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Chair

Ms. Marlene Catterall

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•(1105)

[English]

The Chair (Ms. Marlene Catterall (Ottawa West—Nepean, Lib.)): I call to order this meeting of the Standing Committee on Canadian Heritage on further consideration of the order of reference of Bill C-333, concerning reconciliation with the community of Chinese Canadians.

We have dealt with several amendments. We are now at the point of considering amendment G-6. It is the proposed new clause, and you'll find it on page 10 of your package.

As we learned at the last meeting, there's a fundamental disagreement on two significant elements of the bill. We had a fairly thorough discussion on that. I would hope there would be some sense that we don't need to put forward all of the same arguments again, certainly not in as much depth as was done at the last meeting. Whether it's going to meet everybody's expectations or not, I think that most of us feel it's important to move ahead with this bill.

I tabled Bill C-331 in the House this morning, so the Ukrainian bill is ready to be considered in the House of Commons.

If I could ask you all to turn to page 10 in your package of amendments, it's amendment G-6, a proposal for a new clause.

Ms. Bulte.

Hon. Sarmite Bulte (Parkdale—High Park, Lib.): Yes. Thank you, Madam Chair.

We are proposing an amendment that would create a new clause, and it is consistent with the amendments that we made to Bill C-331. It's again outlining measures that may include the installation of commemorative plaques in certain places.

The Chair: Is there any discussion on this proposed new clause?

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: The next item we come to has to do with clause 4. It's amendment G-7 on page 11 of your package.

Ms. Davies has also subsequently tabled three subamendments to the same clause.

I'm advised that the proper way to do this is to deal with the amendments in the order in which they were received, which puts amendment G-7 first. I think the logical outcome would be that if G-7 is adopted, then subamendments NDP-2, NDP-3, and NDP-4 will not be put.

Ms. Bulte, do you want to move amendment G-7?

Hon. Sarmite Bulte: Yes. Thank you very much, Madam Chair.

If you look at the proposed amendment, you will see that this is not just an amendment. We are actually replacing the current clause 4 of the current bill. This is a new clause that takes into account some of the measures that are proposed in the current bill.

It has been revised to remove obligations imposed on the government by Parliament and is again consistent with the amendments that we made to Bill C-331.

The Chair: Thank you.

Is there any discussion?

Ms. Davies, and then Ms. Faille.

Ms. Libby Davies (Vancouver East, NDP): I'd like to move a subamendment to G-7, and I'd like to make the subamendment NDP-4, which I believe would be in order.

The Chair: It is on page 14 of our package, if people want to refer to that.

Ms. Libby Davies: The government amendment has paragraphs 4 (a) and 4(b), so this would be paragraph 4(c).

Subamendment NDP-4 is:

(c) compensation for those persons who paid a head tax, their families and direct descendants for the decades of pain and suffering that they endured as a result of the head tax and *The Chinese Immigration Act*...

In moving that subamendment, I believe that it is important to get some element of compensation in this bill. I would offer that subamendment to G-7.

The Chair: Thank you, Ms. Davies.

Ms. Faille.

•(1110)

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): I would actually like to move a subamendment as well to this clause.

The Chair: We would have to deal with G-7 as an amendment, and Ms. Davies' is a subamendment. We will have to deal with that one first, and then consider any further subamendments.

Are there any comments?

Ms. Oda.

Ms. Bev Oda (Durham, CPC): We can deal with the motions as you see fit.

The Chair: Ms. Bulte.

Hon. Sarmite Bulte: Thank you very much, Madam Chair.

Just for my colleagues, for the record, I'd like to state that the government does not agree with this amendment. The Mack case clearly demonstrates that the Government of Canada does not have to provide for compensation to those persons who paid a head tax, nor to their families and direct descendants. Indeed, the claim for compensation could not succeed because the head tax and exclusionary measures were taken pursuant to legislation at that time.

The Chair: Thank you.

Ms. Oda.

Ms. Bev Oda: Madam Chair, I would concur with the statement just made by the member of the government. In fact, NDP-4 would substantively change the intent of the bill as originally drafted.

The Chair: Thank you.

