is racist, that the concept of citizenship is racist, is an argument that does not hold up.

[*English*]

**Mr. Myron Thompson:** Mr. Speaker, I rise on a point of order. We are quick to discourage unparliamentary language in the House. I remind the Speaker that the word demagogue is a word that is not allowed according to all rulings that we have had.

[*Translation*]

**The Deputy Speaker:** I listened to the hon. member for Beauharnois—Salaberry when he made his remarks. I will look at the blues this afternoon and I will get back to the House regarding this issue, if necessary.

[*English*]

I thought I heard him refer to the actions of a party amounting to demagoguery, or words to that effect. I do not believe he called any hon. member a demagogue. However, I will check *Hansard*, as I have indicated, and come back to the House should that be necessary. I did not hear him apply the epithet to a member which I agree would be unparliamentary.

[*Translation*]

**Mr. Daniel Turp:** Mr. Speaker, I think you did in fact pay close attention to my remarks.

The issue of citizenship, as set out in this agreement, indicates no racist intention, no intention of excluding anyone. It must be understood that the concept of citizenship and its possible extension are based on historical precedent and are intimately tied to the history of the Nisga'a nation, which was covered by the Indian Act, which was racist, of course, but which will be replaced by an agreement on self-government allowing native peoples to grant citizenship according to their own rules, which will not show them to be racist, in my view, any more than the other peoples of this country, such as the people of Canada and Quebec.

What interested me in this agreement is the willingness to allow the Nisga'a, the Nisga'a people and its government, to examine international issues, international agreements, international arrangements. Indeed, it is mentioned in chapter III, which concerns fisheries, particularly in section 115 where the Nisga'a are given the right to be consulted when the Canadian government negotiates fisheries agreements having an impact on existing rights they could have over these resources.

● (1640)

It is interesting to note that there was no hesitation whatsoever about this, despite the fact that negotiations on these points were difficult, apparently. That is what the Nisga'a representatives told us. Provinces, particularly Quebec, seldom have a voice in the process and have nothing to say in the development of a negotiating position concerning international treaties and agreements.

This agreement constitutes an example of partnership that should inspire all those who want to conclude agreements with the native nations. It would certainly inspire a sovereign Quebec, since Quebec intends to maintain the existing ancestral treaty rights of native nations when it attains sovereignty. It also wants to negotiate partnership agreements with the 11 native nations in Quebec.

Finally, I want to wish the Nisga'a people, its members and its representatives that the new freedom and the self-government the agreement gives them will allow for the full development of their nation. It is a process that will interest the Quebec people, which is searching in its own way and with its own timeframe for the same kind of development and freedom, and which will walk side by side with the Nisga'a people.

[*Editor's Note: The hon. member spoke Nisga'a*]

[*English*]

**Mr. Gerald Keddy (South Shore, PC):** Mr. Speaker, it is a pleasure to rise in the House again to debate the Nisga'a treaty, Bill C-9. Hopefully I will dispel some of the rumours, innuendo and plain mistakes that have been cited in the House about the treaty and perhaps about the way we deal with first nations in the future of the country.

As with any piece of negotiation, as with any agreement where two parties sit down to try to formulate a long lasting and permanent treaty, one side will negotiate some issues more vociferously and adamantly than the other side and they compromise. At the end of the process hopefully they come up with a treaty which reflects the interests of both parties. In this case it actually reflects the interests of three parties: the Nisga'a nation, the province of British Columbia and the Government of Canada.

The treaty was not something that was entered into in a frivolous manner. It was negotiated over 110 years and now it is in the House. I certainly condemn the government for forcing closure on this piece of legislation and not allowing free, open and continuous debate. However we have reached the point where we are at closure in the House and I think there are a couple of basic points which need to be reiterated one more time in this place so everyone who is listening or watching or interested in the proceedings today understands the basic premises of the treaty.

We know that the Nisga'a stand to gain a number of things in the treaty. They stand to gain nearly 2,000 square kilometres of land in the Nass Valley which have always been their traditional lands. They stand to gain 18% of the salmon catch in the Nass River. With the salmon stocks where they are, obviously 18% of the salmon catch today is not significant. Eighteen per cent of the salmon catch in the future with conservation applied could be extremely significant and a great opportunity for both commercial and industrial growth.

● (1645 )

Certainly, there is a settlement of $190 million which will go directly to the Nisga'a from the federal government.

The Nisga'a will have a sustainable allowable cut in the valley from their numbers of 115,000 cubic metres of fibre per year. The point should be made that since timber has been cut in the Nass Valley starting in 1958, in the last number of years 250,000 cubic metres have been harvested on an annual basis. That is more than double the sustainable allowable cut of the Nass River Valley. To cut that back to 115,000 or 120,000 cubic metres of fibre is a sensible, responsible and conservation based way to harvest timber.

There is a 10 year agreement on taxation. That agreement is based on eight years for provincial tax and ten years for federal tax. Surely, even the most rabid opponents to this bill can understand that this is the way we should deal with first nations in the future.

On the argument that this is possibly some sort of a template, our forefathers made a decision many years ago to deal with first nations in Canada on a nation to nation basis. This is not a template. This is a treaty between the Nisga'a nation, the Government of Canada and the province of British Columbia. This treaty will be looked at when we negotiate other treaties, but it is not a template for another treaty. We base each treaty on its own merit given the number of band members, the geographical area and the traditional territory that they once held sway over.

There will be 300,000 decametres of water flow from the Nass River, or 1% of the total water flow in the Nass Valley, which will be set aside for Nisga'a use for possible future industrial purposes.

Moreover, the rights of the Nisga'a are protected, the right of language and the rights over culture.

Many members have stood in the House and argued that this is a race based government. It is patently unfair to say that. People stood in the House and said that non-Nisga'a will not be allowed to vote in this government. Quite honestly, non-Nisga'a are not allowed to vote for chief and council now. Non-natives have never been able to on any reserve in Canada. This is a step beyond that, with full recognition of inherent rights of first nations in British Columbia and in the rest of the country.

The thing we do not hear about in the House is the fact that non-natives living in Nisga'a territory will have rights. Those rights are protected by the constitution of Canada, the charter of rights and by the Nisga'a government. They will have their property ownership in fee simple. They will even own the road beds and have rights of way to the road bed and highway leading to those pieces of property. To say that non-Nisga'a have no rights in the Nass Valley after this treaty finally goes forth is patently false.

The other thing that has been misrepresented about this treaty is that the charter of rights and freedoms will not apply. The charter of rights and freedoms does apply. The constitution of Canada applies. There should be no mistaking those two issues because they are basic to the democratic rights of all Canadians.

I would like to read an excerpt from the treaty on the charter of rights and freedoms. Section 32(1) states that the charter of rights and freedoms applies. I heard a lot of members try to make the argument that the charter of rights and freedoms does not apply. This charter applies to the Parliament and Government of Canada in respect of all matters within the authority of parliament, and to the legislature and government of each province in respect to all matters within the authority of the legislature of each province. As it relates to the Nisga'a final agreement, ''the Canadian Charter of Rights and Freedoms applies to the Nisga'a government in respect to all matters within its authority, bearing in mind the free and democratic nature of Nisga'a government as set out in this agreement''.

● (1650 )

This means that the charter of rights applies within the parameters of section 1 of the charter of rights and freedoms which says that rights are guaranteed in a free and democratic society. This is not rocket science. This is pretty basic stuff that should not be misconstrued, or manipulated in a manner that was not meant to be implemented.

Therefore if the charter of rights is breached, apparently it is okay as long as it would be accepted in a free and democratic society or in other words if government can justify the infringement. It is no different for the Nisga'a government than it is for the Canadian government or for any provincial government. This is a basic right that gives a level playing field for all Canadians, whether those Canadians are aboriginal Canadians or non-aboriginal Canadians.

Quite frankly we have to decide how we are going to deal with first nations in this government. A few rules and parameters have already been set down which we have to abide by.

I will go back to when Canada became a nation in 1867. Our forefathers made a decision that we would recognize first nations in this country nation to nation. Surely we cannot turn our back on that concept now.

I am running out of time but one more point needs to be made. We should stop mixing up aboriginal rights as granted under the Sparrow decision and aboriginal title. They are two distinct and separate things. To put them all into one grey area that they are exactly the same thing is patently wrong. It is misleading to all Canadians who are interested in this important debate. It should be an informed debate. All of the issues need to be brought out and discussed in the light of day. I do not think there is anything to be ashamed of but there is a lot to be gained.

In conclusion, there are three ways we could deal with first nations. We could have open warfare which is not acceptable nor wanted by either party. We could try to negotiate or deal with first nations through the court system which is another mistake because no one gains at the end of it. Quite often the issues become more blurred. Or we could sit down and negotiate modern day treaties which is obviously what the Nisga'a treaty represents.

**Mr. Steve Mahoney (Mississauga West, Lib.):** Mr. Speaker, I congratulate the member who just spoke. He made a lot of sense. He is obviously well versed on the issues, not just those that surround this treaty but I think all issues as they affect aboriginal Canadians. I was particularly struck by the comments which had to do with the attempts to change direction or perhaps interpret things differently.

I am going to attempt a difficult thing for me. I am going to attempt to keep the debate at a reasonably low level because the facts are extremely important. Although we heard it from the hon. member, we do not hear in debate from the opposition, from the Reform Party, the actual facts about what this is about and the consultation process that has taken place.

I did not hear anyone in the Reform Party say that it was somewhere around 1887 when the leaders of the Nisga'a nation made their first trip to the legislature in British Columbia to talk about this treaty. Reform Party members talk about lack of consultation. This has been kicking around for over 100 years.

In fact the formal consultations from the government's perspective started approximately in 1990. That is when a number of committees were established to deal with all the different issues, whether it was hunting, fishing, logging or access to minerals and

resources below the ground and all of those issues which are extremely important to the future economy of this group of Canadians.

● (1655 )

I was here on Friday during the debate on authorizing the finance committee to travel. The opposition was leading what I would describe as a filibuster. Having been in opposition I respect the rights of opposition members to use whatever tactics they feel are appropriate, but their reason for attempting to stop the finance committee from travelling was that they felt it was important that the Standing Committee on Aboriginal Affairs and Northern Development be authorized to travel.

I respect that attempt at leverage. It is one of the few things an opposition party can do. Even though I did not particularly like some of the debate, I understand in this place that the minority in dealing with a majority government has to use certain tactics in an attempt to bring about change.

As a result I am astounded that no one from the Reform Party has risen here to thank the government for the motion that was passed earlier today. The Standing Committee on Aboriginal Affairs and Northern Development is authorized to travel to Victoria, Vancouver, Terrace, Prince George and Smithers, British Columbia during the week of November 14 to 20 to hold hearings with regard to the treaty.

I am sure it is an oversight. I am sure in their eagerness to prepare for question period and this ongoing debate they probably just assumed that one of their other caucus colleagues would stand to thank the government for doing that. In effect that is what is happening. I would have thought they would be in a congratulatory mood because of that opportunity.

It will be very interesting to see what happens at those hearings. I am sure they are already busy attempting to derail or create some kind of protest at the hearings. I am sure they are already in touch with Gordon Campbell, the leader of the Liberal Party in British Columbia, whom they love to quote, in an attempt to put a certain viewpoint across.

The process is not what bothers me. That is quite a legitimate process in the greatest democracy in the world. It is quite legitimate for an opposition party or someone opposed to something the government is doing for them to do that. The question is, are they going to put the facts on the table?

The Reform Party is the only party in this place opposed to the treaty. Many members of the Reform Party represent ridings in British Columbia and other parts of western Canada. I do not believe they have a member east of Manitoba but I stand to be corrected. And I do not think they have any in Quebec or the maritimes. The Reform members represent that part of Canada. They have a real vested interest. What is it they object to?

Could it be that they object that the Nisga'a, under a general provision in the treaty, will continue to be an aboriginal people under Canada's Constitution Act, 1982? Do they object to that? Would they like to eliminate the Nisga'a people, the Nisga'a culture, heritage and language? I cannot imagine political representatives saying they would want to eliminate a people.

I say to my friends in the Bloc that I get a little nervous when they stand and speak in support of this bill. I suspect they believe what the Reform Party has said, that this could somehow be interpreted as a template for separation. I get a little nervous about the support of the Bloc Quebecois for the bill when they use that particular rationale.

I do not know if the issue is that the Reform Party does not like the fact that Nisga'a will continue to be a people under the constitution act or that the Nisga'a will continue to enjoy the same rights and benefits as other Canadian citizens. Does the Reform Party object to that? We heard the previous speaker quote right from the treaty wherein it says that the constitution of the country applies. The Nisga'a will have the same rights as other Canadian citizens. Would someone from that party please rise in his or her place and say that they do not agree with that if in fact that is true? Do they object? I find this incredible.

● (1700)

Under general provisions lands owned by the Nisga'a will no longer be reserve lands under the Indian Act. One of the fallouts of that is that it means the Nisga'a nation will become taxpayers just like everyone else. Do Reform members object to that? It would astound me to hear that is the case. However it is there. It is in the general provisions.

The Canadian Charter of Rights and Freedoms will apply. I have heard instances in this place of members of that party standing and saying that if they do not like something the notwithstanding clause should be invoked and to heck with the charter of rights.

I have heard members opposite speak about scrapping the charter of rights. The charter of rights is a difficult document to manage within a democratic country like ours, but we must think of the price we would pay without one. We must think of the price we would pay when an individual government is able to do as it pleases, ignoring something like the Canadian Charter of Rights and Freedoms.

Do they object to the Nisga'a nation having full protection and access under the Canadian Charter of Rights and Freedoms? I would like one of those members to tell us if that is it.

As most of the agenda of that group tends to deal with crime, they have said there will be a problem in this area. Yet federal and provincial laws such as the Criminal Code of Canada will continue to apply to Nisga'a citizens and others on Nisga'a lands.

The Royal Canadian Mounted Police currently has a detachment in the Nisga'a community of New Aiyansh. It will continue to have an RCMP detachment there once the treaty takes effect. Nothing in the treaty prevents the Mounties or the provincial police from enforcing federal and provincial laws on Nisga'a land. That is a fact. That is the truth. They should not attempt to misrepresent that. The Nisga'a will have no authority over criminal law and the criminal code will continue to apply to everyone.

I ask my hon. friends to stand in their places to tell Canadians, British Columbians and the Nisga'a people what exactly it is that they object to with a landmark treaty such as this one.

**Mr. Lee Morrison:** Mr. Speaker, I rise on a point of order. I believe I should be allowed to respond to the direct challenge by the member as to the precedence of Nisga'a law over Canadian and provincial laws. If he would refer to page 113 of—

**The Deputy Speaker:** I am afraid the hon. member is not on a point of order. He seems to be getting into a debate. I know the debate is a vigorous one on this issue and I know hon. members will want to participate. To that end, I think we should resume debate.

**Mr. Myron Thompson:** Mr. Speaker, I rise on a point of order. I would like to be obliging to the member who has asked for us to rise to our feet to respond. I would ask for unanimous consent, and I am sure they will not object because of his request, to have questions for five minutes.

**The Deputy Speaker:** Is there agreement to have a question and comment period for five minutes?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Werner Schmidt (Kelowna, Ref.):** Mr. Speaker, the hon. member who just spoke suggested that perhaps the official opposition should thank the government for allowing the Standing Committee on Aboriginal Affairs and Northern Development to travel to British Columbia.

I suggest to the hon. member that the result of that particular decision having been made this morning through a motion actually came about because there was a very strong representation on the part of the official opposition. We asked why one committee like the Standing Committee on Finance could travel all around Canada, but another committee dealing with an equally significant issue involving not less than $1.3 billion is not allowed to travel. The hon. member should have said thanked the official opposition for making this possible because we have a balanced position in the House.

• (1705)

Now that we have set the perspective I think we should also recognize one of the fundamental issues grasping our young people and many of our constituents back home. I hear it virtually every Saturday that I go out to the Orchard Park shopping mall. They tell me that I am their representative. All those things are happening but last Saturday morning was most telling. It had to do with the Nisga'a treaty. They ask how they can trust the Parliament of Canada to do what they want done. I asked them what they meant and they indicated that they needed to have the Nisga'a treaty defeated. That is what they said; it was not one person who said that.

The hon. leader of the Liberal Party in British Columbia said that the surest way to shatter public trust and confidence in the treaty process was to limit debate on what treaties actually say and do. The federal government should be doing all it can to open up the treaty process. This is a dangerous step on the part of the federal government that will only further undermine public trust. That is serious stuff.

The hon. minister of Indian affairs asked members more than once in the House to read the treaty. I have. Many of us on this side of the House have read it. We support a lot of things in it, but there are some things in it that we seriously question. Our issue is not so much to defeat the treaty.

We need to come to a settlement, but not with all the clauses that are in there now. We need to make some changes. The intent of bringing about closure and of settling the land claims once and for all was a wonderful move. We should endorse that. In fact we do endorse it, but when it is based on a false premise it will not lead to the kind of conclusiveness that we have been told it should develop.

I would very carefully suggest that the government has demonstrated contempt for the people of Canada, particularly aboriginal people. It has been spiteful to the people of Canada by giving them a sense that we will finally settle the issue and we will not. That is dangerous.

Some people ask how we can say such a thing. Let me refer to a couple of clauses in the Nisga'a treaty. I am reading from chapter 16 on direct taxation and other taxation clauses. I wish the hon. member was here to hear this because he just made some serious allegations about it, saying we did not understand. Let him listen. On direct taxation it indicates:

> Nisga'a Lisims government may make laws in respect of direct taxation of Nisga'a citizens on Nisga'a lands in order to raise revenue for Nisga'a Nation or Nisga'a village purposes.

The operative word is may, may make laws about that. Then the hon. minister of Indian affairs said that was not now. No, it is not now, but he did not apply it to that clause. He applied it to the next clause. Paragraph 3 reads:

> From time to time Canada and British Columbia, together or separately, may negotiate with the Nisga'a Nation, and attempt to reach agreement on:
>
> a. the extent, if any, to which Canada or British Columbia will provide to Nisga'a Lisims Government or a Nisga'a Village Government direct taxation authority over persons other than Nisga'a citizens, on Nisga'a Lands

● (1710 )

In both cases the operative word is may. This has to be read in the context of what has happened with regard to other aboriginal treaties, land claims settlements and agreements in principle on self-government where the word may is also included and where the action that was taken was to levy taxes.