Are we ready for the question on the subamendment by Ms. Davies?

Ms. Libby Davies: Could we have a recorded vote, please?

(Subamendment negatived: nays 7; yeas 3)

The Chair: That disposes of that subamendment.

Ms. Faille, did you wish to move a further subamendment at this time?

[*Translation*]

Ms. Meili Faille: Yes. I move that:

The government of Canada shall negotiate directly with the families who have been victims of the head tax and the Exclusion Act, and their representatives.

The Chair: It seems to me that your proposal is not a subamendment to the government's G-7. It is a separate clause.

Ms. Meili Faille: In the original text of the bill, there were two subclauses: 4(1) and 4(2). Subclause 4(1) seems to have disappeared in the government's amendment. Therefore, I would reinsert language similar to subsection 4(1), which would read:

4(1) The government of Canada shall negotiate directly with the families who have been victims of the head tax and the Exclusion Act and their representatives.

The Chair: Do you have your motion in writing?

[*English*]

Ms. Libby Davies: This is just a point of information. If my amendment was in order and we just voted on it, I'm not sure why the Bloc's amendment wouldn't be, because it's still an amendment to G-7, right?

The Chair: I'm having a bit of difficulty with that, and that's why we want to see the text, Madam Davies, because as it was presented, it wasn't moved as an amendment to a specific part of the bill. I think it's important that we let our legislative clerk have a look at it.

Mr. Mario Silva (Davenport, Lib.): Madam Chair, for clarification, are we also waiving the notice to put amendments before the committee?

The Chair: Since we're dealing with the bill, I think amendments can be proposed as we go through the bill. That's not a problem.

Mr. Mario Silva: Thank you.

Hon. Sarmite Bulte: Madam Chair, if I can, I'll make a point of clarification. The amendment I am proposing also replaces the current clause 4. This is so everyone is clear: we're not amending it; we're deleting it and putting in a new clause 4.

• (1115)

The Chair: We are faced with a difficulty here, Madam Faille. Your amendment isn't available to be distributed to committee members, so it makes it a little difficult for them to deal with the amendment.

Ms. Meili Faille: Yes, but I can say it in English if you want. I'm fully bilingual. I could say it in Chinese if you want.

Some hon. members: Oh, oh!

Ms. Libby Davies: I have a point of order. I would like to point out that before we started the clause-by-clause at the end of hearing the witnesses, I raised the question of what the deadline was for getting in amendments. You certainly encouraged us to get them in as early as we could, but you did say you would entertain amendments—

The Chair: I did.

Ms. Libby Davies: —at the meeting, so that implies that we would bring them here either verbally or in writing, in whatever form we could, because we had very little time. That was stated.

The Chair: I'm by no means discouraging this or ruling the amendment out of order. It is a subamendment to G-7, I'm advised by our legislative clerk. It would add a new subclause, 4(1), that would then, if we adopt government amendment G-7, come in ahead of G-7.

Madam Faille, this is now a subamendment. I would ask that you now read it into the record again, and to ensure there's no misunderstanding through translation, if you can read it in both official languages, that will be wonderful.

[*Translation*]

Ms. Meili Faille: It would read:

The government of Canada shall negotiate directly with families...

The Chair: First of all, do you move this as a sub-amendment to G-7?

Ms. Meili Faille: Yes, I move that amendment G-7 be amended by adding a subclause. The current text of G-7 would become subclause 4(2) and I would add a subclause 4(1) that would read, in French:

4(1) Le gouvernement du Canada négocie directement avec les familles qui ont été victimes de la taxe d'entrée et de l'acte d'exclusion, et leurs représentants.

• (1120)

[*English*]

“The Government of Canada should negotiate directly with the families who have been victims of this Exclusion Act and”—

[*Translation*]

I am looking for the English translation of “mesures d'exclusion“.

[*English*]

—“their official representatives.”

The Chair: Yes, and the Exclusion Act.

Is there any discussion on that subamendment?

Ms. Bulte.

Hon. Sarmite Bulte: Thank you very much, Madam Chair.

I would say that this proposed amendment runs contrary to G-4, which we passed before and which talks about the Government of Canada undertaking negotiations with the National Congress of Chinese Canadians. I would say it is absolutely, diametrically opposed; therefore, I would not support the amendment.

The Chair: Is there any further discussion?

(Subamendment negated) [See *Minutes of Proceedings*]

The Chair: We're on amendment G-7, then, again on page 11 of your package of amendments.

Is there any further discussion on G-7? All in favour?

Ms. Libby Davies: I'm in favour of G-7.

The Chair: It's carried on division.

(Amendment agreed to on division) [See *Minutes of Proceedings*]

The Chair: Amendments NDP-2, NDP-3, and NDP-4 cannot be put, given the adoption of G-7.

(Clause 4 as amended agreed to on division)

Ms. Libby Davies: Was there a motion to delete...? Do we come back to the original clause 4?

The Chair: No. Our legislative clerk has advised me that G-7 was close enough to what was there in clause 4 that in fact it was an amendment to clause 4.

Ms. Libby Davies: I'd like to question that. We have dealt with other so-called amendments that were really new clauses. If you look at clause 4 as it was, it talked about an agreement for redress. It's true that subclause 4(2) talked about the educational foundation, which is closer to the new G-7 clause put forward by the government. I would say that subclause 4(1) has completely gone, and it's not in any way reflected in the new amendment that's just been approved.

I would think at the very least we should be voting on whether or not subclause 4(1) should be deleted. I could see that subclause 4(2) is closer to what the government has proposed.

The Chair: Ms. Oda.

Ms. Bev Oda: Thank you, Madam Chair.

I would propose that voting and passing clause 4 as written on page 11 recognizes any changes or deletions that were made from the original, and consequently I would suggest that all the changes to clause 4 from the original have now been passed.

The Chair: Ms. Davies, I'm relying, obviously, on the advice of our legislative clerk that, unlike the earlier one, this was in fact an amendment. In any case, if there were questions about it, they really should have been raised before we voted on it.

We're moving on, then, to amendment G-8 on page 15 of your package, and the subamendment on page 16 from Ms. Davies.

Ms. Libby Davies: Thank you, Madam Chair.

The Chair: I'm going to ask Ms. Bulte to move amendment G-8 first, and then we can move on to your subamendment.

Thank you.

Hon. Sarmite Bulte: Thank you very much, Madam Chair.

This is a new clause that was not in the original bill. This new clause is parallel to the same clause we inserted in Bill C-331. It again talks about the government requesting Canada Post to issue a commemorative stamp.

● (1125)

The Chair: Ms. Davies, you would like to move your subamendment.

Ms. Libby Davies: Yes. Thank you, Madam Chair.

This subamendment is similar to other ones, in that I'm seeking to go beyond naming only one organization to include another major organization, the Chinese National Council, who have been representative of the head-tax-payer claims, as well as other representative groups.

I would note—I think we all got an e-mail or fax—that there are other groups coming forward. There was one just recently in Vancouver: the Army Navy & Air Force Veterans in Canada, Pacific Unit 280, which consists of the Chinese-Canadian army, navy and air force veterans. They too are expressing their concerns about how limited this bill is in naming one organization.

This subamendment is simply seeking to broaden who is going to be involved in this process from now on. I would hope members of the committee, even though on other subamendments they voted to have only the one group, may have reflected upon this and thought that it is better in the long run to have more members of the community involved in this to seek a resolution, rather than fewer.

We're creating a division here by what we're doing, so I would encourage members to support the amendment.

The Chair: Madam Oda.

Ms. Bev Oda: We've had this discussion, Madam Chair, previously on another clause of the bill.

I would just reiterate very concisely that the intent of this bill, after almost 120 years of inaction, is at least a movement forward into recognition and some mechanisms. Consequently, we believe we will be able to move forward on the bill and the suggestions as is, with the one group.

I would suggest that the government, in its wisdom, will obviously try to make sure their actions are as reflective of the bill and the intent of the bill as possible.

The Chair: Is there any further discussion?

Ms. Bulte, then Ms. Faille.