Then we should put that into the context of an earlier clause that existed in the Nisga'a treaty. I refer here to chapter 2, paragraph 35, which reads:

> If Canada or British Columbia enters into a treaty or a land claims agreement, within the meaning of sections 25 and 35 of the Constitution Act, 1982, with another aboriginal people, and that treaty or land claims agreement adversely affects Nisga'a section 35 rights as set out in this Agreement:
>
> a. Canada or British Columbia, or both, as the case may be, will provide the Nisga'a Nation with additional or replacement rights or other appropriate remedies.

What does this mean? It is very obvious what it means. If there is another treaty with provisions that are more advantageous than those that exist in the Nisga'a treaty, the Nisga'a will get those very same advantages. Here we have a formula for a ratcheting up but not for a ratcheting down.

Where is the conclusiveness in a treaty that has those kinds of provisions in it? That is the difficulty. It is not the difficulty that they have the right to tax. It is the difficulty of doing this in an arbitrary kind of a way and suggesting that there will be the same kind of representation, the same kind of authority to non-Nisga'a as to Nisga'a when it comes to taxing authority and electing people to the group.

I will refer to a band which is not a Nisga'a band but has the right to tax. It also taxes people who are not members of that band. They must pay taxes, but do they have the right to vote for the people who sit on council? No. Do they have the right to discuss or to work with them? Yes, they can consult and negotiate, but since the council is independent it can make whatever decision it wants. Is that what democracy is all about? Is that what we want to do with this treaty? I submit no.

That is what we are talking about when it comes to equality. If we are to live under one government then let the law be equal for the people who are under that government. That is what we are talking about.

Members of the House are not the ones who will suffer the consequences of the treaty. Things will go on reasonably smoothly. Fourteen years from now is about the time the real impact of the treaty will come to be. At that time the final payment will be made as it is outlined in the treaty at a cost of somewhere between $1.3 billion and $1.5 billion. After that our children and our grandchildren who will replace us will find the full impact of the provisions of the treaty.

It is the inequality that is built into the treaty, the spite and the contempt the government has shown to the people. It said that it would give them permanence but it is the exact opposite. It will not give permanence. It will create a situation where one group of people will be pitted against another. Our children and grandchildren are the ones who will suffer from this.

[*Translation*]

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Madam Speaker, I thank you and I am very pleased to take part in this debate on the Nisga'a final agreement.

As mentioned by the Bloc Quebecois critic, the hon. member for Saint-Jean, we are looking forward to having a treaty such as the one proposed by the government adopted by the House within a reasonable timeframe.

Our position is of course totally different from that of the Reform Party, which certainly has the right to express its views in a democracy. However, we can only feel sorry for those who are looking for equity and equality and for those who have a sense of history when a position like the one put forward by the Reformers meets with a favourable response in this House.

Over the past number of years, several authorities have recognized that aboriginals do have rights.

● (1715)

I am thinking of course of the UN, which established a working group on native rights a few years ago. I am also thinking of the Erasmus-Dussault commission, of course.

We are talking about a nation obviously. A nation is a group of individuals who have control over a territory, and who share one vernacular language, the will to live together and a common history. Basically, these are the attributes of a nation.

Nobody can question the fact that the Nisga'a are a nation. Theirs is the nation which, under the proposed treaty, will be granted 1,992 square kilometres of land that they will manage on their own, in compliance with the Canadian charter, since we are dealing with the Canadian context, and in compliance with the criminal code.

Earlier, I heard a member say "We should worry about the Bloc Quebecois making connections with their plans for sovereignty-association". We do, but we also make a point of adding that we realize that the Nisga'a reality will stand part of the Canadian experience, while the coming into being of sovereignty-association will bring about a relationship of equality within a context which will obviously be different.

The most important thing with regard to the Nisga'a initiative, just as with the liberation of the Quebec people, is the respect of nations and the specificity of both partners. I would like to quote from one of the key passages of the Erasmus-Dussault report.

We will recall that the Erasmus-Dussault commission was chaired by a Quebec appeal court judge and lasted nearly three years. Through this commission, we were invited to recognize the right of the native peoples to self-government; a model was even put forward, which was different depending on whether it dealt with an urban or rural reality.

I would like to remind the House today, and especially our Reform colleagues, that the Erasmus-Dussault report said ''Only nations have a right of self-determination. Only at the nation level will aboriginal people have the numbers necessary to exercise a broad governance mandate and to supply a large pool of expertise''.

If we are to lend any credence to the Erasmus-Dussault commission and if we want to make a connection with the treaty before us, we have to recognize that the Nisga'a are a nation and therefore have the right to be considered as such.

I think we also have to stress the fact that what we have here sets an interesting precedent, because if this treaty were to be implemented, the Nisga'a nation would no longer be subject to the Indian Act.

I was not always in the House when the Reform members addressed this issue, but whenever I was here, I was sorry to notice that they never talked about a very positive impact, which is the fact that we will be giving a nation the means to better control their development. The Erasmus-Dussault commission came to the same conclusion: ''We have to put an end to the trusteeship system and ensure that the Nisga'a nations can truly develop by also putting an end to the rule of transfer payments''.

This is what is going to happen to the Nisga'a nation during the next 15 years. They will forego part of the transfer payments they are now entitled to, but, in return, they will gain new financial responsibilities.

I also want to remind the House that the Nisga'a nation will continue to define itself and be regulated, under the treaty, by the provisions of the Charter of Rights and Freedoms, 1982, and the Constitution Act, 1982, dealing with the prerogatives granted to native peoples.

I do not know how to put it more strongly. This is an interesting treaty because it puts an end to a trusteeship system and paves the way for a model that we, on this side of the House, could be tempted to export.

● (1720)

As hon. members are aware, all members of the Bloc Quebecois can stand up with pride and remember that we belong to a province, one that is to become a country one day, as members know. We belong to an order of political reality that was very quick to recognize the rights of its own first nations. It is interesting to look at the accomplishments of Quebec as far as the aboriginal reality is concerned.

I would like to share four elements of that reality, a reality that makes us all the more in favour of ratification of the Nisga'a treat, the object of very broad consensus.

**An hon. member:** Oh, oh.

**Mr. Réal Ménard:** I have just now heard a rather inaudible, but certainly not very polite, exclamation from the Reform ranks, without any clarity to it whatsoever, as usual. If our Reform colleagues have something to say, I believe they should take the floor and do so. They could try to do it the way civilized people do, with a subject, a verb and an object.

That said, I would remind hon. members that all Bloc Quebecois members of parliament are extremely proud to support this treaty, because it indicates a path to be followed in the relations we will have to establish with the first nations. We take our inspiration from what the Government of Quebec, the René Lévesque government, did.

Among the four elements of fact we are pleased to remember, we in the Bloc Quebecois, is the fact that in Quebec a lot more land belongs exclusively to the aboriginal people than in the other provinces.

We would also point out that eight native languages are still spoken in Quebec, proportionally more, given the ratio of native people to the population of Quebec as a whole, than is the case outside Quebec.

We also want to say with pride that the French language charter accords the Amerindians and the Inuit the right to keep their language. This is a specific provision of the French language charter, and no member of the Bloc Quebecois or of the National Assembly would not want this provision to be an effective part of Bill 101. Perhaps the most important is that, in Quebec as in British Columbia and the maritime provinces, the title ''Indian'' and the title ''aboriginal'' exist, creating the legal basis for enshrining self-government for the aboriginal peoples.

Our colleague, the member for Saint-Jean, put it so eloquently. He is one of few of us who can claim considerable stability in his

functions as critic, since, apart from a brief period of a few months, he has always been the Bloc Quebecois critic in these matters, hence his enlightened expertise.

We have listened to this expertise and will vote enthusiastically in favour of the bill the government has put before us, and we say in closing ''Shame on the Reform Party''.

[*English*]

**Mr. Pat Martin (Winnipeg Centre, NDP):** Madam Speaker, I appreciate the opportunity to join the debate.

This is a very proud moment. I could not be more proud than to be here to witness the imminent passing of the Nisga'a deal and to watch this first nation take its first courageous step toward true independence and cast off the shackles of what can only be described as 130 years of social tragedy, which is the Indian Act.

I find it ironic that the Reform Party, which I believe advocates more independence for aboriginal people, would like to see them stand alone, be proud and be masters of their own destiny, is speaking so vehemently against the Nisga'a deal which does in fact give the Nisga'a people just that leg up, just that very thing. The Nisga'a deal will allow this particular first nation to take that first courageous step toward true independence.

I am dumbfounded by some of the remarks I have heard from the Reform Party over the last couple of years about aboriginal people. It disappoints me to say the least. That is the most polite way I can say it. It really disappoints me to hear Canadians push myths about the deal to further their own goals.