Hon. Sarmite Bulte: Madam Chair, just for the record, I would like to say the government does not agree with the amendment. We had this full discussion when we had discussion on amendment G-4, so I would submit the same arguments apply.

The Chair: Ms. Faille.

[Translation]

Ms. Meili Faille: Contrary to what the government says, I do not see any problem in adding other groups that could join in this initiative to issue stamps. In the other instance, the subject was a financial negotiation. In that case I can understand why you would wish to have as few parties as possible, but here we talk about organizing an event, the issuance of a stamp, which is a commemoration, and I believe that all groups should...

The Chair: Ms. Faille, we are presently discussing Ms. Davies' subamendment on page 16.

Ms. Meili Faille: This is the one I am talking about.

[English]

We're talking here of a stamp. We're not talking about compensation, in terms of giving individuals money. In this situation, we're talking about creating an event. I think if we don't want to seek division in the Chinese community, in this situation particularly we should include more people. That's the only thing I'm asking. I'm just saying that in this situation it may be appropriate to have more people.

The Chair: Is there any further discussion?

On the subamendment, then—

Ms. Libby Davies: Could we have a recorded vote, please?

The Chair: Yes.

Hon. Sarmite Bulte: Is it on the proposed amendment?

The Chair: It's on Ms. Davies' subamendment to include the Chinese Canadian National Council.

(Subamendment negatived: nays 7; yeas 3)

The Chair: The amendment is not adopted, so we will return to G-8 on page 15.

(Amendment agreed to) [See *Minutes of Proceedings*]

• (1130)

The Chair: That was a new clause, so we're now at G-9 on page 17.

Ms. Bulte.

Hon. Sarmite Bulte: Thank you, Madam Chair.

Again, this is a new clause we're proposing. It was not in the original bill. It is consistent with the amendments that were made to Bill C-331 and that will allow for other measures, which have yet to be determined or cannot be listed under a statute.

[Translation]

The Chair: Madam Davies.

[English]

Ms. Libby Davies: Thank you, Madam Chair.

I would like to move NDP subamendment 4, which, as in the other clause, would add “the Chinese Canadian National Council and other representative groups” after “National Congress of Chinese Canadians”.

I would say briefly that this particular government amendment is talking about any other measures that may come. So it leaves the possibility other things may happen.

Again, I am baffled as to why we would be so limited in the approach to name only one organization with which there can be discussion. I think broadening this is a good thing; it's more inclusive.

Again I would urge members of the committee to consider the amendment in the long term, so it will have a more positive outcome.

The Chair: Is there any further discussion?

Hon. Sarmite Bulte: Yes, Madam Chair.

The reason we'll be voting against the subamendment is because this new clause 6 relates back to the original clause 2, which talks about undertaking negotiations with the congress, and also relates back to the new clause 3, which talks about the objectives.

The Chair: Is there any further discussion? On the subamendment, then—

Ms. Libby Davies: I'd like to call for a recorded vote.

The Chair: There will be a recorded vote, please, Mr. Clerk.

Mr. Mario Silva: Madam Chair, I think it's important that at least I get my statement on the record on this issue.

Clearly there are two different points of view about adding and not adding further organizations. It's not a question that one is trying to be exclusionary; it's a question of whether one wants to move the process along.

There are those of us who believe that adding other groups is in fact sabotaging the bill and therefore not leading to anything whatsoever. So I think it's important to know that those of us who are voting against these amendments are voting with the clear belief that we are facilitating and moving things along, and that doing otherwise actually sabotages the process.

The Chair: Thank you very much, Mr. Silva.

Now that has provoked some further discussion.

Ms. Oda, and then Mr. Kotto.

Ms. Bev Oda: Madam Chair, as this is my bill, I would also like to put on the record that I totally concur with Mr. Silva's comments. I am pleased that he has reflected our views. I would reiterate that this is something the community has been waiting for, at least in this area of recognition—and some measures to move forward, as they say.

Of particular interest to me are the educational aspects of what the possibilities are here.

Again, the possibility that nothing will be done in order to accommodate the divisions between viewpoints in community groups.... I am a true believer in being as inclusionary as possible. However, we know this particular group is willing to work with the government on moving this aspect of the action forward. So this is why we would stand behind the bill as proposed, without the new subamendment.