• (1725 )

One of the things I found galling was that Reform members compared the Nisga'a deal to apartheid in South Africa. The only explanation for such a ridiculous thing to say is that they have no idea what the apartheid regime in South Africa really was. My belief is that they do not really understand apartheid.

I did a little bit of research for their benefit. I went to the Library of Parliament and dug up some of the acts and bills that actually constituted the apartheid regime in South Africa. It contains 75 pages with probably 4 or 5 bills and a little outline of what each one was on each page. It was a well orchestrated and deliberate attempt to oppress a people, the majority black people in South Africa. There are things in the apartheid regime that are absolutely horrifying. I will not waste any time going through them because I think most people here know what true apartheid is.

It is absolutely intellectually dishonest to even imply that the Nisga'a deal has anything to do with apartheid. It trivializes the struggle of black South Africans as they liberated themselves from their white oppressors. We are seeing a similar thing here as this particular group of people betters their own destiny.

What makes me very happy about the Nisga'a deal is that we are seeing the death rattle of the Reform Party's two year campaign to try to discredit aboriginal people. For the two years that I have been here all I have heard is sniping, complaining and allegations of gross corruption and abuse of funds, trying to string together a bunch of isolated events into one argument that all aboriginal people are somehow either incompetent, corrupt or both. I am getting sick of hearing it.

I am celebrating the fact that pretty soon we will be able to have the vote and it will, I hope, shut the Reform Party up in that regard. It has been nothing but a campaign of abuse toward aboriginal people.

I lived in the Yukon for many years. I lived in quite close quarters with many aboriginal people. I lived for the better part of 10 years in the small community of Dawson city. I got to know and respect aboriginal culture. I was sensitized maybe to their issues because of that time spent. I have always been very keen. Even in high school, instead of taking French I took Cree. In retrospect, maybe I should have taken French because Cree does not help me too much in this place. Maybe that is why I find it more galling than most to have to sit here and listen to the tirades and inaccuracies trying to misrepresent what the Nisga'a deal is all about.

There are a series of myths that the Reform members have been hanging their hat on. Some are worse than others. The first thing they have been trying to say is that the Nisga'a treaty is race based. This is the same connection to the apartheid regime that they have been trying to sell. It is in fact justice based. It is the pursuit of social justice. It is the manifestation of the goodwill that most Canadians feel toward aboriginal people when we want to see them achieve true independence, which is what the Nisga'a deal will do for them.

A referendum in British Columbia is another thing the Reform Party has been calling for. There has been a great deal of consultation in British Columbia. Forty meetings have been held throughout British Columbia. The NDP government has been very careful to do in depth, comprehensive consultations. We have been all alone. When I say we I mean the NDP government has been left hung out to dry by the Liberal government. It could have moved on the Nisga'a deal months ago instead of letting this divisiveness boil in British Columbia as long as it has.

I am also disappointed that we have somehow been, through political mischief, forced to have five more public hearings in the province of British Columbia as the aboriginal affairs committee tours that province. It is pure political mischief. It will come to no good. It is the death rattle of the Reform Party as it tries to desperately cling to colonialism. What it really wants to do is entrench that model of Eurocentric colonialism that it is so comfortable with and from which it comes.

Many people do not know about an organization called B.C. FIRE. The Reform Party will probably also deny that it knows anything about it.

• (1730 )

The irony is that a researcher for a Reform Party MP quit his job on the Hill two years ago and went to British Columbia. He set up what is called B.C. FIRE, the foundation for individual rights and equality, or some such thing. Really it is the anti-Indian movement of British Columbia.

The Reform Party is the political wing of the anti-Indian movement in British Columbia and it is atrocious. This particular individual, and I will not mention the name of the member of parliament he worked for but the member is still here, left his job here. Maybe he was dispatched. Maybe he was even sent to British Columbia by the Reform Party to set up the hate movement in British Columbia.

**Mrs. Diane Ablonczy:** Madam Speaker, I rise on a point of order. Surely there are some limits to the slurs that can be cast in debate in the House, and the imputing of motives. I would invite the Chair to ask the hon. member to keep his remarks on the topic and not on slurs of other members in the House.

**The Acting Speaker (Ms. Thibeault):** The hon. member has a point. I will ask the hon. member to try and use more judicious language in addressing the House.

**Mr. Pat Martin:** Madam Speaker, I would be happy to.

Let us stick to the facts. Maybe we should look at the actual record. I know what happened with the B.C. FIRE movement. I get its hate mail. Somehow I am on its hate mail list so I know a lot about that organization.

Let us stick to the facts. If we really want to know what the true attitude of the Reform Party is toward aboriginal people, it is very instructive to look at some of the things that have been said in the House.

**Mr. Lee Morrison:** Madam Speaker, I rise on a point of order. The member is continuing his tirade after being cautioned by the Chair. This is absolutely indefensible.

**The Acting Speaker (Ms. Thibeault):** I am sure that the member was just about to come back to the subject being discussed.

**Mr. Pat Martin:** Madam Speaker, I was simply going to make a point. Here is a quote from the member for Athabasca: ''Just because we did not kill the Indians and have Indian wars does not mean we did not conquer these people. Is that not why they allowed themselves to be herded into little reserves in the most isolated, desolate, worthless parts of the country?'' That is a revealing sentiment, is it not?

What about the former member for Capilano—Howe Sound, Herb Grubel. I think he is now on the board of directors at the Fraser Institute. What did he say about aboriginal people? He likened Indians living on reserves to people living on South Seas islands courtesy of a rich uncle. That gives some indication of what the Reform Party really thinks of aboriginal people.

**Mr. Eric Lowther:** Madam Speaker, I rise on a point of order. We are debating the Nisga'a agreement. The member continues to take the debate in a different direction. If he would like to offer his comments on the issue being debated today, great. However, I submit that he is on a whole different tangent.

**The Acting Speaker (Ms. Thibeault):** I will ask the hon. member to please speak only to Bill C-9.

**Mr. Pat Martin:** Madam Speaker, I would be happy to.

The Reform Party is always asking should parliament not be able to amend the treaty. This treaty was arrived at by three parties: the province of British Columbia, the Nisga'a themselves and parliament. Why should one group be able to override the wishes of the other two? That is no longer negotiations, that is dictating. Frankly, it would be fundamentally wrong for parliament to arbitrarily alter any clause of the agreement that was agreed to by the other party. I think that is an absolute non-starter.

The Reform Party is also concerned that this particular bill might create some kind of a precedent, that there will be other groups wanting the same deal. Nobody every meant the Nisga'a treaty to become—

**The Acting Speaker (Ms. Thibeault):** Order, please. The hon. member's time has expired.

• (1735 )

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.):** Madam Speaker, I cannot say how sad I am that on a subject which is very important to Canadians, especially aboriginal Canadians, members in the House would lower themselves to the debate we just heard. Canadians deserve better than that.

It is very unfortunate and I condemn the government for introducing closure on yet another key bill. This morning the government introduced a motion which will shut down the debate on the treaty at this stage by 6.30 p.m., in less than an hour. At the time the motion was introduced there had been less than 10 hours of debate on this enormous treaty, only four hours of which had been allotted to the official opposition, the only party bringing forward thoughtful arguments as to why there need to be changes to the treaty.

I remind hon. members and the government that there are 24 official opposition members representing British Columbia where this treaty will mostly take effect. Only 16 members of the official opposition have been permitted to speak.

The Liberal leader in British Columbia says this about the government move today: ''The surest way to shatter public trust and confidence in the treaty process is to limit debate on what these treaties actually say and do''.

We are not talking about a trivial matter. We are talking about people's lives. We are talking about an enormous application of the resources of the country.

I quote from the financial statements of the Government of Canada, 1998-99, section 15(3)(iii), where it talks about aboriginal and comprehensive land claims: ''Aboriginal claims with specific amounts totalling approximately $200,000 million''—that is $200 billion—''and comprehensive aboriginal land claims amounting to $742 million are known to the government. The government is aware of an additional 2,000 potential claims currently being researched by first nations. A reliable estimate of potential liability cannot be made at this time''.

This is not merely a matter of dollars and cents. It is a matter of people, fairness and equity. It is also a matter of being able to produce for this country the services, stability and economic prosperity that all of us, including aboriginal Canadians, need and want. This is not a small matter.

In the brief time that I have, I would like to address two issues that have been continually raised by members in the House with different conclusions. It is the matter of whether the charter of rights and freedoms applies to Nisga'a people under this treaty.

The Indian affairs minister was very categorical in his statement on the issue. He said in his speech on this matter: ''The charter of rights of freedoms will continue to apply to the Nisga'a people''. I would like to think that that was the end of it. However, I invite Canadians to read the terms of the charter of rights itself. We need to judge rationally and logically, and not use wishful thinking and alarmist thinking. We need to look at the plain meaning of the words.

The Nisga'a treaty says that the entire Nisga'a agreement, including the self-government powers, are to be defined as aboriginal and treaty rights within the meaning of section 35 of the constitution.

● (1740 )

Section 25 of the constitution requires the courts to give higher weighting to the section 35 aboriginal rights over charter rights. I will read section 25 and perhaps Canadians can try to make up their own minds as to whether or not there is a problem here: ''The guarantee in this charter of certain rights and freedoms shall not be construed so as to abrogate''—that means cancel—''or derogate''—that means take away—from any aboriginal, treaty or other rights and freedoms that pertain to the aboriginal peoples of Canada, including any rights or freedoms that now exist by way of land claims, agreements or may be so acquired''.