The Chair: Thank you very much.

Mr. Kotto.

[Translation]

Mr. Maka Kotto (Saint-Lambert, BQ): I will not be long, Madam Chair.

I just wanted to underline that there is no evidence proving that including more groups in this regard would lead to failure. One could even argue the opposite. Restricting the consultation to one group only could lead to failure just as well.

We have an ethical duty. Legislation without ethics is legislation without conscience. I believe that by being more inclusive we would show we are being conscious of the full dimension of this tragedy. In fact, it is a point that is relevant for the whole discussion we had around these two bills.

Thank you.

● (1135)

[English]

The Chair: I'm going to give Ms. Davies a final brief word, I hope, and then move to the vote.

Ms. Libby Davies: I wasn't going to say anything again, but after Mr. Silva spoke, I find it really offensive to say that when you bring in an amendment including other groups, somehow you're sabotaging the bill. I actually want to have a resolution of this issue. I think it's very important. There is a division of opinion. If we're going to use language like that, I would say that this bill is sabotaging what goes on in the community because it's leaving so many people out.

For Ms. Oda to say the community has been waiting for this for a long time, I agree, but what community? The whole community. The whole Chinese Canadian community has waited a long time. So what we're simply trying to do here is to actually help bring about a resolution. That's obviously not going to happen, which is unfortunate, but I do not accept that these amendments are somehow sabotaging the bill. That is not correct.

The Chair: Thank you, Ms. Davies.

On the subamendment, we have a request for a recorded vote.

(Subamendment negated: nays 7; yeas 3) [See *Minutes of Proceedings*]

The Chair: We return, then, to amendment G-9 on page 17 of your package. Is there any further discussion on the amendment?

(Amendment agreed to) [See *Minutes of Proceedings*]

The Chair: Next we have amendment G-10, proposing another new clause. That's on page 19, the last page of your package.

Ms. Bulte.

Hon. Sarmite Bulte: Again, Madam Chair, for committee members to know, this is a new clause and it mirrors the same clause, the same reasons we included in Bill C-331.

The Chair: Thank you very much.

Is there any discussion?

Mr. Kotto, do you wish to vote?

[Translation]

We are dealing with amendment G-10.

Ms. Meili Faille: About the explanation that was given...

The Chair: The question has been called. Do you want to vote or not?

Mr. Maka Kotto: Yes.

Ms. Meili Faille: Yes.

[English]

The Chair: Okay.

(Amendment agreed to on division) [See *Minutes of Proceedings*]

● (1140)

The Chair: We are now at the stage of returning to the beginning of the bill, to clause 1, which is the short title, and then the preamble and the title of the bill.

We have an additional amendment from Ms. Davies, amendment NDP-1, which I am advised by our legislative clerk could only be put if subamendments NDP-SA1, NDP-SA3, or NDP-SA4 had been adopted, which they were not.

We now go back to the beginning of your package of amendments, to amendment G-3, on page 4, dealing with clause 1.

Madam Bulte.

Hon. Sarmite Bulte: Thank you very much, Madam Chair.

We have proposed that the short title be amended. Specifically, you will note that the word "redress" has been excluded. Redress implies compensation, and for the reasons we spoke to earlier, including the Mack case, it's not acceptable. That's why the title has been changed the way it has.

The Chair: Can I ask a question for clarification? Why is it "immigrants of Chinese origin"?

Mr. Michel Francoeur (General Counsel and Director, Legal Services, Department of Canadian Heritage): Basically, that was done to reflect what was done in the preceding bill, C-331, where originally the language used for the Ukrainian bill was "persons of Ukrainian descent". It was determined that it was more accurate to talk about persons of Ukrainian origin.

The Chair: It's the use of the word "immigrants" that I wondered about.

Mr. Michel Francoeur: Sorry, your question is why are we using the word "immigrants"?

The Chair: Yes, why is it "immigrants of Chinese origin"?

Mr. Michel Francoeur: Because they were immigrants when this happened.

Maybe I don't understand your question.