In other words, the charter itself states that the guarantees of rights and freedoms in the charter will not take precedence over rights or freedoms that may be acquired by treaties.

What rights or freedoms have been acquired in this treaty which may not be subject to charter protection? There are quite a number of areas where Nisga'a governments have been given the right to make laws which will supersede or be not subject to federal or provincial laws, including the constitution. These areas include, in chapter 11, paragraph 34, page 166, Nisga'a government; Nisga'a village administration, paragraph 35, page 166; Nisga'a land, paragraph 44, pages 167 to 168; Nisga'a land title, paragraph 50, pages 169 to 170; use, possession and management of assets other than real property, chapter 11, paragraphs 53 and 54, page 170; child and family service, chapter 11, paragraph 89, page 174.

In each of these areas and many more which I did not read because of time, the treaty states that ''in the event of an inconsistency or conflict between Nisga'a law under this paragraph in all of these areas and more, and a federal or provincial law, the Nisga'a law prevails to the extent of the inconsistency or conflict''.

The right to make these laws which supersede federal and provincial laws would clearly be, under section 25 of the charter of rights and freedoms, a right or freedom acquired by way of an agreement. Those rights cannot be taken away or cancelled by the rights and freedoms in the charter under section 35.

This is not a lot of reading for Canadians. I would invite them to look at sections 25 and 35 of the Canadian Charter of Rights and Freedoms and also chapter 11 of the Nisga'a agreement and the list of 14 areas where Nisga'a law will supersede any federal or provincial law.

I believe, and I put it to the House and to Canadians, that the minister and the government are simply not correct when they say that the charter of rights and freedoms will continue to apply to the Nisga'a treaty people. In at least 14 areas and possibly more, Nisga'a law will supersede the charter rights that are given to every other Canadian.

This is terribly important for Nisga'a women. Nothing in the Nisga'a treaty gives Nisga'a women the same protection as other Canadian women in the case of marriage breakdown. This is an area which has been horribly missed and underdefended by members opposite. Where is the minister responsible for the status of women? Is she railing about the need for equality of Nisga'a women in this treaty? She is nowhere to be found.

● (1745 )

The government is always talking about equality for women and protecting women in society, but when it comes right down to it, it does very little to put its money where its mouth is. Why is it that the rights, freedoms and equality of Nisga'a women and aboriginal women have been completely neglected and abrogated by the government?

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, because of the time allocation brought forward by the government I would like to thank my colleagues from other provinces for giving me an opportunity to speak. This is an issue that is very vital to the people of British Columbia. Certainly the people in my constituency of Kootenay-Columbia have made their voices well known to me. They have expressed very clearly to me that they are adamantly and fundamentally opposed to the treaty as written.

I agree with B.C. Liberal leader Gordon Campbell on the title of his news release today: ''Closure on the Nisga'a debate, a reprehensible abuse of democracy''.

Many things have to be brought into this dialogue. Unfortunately it is a monologue as far as the Liberals and the other parties in the House are concerned. We are the only people who are bringing a dialogue portion to the debate.

I have in hand a very interesting document from the ministry of agriculture and food. It is a briefing note prepared by a bureaucrat in the B.C. government for none other than the agriculture minister, Corky Evans. Corky Evans is no ordinary minister. Corky Evans is trying for the leadership of the B.C. NDP.

This document was prepared for him by the ministry of agriculture when he was in debate with my colleague from Kootenay—Boundary—Okanagan. It is very interesting that the document puts a lie to the argument that the treaty will not be a template. I heard earlier a Conservative, who perhaps was speaking out of ignorance, repeating the same line that the Liberals have been trying to say and that the NDP have been trying to say, that this is not a template. This document puts a lie to that argument. It states in part:

> Impacts on current agriculture uses of Crown resources will result if the Nisga'a land selection model is repeated.

Further in the document it states:

> The provinces believes it would be unfair and unjustifiable to negotiate future treaties that are significantly more or less beneficial to the First Nations than the Nisga'a treaty. This suggests the Nisga'a final agreement will serve as a guide for land and cash values.

This document was prepared for the NDP minister of agriculture, an aspiring leader of the provincial NDP, in which it says that the province believes it would be unfair and unjustifiable to negotiate future treaties that are significantly more or less beneficial to first nations than the Nisga'a treaty. This is a template. Any comment to the contrary is simply not factually accurate. This is a template in every way.

Further in terms of dislocation the document was very interesting in that it says in part:

> There are likely to be significant localized disruptions to individual ranchers within close proximity to existing First Nations communities. In the Southern Okanagan there are over 1,000 farms with Crown tenures within 10 kilometres of existing Indian reserves. This buffer also contains 69% of the ALR.

The ALR for my friends across the House who might not realize it is the agriculture land reserve. This is the area where farmers and ranchers in British Columbia, the people who own that property, be whatever race or nation they belong to, are creating food for British Columbians, for Canadians and for export, 69%.

The briefing note prepared for the B.C. minister of agriculture by his department goes on further to state:

> Former Premier Harcourt stated that the total land quantum to be transferred to first nations would be in the range of 5% of the total land base, an area larger than the total ALR''. This amount of land would likely consume the majority of crown ALR (approximately 2.5 million hectares).

● (1750 )

These are facts supported by the document which I have brought to the House. If my friends on the other side want me to table the document for authenticity purposes, I would be happy to do so. These are facts which are simply never put into the public domain by the Liberals, by the NDP, by the Bloc or by the Conservatives because it does not suit their interest.

There is an issue of accountability to this entire process. When I came to the Chamber some six years ago I came possibly under the myth that we could stand to talk about issues directly and forcefully. That turned out to be a myth because of the labels other people in the House chose to throw in our direction, simply because we chose to put out the facts and to tell the truth.

As the member for Kootenay—Columbia I am approached by people who are card carrying aboriginal people or people living off reserve or non-status individuals. I take great pride that virtually to a person these people come up to me with a smile and shake my hand because my office and I have tried our level best to work with them against the Indian industry that is represented in my constituency.

Obviously I do not make many friends with the leadership, but I do make friends with the rank and file, the ordinary citizen of aboriginal descent. It is my responsibility to represent that person every bit as much as it is my responsibility to represent non-aboriginal people in my constituency. I do not take favours from anyone. I represent people and these people recognize that.

As a result we have been approached by a number of aboriginal people in my constituency who would like to get a number of their grievances out into the open. These are aboriginal people approaching me. With my colleague from Wild Rose we pulled together a forum conducted by me and the member for Wild Rose as chairpersons only. Virtually every comment made in that forum was by rank and file aboriginal people from the five nations represented in my constituency.

What a tale they told. They were prepared to stand up in the face of their government hierarchy on their reserves and tell it like it actually was. Where is the accountability? The accountability is in my constituency, and I suggest in all of the constituencies represented by Reform Party members, because we permit ordinary aboriginal people to say their piece. There must be accountability.

One recent disappointment occurred in the aboriginal file. I listened to the very thoughtful presentation of the Leader of the Opposition. I must say I was exceptionally proud of his speech because it was so thoughtful and well researched. He talked about breaking the old mould. Unfortunately the bright light in the Bloc that followed him stood and said that it was some more rhetoric.

Maybe there was a problem between French and English and he could not understand it, or he was not listening to the interpreter. However, the fact of the matter is that the Leader of the Opposition had the courage of conviction, intelligence and foresight to present a new idea, a new model. The Nisga'a agreement does nothing except represent a rehashing of the cud, going over and over the same ground.

There are many flaws in the Nisga'a treaty. Yet under the NDP government in Victoria members of parliament went through thoughtful clause by clause debate and looked at all the issues. They were shut off just over halfway through. Now we have ended up with the government, led by the House leader who with great glee turns around and shuts off debate after only four hours in this Chamber. It is absolutely shameful that the government would twist democracy in this way. There is no democracy in this Chamber.

● (1755 )

If we are to come to a way of making sure, as my colleague from Calgary—Nose Hill said, that women are properly protected; if we are to make sure the people of the Nisga'a nation are properly protected; if we are to see that the rank and file people of that nation have all of the rights and privilege we enjoy, we must reject the treaty. It is the direction of myself and my colleagues in the Reform Party that we will do everything to reveal the treaty for the sham it is.

**Mr. David Pratt (Nepean—Carleton, Lib.):** Mr. Speaker, it is with great pleasure that I stand today to respond to the Reform Party's comments regarding the Nisga'a treaty. Myths about the Nisga'a treaty are being foisted upon an unsuspecting Canadian public by some of our, shall I say, esteemed colleagues from the opposite side of the House. I am talking about the document entitled ''Top 10 concerns with the Nisga'a final agreement'' which has been made public in the last months. Today I will set the record straight once and for all. I will address all 10 points one by one.

The first myth relates to private property rights for Nisga'a people. Nisga'a lands will indeed be held in fee simple by the Nisga'a nation. That is one of the ways in which the Nisga'a will have the opportunity to preserve their culture. However, the Nisga'a also want to thrive economically. That is why the final agreement creates opportunities that will allow the Nisga'a to convey, transfer or dispose of interest in land, including fee simple parcels which could be owned by anyone. The Nisga'a treaty balances the desirability of protecting the unique Nisga'a culture while allowing the Nisga'a people an opportunity to realize the full economic potential of their assets.

The second Reform myth concerns the Canadian Charter of Rights and Freedoms. Members of the House need to know that the charter of rights and freedoms applies to all government actions in Canada including the actions of the Nisga'a government. The Nisga'a final agreement specifically states that the charter applies to the Nisga'a government. Moreover, nothing in the treaty limits the application of the charter.

Nisga'a citizens will continue to enjoy the same protections of individual rights and freedoms as other Canadians. In fact, the current exemption of the Indian Act under the Canadian Human Rights Act will no longer apply to the Nisga'a since the Indian Act will no longer apply to the Nisga'a except for the purposes of determining who is an Indian.

How then can anyone rationalize that any Nisga'a person will have diminished rights under the charter? It is written plainly in the Nisga'a final agreement that this is not the case.

The third myth is that the Nisga'a final agreement permanently entrenches the same essential elements as the reserve system in a modern treaty. How much further from the truth can we get? In the words of Nisga'a Chief Joseph Gosnell, with this agreement the Nisga'a are negotiating their way into Canada, not out of it.

With this treaty no longer will there be Nisga'a reserves. No longer will the Minister for Indian Affairs and Northern Development control decision making in Nisga'a day to day operations.

The Nisga'a government must consult with all residents of Nisga'a lands who are significantly and directly affected by its decisions. The treaty provides for solid, democratic and financial accountability mechanisms. All Nisga'a people will have a strong voice in the way they are governed. They will have opportunities to vote, to run for office and to participate in government institutions.

The fourth Reform misrepresentation is that the Nisga'a agreement creates inequality, disenfranchising non-Nisga'a people and providing for a system of taxation without representation. The taxation chapter of the agreement clearly shows otherwise. The first provision in that chapter clearly spells out the Nisga'a taxation authority:

> Nisga'a Government may make laws in respect of direct taxation—

**Mr. Lee Morrison:** Mr. Speaker, I rise on a point of order. I think it would be in order if the hon. member would give credit where credit is due, to his speech writer.

**The Deputy Speaker:** I know the hon. member like all hon. members knows that we do not read speeches in the House. We only make use of notes.

**Mr. David Pratt:** Mr. Speaker, I will take the hon. member's comments as a compliment. Let me quote again:

> Nisga'a Government may make laws in respect of direct taxation of Nisga'a citizens on Nisga'a Lands in order to raise revenue for Nisga'a Nation or Nisga'a Village purposes.

Those who are not Nisga'a but who live on Nisga'a lands may receive services from the Nisga'a government, but that government does not have any authority under the treaty to collect taxes from them. Those who live on Nisga'a lands but who are not Nisga'a citizens will not be disenfranchised. They will continue to have the right to vote in federal, provincial and regional district elections and will also have the right to vote for and become elected members of those elected Nisga'a public institutions that may directly and significantly affect their interests. These may include such public institutions as school boards and health boards.

● (1800)

That is not all. The treaty also guarantees them a strong voice in decisions of the Nisga'a government that could directly and significantly affect them. They have the right to be consulted, which includes a full and fair consideration of their views. They will also have the same rights of appeal as Nisga'a citizens on these matters. Let us remember that the charter of rights and freedoms will continue to apply. Those are far stronger protections than those which currently exist under the Indian Act.

The fifth Reform myth is that the Nisga'a final agreement amends Canada's constitution through the back door, creating a third order of government. The Nisga'a final agreement does neither. Nisga'a rights will be well within the limits of our constitution. What we are doing through this agreement is setting out what those rights are. There is no need to amend the constitution in order to do this.

Our constitution was amended in 1982 to recognize and affirm the existing aboriginal rights of Canada's aboriginal people as well as their treaty rights. What we are doing is very consistent with the current constitutional framework.

The treaty does not make Nisga'a laws constitutionally paramount, as some Reform members have said. All federal and provincial laws will apply on Nisga'a lands. The Nisga'a government will have no exclusive law-making powers. Nisga'a laws will only prevail for matters that are internal to the Nisga'a themselves, integral to their way of life, essential to the operation of their government or where they must meet or exceed existing federal or provincial standards. Otherwise federal and provincial laws will prevail.

This is a concurrent model of law-making which does not alter the federal and provincial powers as set out in sections 91 and 92 of the Constitution Act, 1867. The courts have been clear that existing aboriginal and treaty rights are not absolute and do not prevail over the rest of the constitution.

Personally, I find the negative connotations associated with labelling the Nisga'a government as being ethnic or race based offensive.

Of course, the Nisga'a treaty has much to do with Nisga'a culture and heritage. Both are central to the agreement. Aboriginal peoples have unique rights because they were here before contact with white society. They have their own culture and their own customs. They have their social values and their own governments and institutions. These institutions are recognized and protected in Canadian as well as international law, including the Constitution Act, 1982 and our common law.

Through the practical self-government arrangements set out in the Nisga'a treaty, these unique rights are reconciled with the rights of other Canadians and the sovereignty of Canada. I do not know what kind of a country Reform members strive for, but in my Canada we do not have to stop being aboriginal to be Canadian. This agreement allows the Nisga'a to be Nisga'a and to remain as Canadians.

The sixth myth is that the Nisga'a final agreement will deter future economic development in British Columbia. This truly demonstrates the complete failure of the Reform Party to grasp the reality of the situation. Studies conducted by experts in the field have concluded the exact opposite. Fostering economic development is one of the principal achievements of this treaty.

A 1996 study by KPMG concluded that treaties in British Columbia will lead to increased annual incomes to British Columbia of between $200 million and $400 million, and an increase in employment of between 7,000 and 17,000 jobs.

Another study conducted by the respected Laurier Institution in 1998 indicated that treaty settlements will increase investment and economic activity in British Columbia.

Finally, a Grant Thornton study published in 1999 confirmed that all citizens of British Columbia stand to gain from the Nisga'a treaty and future treaties in that province. The report concluded that for every dollar spent on treaty settlements approximately $3 will be gained in economic benefits. The net financial benefit to British Columbia as a whole, the report said, is estimated to be between $3.8 billion and $4.7 billion.

The seventh Reform myth is that the Nisga'a final agreement involves huge costs and sets a precedent for massive payouts in future land claim settlements, the cumulative effect of which may be simply unaffordable. Here are the facts. The Nisga'a treaty is affordable. It is comparable to other treaties in Canada, as will be future treaties concluded in British Columbia. The one time cost of the Nisga'a treaty is estimated at $487 million in 1999 dollars. This includes estimates of land and resource values contributed by British Columbia and estimates of third party compensation.

• (1805)

Of these amounts the Nisga'a will receive $253 million in 1999 dollars paid over 15 years. Annual transfers to the Nisga'a through the fiscal financing agreement will provide programs and services which are comparable to those received by other residents of northwestern British Columbia.

The funding will be approximately $32.7 million annually and 90% of that funding is currently provided through existing government programs. Canada's share of the estimated cost will be $31.5 million. Through this agreement and the own source revenue agreement the Nisga'a have agreed to share in the costs of providing programs and services. Those arrangements are unprecedented and represent a major step forward of which we can all be proud.

Unfortunately my time is running out here and it looks as though I will not be able to rebut all the points contained in some of Reform Party propaganda on the subject, but I would be more than pleased to respond to questions and perhaps deal with some of the other points in my speech.

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, I am pleased to have an opportunity to speak just before the time allocation is finished. What a shame it is that they moved closure on this debate and we will not hear any more wise words.

Over the last year and a half I had the opportunity to go into many of the reserves with grassroots people. I am speaking on behalf of a lot of seniors, elders who live on the reserves and who have spoken wisely and have given me a lot of insight. I think of people such as Roy Littlechief, Floyd Minifingers and Johnny Chief Moon, to name just a few, who have said the entire problem boils down to one thing.

In their view the problem is that for over 130 years the entire aboriginal community was operated out of this place by federal governments of the past. At no time could it ever be worse than it is now. There has been an absolute absence of accountability on the reserves. Not all of them. I want to make it absolutely clear that I have seen some very effective reserves, some good ones. I only wish that those who are doing so well could get the message out to the hundreds I have seen not doing very well.

These people were talking about the various types of problems that the member from the NDP refused to address because he is sick and tired of hearing about the grief they see in the provinces. I wish hon. members from the NDP and Liberals would have come to Burnt Hill in Winnipeg when they had the final meeting and heard from the people who were talking from their hearts, the ones who are living in abject poverty.

I would have liked to have seen them visit with a mother and father who lost a three year old girl just weeks before. I went into their home, into a soup hole. They had no place else to discharge water. They did not have a sewage system so they asked for one.

**Mr. Peter Stoffer:** Mr. Speaker, I rise on a point of order. The hon. member for Wild Rose, whom I respect greatly, indicated that my colleague from the NDP did not want to hear about the devastation and concerns on our reserves. That is the furthest thing from the truth.