The measures taken at the time.... The head tax, for example, was a head tax imposed on immigrants, in this case, immigrants of Chinese origin.

I thought your question was why we are using the expression "of Chinese origin".

The Chair: No, I understand that.

Ms. Davies.

Ms. Libby Davies: On the same point, the original bill talks about Chinese immigrants, because clearly they were Chinese immigrants who faced the head tax; they weren't permanent residents. However, in the long title, the original bill also talked about "Chinese Canadian history and racial harmony". I think this is an important element of the bill.

It was what happened then, to those immigrants, but it's also the subsequent impact and consequences on many following generations of the Chinese Canadian community, who are, in a vast majority of cases, permanent residents and citizens.

There is a change here, and it really reflects my objection that what has happened with this bill is that all of the substance, all of the impacts, and all of the consequences have been removed. It sort of brings it down to this notion of, well, it happened. Well, yes, we know it happened, there's no denying that. That's all that this bill will now reflect. So it's unfortunate that this language has gone, because language is very important in recognizing historical fact and consequences.

I'll be voting against the amendment, but I think your question is pertinent, because, yes, now it just says "Chinese immigrants".

The Chair: Ms. Oda.

Ms. Bev Oda: Madam Chair, I would suggest that the comments just made by Ms. Davies would be reflected in the preamble and any amendment in the preamble. Consequently, a title being a title, I would suggest it doesn't necessarily have to reflect her comments.

The Chair: Yes.

Okay, on the amendment.

(Amendment agreed to on division) [See *Minutes of Proceedings*]

The Chair: Shall clause 1 carry as amended?

(Clause 1 as amended agreed to on division)

• (1145)

The Chair: So we now have the preamble, and that's G-2 on page 2.

Ms. Bulte.

Hon. Sarmite Bulte: There are a number of amendments here, if you could bear with me so that we can understand each one.

First of all, we replace the words "Canadian nation" with "Canada". We replace "Chinese immigrants" with "immigrants of Chinese origin" for the reasons that the officials noted, so that it is consistent with the amendments that were made to Bill C-331.

We replace "prior to 1923" with the words "from 1885 to 1923" for the reason, Madam Chair and colleagues, that this is historically more accurate. A series of legislation was passed from 1885 until 1923 that did indeed require payment from Chinese immigrants upon entering Canada.

We next replace the words "discriminated against on the basis of ethnic origin" with the words "other exclusionary measures". Discrimination has a sensitive connotation today, mainly because of the Canadian charter, and it should not be used in a federal statute. It is preferable to change it to "exclusionary measures", which is more consistent with the title.

We then go on to replace the words "necessary and timely for public recognition of these injustices" with the following words: "Parliament acknowledges that those events are deserving of recognition".

There is no necessity for the Government of Canada to provide redress to the Chinese community, since the Crown is not liable under the charter or customary international law and was not unjustly enriched by this head tax, as was noted again in the Mack decision, which we've quoted before. The fact that the Houses of Parliament will dictate to the government that "it is necessary and timely for...appropriate redress" will have the result of limiting considerably the royal prerogative, should the Crown decide how and when to give *ex gratia* payments or redress to a certain community.

Then further, we replace "apologizes" in clause 3 of the current bill with an expression of "deep sorrow" in the preamble. If you will remember, this is again consistent with Bill C-331. In the government's view, an expression of deep sorrow that it would happen to the immigrants of Chinese origin would be more appropriate than an apology, which is more subjective, since it does entail a role of the government and could also potentially be read as an admission of liability.

We also replace "on behalf of Parliament, the Government of Canada and the Canadian people of earlier times and of today" with the word "Parliament". It would be more accurate to say that the expression of deep sorrow comes from Parliament.

Also note that the expressions "unjustly" and "uniquely" have been deleted from the current bill. The legislation was based on an attitude defined as racist in today's terms, but all these discriminatory actions were unfortunately not illegal at the time that they were committed.

On "uniquely assessed", it was unique for the payment of a tax into the consolidated revenue fund of Canada, but other immigrants had to have money with them in order to enter into Canada.