**Mr. Darrel Stinson:** Well, he didn't go out to the meeting about it, did he?

**The Deputy Speaker:** I am sorry but I think we are getting into debate rather than a point of order.

**Mr. Myron Thompson:** At any rate, Mr. Speaker, no one from any party went to any of the several meetings, and I know they were all invited.

People like Leona Freed has travelled around the country. Literally hundreds of others have done their best to reach the grassroots people, those who do not have automobiles, those who cannot afford a plane or bus ticket, and those who are hitchhiking, trying to survive on the reserves. That is the people they are addressing. They are saying that when it comes to self-government and the Nisga'a agreement they want to be shown that all the people will benefit.

**Mr. David Iftody:** Mr. Speaker, I rise on a point of order. I certainly wish to allow the member to continue, but on a technical point with reference to his debate the member has raised with me on several occasions, both inside and outside the House, questions about people having difficulties. I have asked for a letter in writing from the member on these matters and I have yet to receive it.

• (1810 )

**The Deputy Speaker:** This does not sound like a point of order. It sounds like a matter for debate.

**Mr. Myron Thompson:** Mr. Speaker, it sounds to me like it is another effort on the part of both parties to put people like me down. They do not want to hear what life is actually like on so many of the reserves. I know that many of the people I have talked to are suffering to a great extent.

People are asking that these types of agreements address three things. They want accountability. These are the elders. I am not talking about a bunch of young whipper-snappers. I am talking about the elders, the people who have the wisdom. They want democracy and they want equality.

The auditor general has pointed that out six years in a row. Something has to be done about the accountability not only on the reserves, but in the House. We are accountable to the taxpayers of Canada and the chiefs and councils on the reserves must be accountable to their people. With what I have seen with my own eyes on the reserves, these kind of agreements are not going to address the problem.

Today one fellow from Alberta commented to me, ''What about the grassroots? The money will be given to a few. How do we know that we all will be able to share?'' This is the Nisga'a people. ''How do we know that we will all be able to share on an equitable basis?'' No property rights, no nothing. They ask me ''How do we know that we are going to be able to live a decent life? Are we going to be at the hands of the council and their families? Will it be nepotism? Are we going to go through the whole problem again?''

In my riding the Stoney reserve has had a three year investigation going on. Up to 43 possible charges are to be laid concerning mismanagement and not looking after the best interests of the people who are involved.

All members from every party in this place had the opportunity to go out there and hear the word. However, they cannot pull themselves out of the chambers to go to these reserves. They like to go to the council chambers. Maybe they would go to the chief's house, but they would not get down in the dirt with the grassroots people. They would rather go to the highfaluting elite people and say ''We will look after you''. They are doing a poor job of it.

The member from wherever he is over there does not have any brains. All he can do is laugh. He has no comments. It is a shame he is a representative. If those members are going to say something, I wait excitedly for something valuable to come out of their mouths. I know it will never happen with that member, not in 100 years.

I encourage all hon. members. For six years the report from the auditor general has been looked at. What is the matter? Can they not read? Do they not understand? The auditor general is saying most passionately that there is no accountability in this whole area and it has to be addressed. If the government is going to enter into agreements like this, then for Pete's sake, build it in. There it is. I have read it.

I want to refer to one clause in here on page 113, the fisheries. I want to read the clause for my friends from the NDP in particular: ''In the event of inconsistency or conflict between a Nisga'a law made under paragraph 69 or 70 and a federal or provincial law, the Nisga'a law will prevail''.

It says that several times in here. I dare these people to indicate that does not mean it will override the laws of the federal government or the provincial government.

I have one final comment. It is really too bad that the member across the way who likes to laugh so much does not go to the reserves and see the sick poverty, the third world conditions. Let us see if he would like to laugh then.

• (1815 )

**The Deputy Speaker:** It being 6.15 p.m., pursuant to order made earlier this day, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the second reading stage of the bill now before the House.

The question is on the amendment to the amendment. Is it the pleasure of the House to adopt the amendment to the amendment?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour of the amendment to the amendment 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.

• (1845 )

(The House divided on the amendment to the amendment, which was negatived on the following division:

(*Division No. 48*)

YEAS

Members

Abbott
Anders
Benoit
Cadman
Chatters
Duncan
Forseth
Goldring
Grewal
Harris
Hill (Macleod)
Hilstrom
Kenney (Calgary Southeast)
Konrad
Martin (Esquimalt—Juan de Fuca)
McNally
Morrison
Penson
Reynolds
Schmidt
Solberg
Strahl
White (Langley—Abbotsford) —45

Ablonczy
Bailey
Breitkreuz (Yellowhead)
Casson
Cummins
Epp
Gilmour
Gouk
Hanger
Hart
Hill (Prince George—Peace River)
Johnston
Kerpan
Lowther
Mayfield
Mills (Red Deer)
Obhrai
Ramsay
Ritz
Scott (Skeena)
Stinson
Thompson (Wild Rose)

NAYS

Members

Adams
Assad
Augustine
Bachand (Saint-Jean)
Barnes
Bélair
Bellehumeur
Bennett
Bertrand
Blondin-Andrew
Bonwick
Boudria
Brien
Brown
Bulte
Caccia
Cannis
Carroll
Catterall
Chamberlain
Charbonneau
Chrétien (Saint-Maurice)
Coderre
Crête
de Savoye
DeVillers
Dion
Doyle
Drouin
Duhamel
Eggleton
Folco
Gagliano
Gallaway
Godfrey
Graham
Grose
Guimond
Harvard
Hubbard
Iftody
Jennings
Karetak-Lindell
Kilger (Stormont—Dundas—Charlottenburgh)
Knutson
Lastewka
Lavigne
Lee
Limoges (Windsor—St. Clair)
Longfield
MacAulay
Mahoney
Maloney

Alcock
Assadourian
Bachand (Richmond—Arthabaska)
Baker
Beaumier
Bélanger
Bellemare
Bergeron
Bevilacqua
Bonin
Borotsik
Bradshaw
Brison
Bryden
Byrne
Calder
Caplan
Casey
Cauchon
Chan
Chrétien (Frontenac—Mégantic)
Clouthier
Collenette
Cullen
Debien
Dhaliwal
Discepola
Dromisky
Duceppe
Easter
Finlay
Fontana
Gagnon
Gauthier
Goodale
Gray (Windsor West)
Guarnieri
Harb
Harvey
Ianno
Jackson
Jordan
Keddy (South Shore)
Kilgour (Edmonton Southeast)
Kraft Sloan
Laurin
Lebel
Leung
Lincoln
Loubier
MacKay (Pictou—Antigonish—Guysborough)
Malhi
Marchand
Marleau
Martin (Winnipeg Centre)
McCormick
McKay (Scarborough East)
McTeague
Ménard
Minna
Murray
Nault
Nystrom
O'Brien (London—Fanshawe)
Paradis
Patry
Peterson
Picard (Drummond)
Power
Price
Proud
Redman
Richardson
Robinson
Rock
Scott (Fredericton)
Serré
Speller
St-Hilaire
St-Julien
Stewart (Brant)
Stoffer
Telegdi
Torsney
Ur
Venne
Wayne
Wilfert

Martin (LaSalle—Émard)
Matthews
McGuire
McLellan (Edmonton West)
McWhinney
Mifflin
Mitchell
Myers
Normand
O'Brien (Labrador)
O'Reilly
Parrish
Peric
Phinney
Pillitteri
Pratt
Proctor
Provenzano
Reed
Robillard
Rocheleau
Saada
Sekora
Shepherd
St. Denis
St-Jacques
Steckle
Stewart (Northumberland)
Szabo
Thibeault
Turp
Valeri
Volpe
Whelan
Wood —176

PAIRED MEMBERS

Adams
Anderson
Beaumier
Îles-de-la-Madeleine—Pabok)
Brown
Canuel
Cauchon
Dalphond-Guiral
Discepola
Dumas
Fontana
Fry
Godin (Châteauguay)
Ianno
Lalonde
Manley
Mercier
O'Brien (London—Fanshawe)
Perron
Sauvageau
Tremblay (Rimouski—Mitis)
Wappel

Alarie
Asselin
Bernier (Bonaventure—Gaspé—
Bigras
Byrne
Cardin
Copps
Desrochers
Dubé (Lévis-et-Chutes-de-la-Chaudière)
Finlay
Fournier
Girard-Bujold
Guay
Keyes
Malhi
Marceau
Mills (Broadview—Greenwood)
Pagtakhan
Pettigrew
Tremblay (Lac-Saint-Jean)
Ur

**The Deputy Speaker:** I declare the amendment to the amendment lost.

The next question is on the amendment. Is it the pleasure of the House to adopt the amendment?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour of the amendment 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:*

● (1855)

[*Translation*]

(The House divided on the amendment, which was negatived on the following division:)

(*Division No. 49*)

YEAS

Members

Abbott
Anders
Benoit
Cadman
Chatters
Duncan
Forseth
Goldring
Grewal
Harris
Hill (Macleod)
Hilstrom
Kenney (Calgary Southeast)
Konrad
Martin (Esquimalt—Juan de Fuca)
McNally
Morrison
Penson
Reynolds
Schmidt
Solberg
Strahl
White (Langley—Abbotsford) —45

Ablonczy
Bailey
Breitkreuz (Yellowhead)
Casson
Cummins
Epp
Gilmour
Gouk
Hanger
Hart
Hill (Prince George—Peace River)
Johnston
Kerpan
Lowther
Mayfield
Mills (Red Deer)
Obhrai
Ramsay
Ritz
Scott (Skeena)
Stinson
Thompson (Wild Rose)

NAYS

Members

Adams
Assad
Augustine
Bachand (Saint-Jean)
Barnes
Bélair
Bellehumeur
Bennett
Bertrand
Blondin-Andrew
Bonwick
Boudria
Brien
Brown
Bulte
Caccia
Cannis
Carroll
Catterall
Chamberlain
Charbonneau
Chrétien (Saint-Maurice)
Coderre
Crête
de Savoye
DeVillers
Dion
Doyle
Drouin
Duhamel
Eggleton
Folco
Gagliano
Gallaway
Godfrey
Graham
Grose
Guimond
Harvard

Alcock
Assadourian
Bachand (Richmond—Arthabaska)
Baker
Beaumier
Bélanger
Bellemare
Bergeron
Bevilacqua
Bonin
Borotsik
Bradshaw
Brison
Bryden
Byrne
Calder
Caplan
Casey
Cauchon
Chan
Chrétien (Frontenac—Mégantic)
Clouthier
Collenette
Cullen
Debien
Dhaliwal
Discepola
Dromisky
Duceppe
Easter
Finlay
Fontana
Gagnon
Gauthier
Goodale
Gray (Windsor West)
Guarnieri
Harb
Harvey
Hubbard
Iftody
Jennings
Karetak-Lindell
Kilger (Stormont—Dundas—Charlottenburgh)
Knutson
Lastewka
Lavigne
Lee
Limoges (Windsor—St. Clair)
Longfield
MacAulay
Mahoney
Maloney
Marleau
Martin (Winnipeg Centre)
McCormick
McKay (Scarborough East)
McTeague
Ménard
Minna
Murray
Nault
Nystrom
O'Brien (London—Fanshawe)
Paradis
Patry
Peterson
Picard (Drummond)
Power
Price
Proud
Redman
Richardson
Robinson
Rock
Scott (Fredericton)
Serré
Speller
St-Hilaire
St-Julien
Stewart (Brant)
Stoffer
Telegdi
Torsney
Ur
Venne
Wayne
Wilfert

Ianno
Jackson
Jordan
Keddy (South Shore)
Kilgour (Edmonton Southeast)
Kraft Sloan
Laurin
Lebel
Leung
Lincoln
Loubier
MacKay (Pictou—Antigonish—Guysborough)
Malhi
Marchand
Martin (LaSalle—Émard)
Matthews
McGuire
McLellan (Edmonton West)
McWhinney
Mifflin
Mitchell
Myers
Normand
O'Brien (Labrador)
O'Reilly
Parrish
Peric
Phinney
Pillitteri
Pratt
Proctor
Provenzano
Reed
Robillard
Rocheleau
Saada
Sekora
Shepherd
St. Denis
St-Jacques
Steckle
Stewart (Northumberland)
Szabo
Thibeault
Turp
Valeri
Volpe
Whelan
Wood —176

PAIRED MEMBERS

Adams
Anderson
Beaumier
Îles-de-la-Madeleine—Pabok)
Brown
Canuel
Cauchon
Dalphond-Guiral
Discepola
Dumas
Fontana
Fry
Godin (Châteauguay)
Ianno
Lalonde
Manley
Mercier
O'Brien (London—Fanshawe)
Perron
Sauvageau
Tremblay (Rimouski—Mitis)
Wappel

Alarie
Asselin
Bernier (Bonaventure—Gaspé—
Bigras
Byrne
Cardin
Copps
Desrochers
Dubé (Lévis-et-Chutes-de-la-Chaudière)
Finlay
Fournier
Girard-Bujold
Guay
Keyes
Malhi
Marceau
Mills (Broadview—Greenwood)
Pagtakhan
Pettigrew
Tremblay (Lac-Saint-Jean)
Ur

**The Deputy Speaker:** I declare the amendment lost.

The next question is on the main 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 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 yeas have it.

*And more than five members having risen:*

• (1905)

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

(*Division No. 50*)

YEAS

Members

Adams
Alcock
Assadourian
Augustine
Bachand (Richmond—Arthabaska)
Bachand (Saint-Jean)
Baker
Barnes
Beaumier
Bélair
Bélanger
Bellehumeur
Bellemare
Bennett
Bergeron
Bertrand
Bevilacqua
Blondin-Andrew
Bonin
Bonwick
Borotsik
Boudria
Bradshaw
Brien
Brison
Brown
Bryden
Bulte
Byrne
Caccia
Calder
Cannis
Caplan
Carroll
Casey
Catterall
Cauchon
Chamberlain
Chan
Charbonneau
Chrétien (Frontenac—Mégantic)
Chrétien (Saint-Maurice)
Clouthier
Coderre
Collenette
Crête
Cullen
de Savoye
Debien
DeVillers
Dhaliwal
Dion
Discepola
Doyle
Dromisky
Drouin
Duceppe
Duhamel
Easter
Eggleton
Finlay
Folco
Fontana
Gagliano
Gagnon
Gallaway
Gauthier
Godfrey
Goodale
Graham
Gray (Windsor West)
Grose
Guarnieri
Guimond
Harb
Harvard
Harvey
Hubbard
Ianno
Iftody
Jackson
Jennings
Jordan
Karetak-Lindell
Keddy (South Shore)
Kilger (Stormont—Dundas—Charlottenburgh)
Kilgour (Edmonton Southeast)
Knutson
Kraft Sloan
Lastewka
Laurin
Lavigne
Lebel
Lee
Leung
Limoges (Windsor—St. Clair)
Lincoln
Longfield
Loubier
MacAulay
MacKay (Pictou—Antigonish—Guysborough)
Mahoney
Malhi
Maloney
Marchand
Marleau
Martin (LaSalle—Émard)
Martin (Winnipeg Centre)
Matthews
McCormick
McGuire
McKay (Scarborough East)
McLellan (Edmonton West)
McTeague
McWhinney
Ménard
Mifflin
Minna
Mitchell
Murray
Myers
Nault
Normand
Nystrom
O'Brien (Labrador)
O'Brien (London—Fanshawe)
O'Reilly
Paradis
Parrish
Patry
Peric
Peterson
Phinney
Picard (Drummond)
Pillitteri
Power
Pratt
Price
Proctor
Proud
Provenzano
Redman
Reed
Richardson
Robillard
Robinson
Rocheleau
Rock
Saada
Scott (Fredericton)
Sekora
Serré
Shepherd
Speller
St. Denis
St-Hilaire
St-Jacques
St-Julien
Steckle
Stewart (Brant)
Stewart (Northumberland)
Stoffer
Szabo
Telegdi
Thibeault
Torsney
Turp
Ur
Valeri
Venne
Volpe
Wayne
Whelan
Wilfert
Wood —175

NAYS

Members

Abbott
Ablonczy
Anders
Bailey
Benoit
Breitkreuz (Yellowhead)
Cadman
Casson
Chatters
Cummins
Duncan
Epp
Forseth
Gilmour
Goldring
Gouk
Grewal
Hanger
Harris
Hart
Hill (Macleod)
Hill (Prince George—Peace River)
Hilstrom
Johnston
Kenney (Calgary Southeast)
Kerpan
Konrad
Lowther
Martin (Esquimalt—Juan de Fuca)
Mayfield
McNally
Mills (Red Deer)
Morrison
Obhrai
Penson
Pickard (Chatham—Kent Essex)
Ramsay
Reynolds
Ritz
Schmidt
Scott (Skeena)
Solberg
Stinson
Strahl
Thompson (Wild Rose)
White (Langley—Abbotsford)—46

PAIRED MEMBERS

Adams
Alarie
Anderson
Asselin
Beaumier
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)
Bigras
Brown
Byrne
Canuel
Cardin
Cauchon
Copps
Dalphond-Guiral
Desrochers

| | |
|---|---|
| Discepola | Dubé (Lévis-et-Chutes-de-la-Chaudière) |
| Dumas | Finlay |
| Fontana | Fournier |
| Fry | Girard-Bujold |
| Godin (Châteauguay) | Guay |
| Ianno | Keyes |
| Lalonde | Malhi |
| Manley | Marceau |
| Mercier | Mills (Broadview—Greenwood) |
| O'Brien (London—Fanshawe) | Pagtakhan |
| Perron | Pettigrew |
| Sauvageau | Tremblay (Lac-Saint-Jean) |
| Tremblay (Rimouski—Mitis) | Ur |
| Wappel | |

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

(Bill read the second time and referred to a committee)

**The Deputy Speaker:** It being 7.05 p.m., the House stands adjourned until 10 a.m. tomorrow, pursuant to Standing Order 24(1).

(The House adjourned at 7.06 p.m.)

# CONTENTS

**Monday, November 1, 1999**

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