The Chair: Is there any further discussion on the amendment to the preamble?

Ms. Davies.

Ms. Libby Davies: There are many problems with the new government amendment.

I would point out that there is a big distance to have words that say "those events are deserving of recognition". I find that very patronizing compared to the language that was already there to describe something that was unjust, that was unique, and that was based on discrimination. We need to have public recognition of these injustices and appropriate redress.

Maybe there's a problem with the word "redress", but the other words are descriptive of what happened. To take that away and strip it down to "deserving of recognition" I again find completely unacceptable.

I think the point was made by the parliamentary secretary that the words “unjustly” and “uniquely” had to come out, or maybe it was only “unjustly”, because somehow it was legal at the time. I don't think it matters, because there were people at that time who also stood up and said that it was unjust. It's not that it wasn't unjust because it was legal at the time. Those two things are not mutually exclusive.

Again, I have problems with the fact that even though the bill as it was put forward by Ms. Oda was very limited, at least there was some language in there that gave recognition to what had actually happened. That will now be gone.

• (1150)

The Chair: Ms. Oda.

Ms. Bev Oda: Madam Chair, upon correction and further reflection, I would suggest that the fact is, when there is existing legislation, that is what is deemed as being legal. In our justice system those are the laws that are abided by at the time. The judgment made today on those laws from that time and that place may, upon reflection, be different.

I think in legislation we have to try to be as accurate as we can so the public understands what is deemed within our justice system as being just or unjust. I think we clearly have to make sure that the legislation uses the most accurate words possible.

The Chair: Thank you, Ms. Oda.

Monsieur Kotto.

[Translation]

Mr. Maka Kotto: Thank you, Madam Chair.

Following up on what Ms. Oda just said, I believe we should move away from an attitude of self-justification in favour of self-criticism. We need to strike a balance between both. I agree with what Ms. Davies said earlier, that this attempt at asepticization, for example by replacing “discrimination” by “other measures” is an act of hypocrisy which will hurt many people.

The other aspect is multiculturalism. Keeping this concept in the bill leads me to remind ourselves that it is fertile ground for self-exclusion. So I do not see why I should be promoting multiculturalism knowing that when people live in closed communities, inside silos, things happen such as interethnic riots in London's suburbs. This could happen here also in the medium or long term. So I do not see myself giving my stamp of approval to this promotion of multiculturalism.

[English]

The Chair: Is there further discussion on amendment G-2?

(Amendment agreed to)

The Chair: Shall the preamble carry as amended?

Some hon. members: Agreed.

Some hon. members: No.

The Chair: That is carried on division.

We move now to the title of the bill. The proposal to amend the title is amendment G-1.

Ms. Bulte.

Hon. Sarmite Bulte: Thank you, Madam Chair.

Again, this amendment replaces the current title. Again, as was noted with Bill C-331, it's to reflect the 1994 Government of Canada position on historical redress.

Isn't “to provide for recognition of the extraordinary contribution they made to Canada” more appropriate in a preamble than actually in the title? That's why this has been put in there.

As for “to provide for redress”, again, there's no necessity for the federal government to provide redress to the Chinese community since the Crown is not liable under the charter or international law and was not unjustly enriched, as noted in the Mack case. Redress seems to be synonymous with compensation. We've heard these arguments before.

We replace “recognize” with “acknowledge”, and this again is consistent, as it was in Bill C-331, with the royal proclamation on the Acadian deportation.

We replace “Chinese immigrants” with “immigrants of Chinese origin”, as I previously noted and as the officials noted.

• (1155)

The Chair: Any discussion?

There's one question from the chair. Which “event” are we recognizing?

Hon. Sarmite Bulte: The extraordinary measures and the head tax.

The Chair: That's not an event.

Mr. Michel Francoeur: The event, globally, is the number of legislative measures that were taken from 1885 on and were applicable all the way to 1947.

The Chair: Forgive me; as an English teacher I was obviously asleep for the history when we dealt with Bill C-331. There is no “event” this refers to. Is there a better word we could use?

Mr. Michel Francoeur: A better description, suggested by my colleague, may be “recognition of these historical actions”, the event being the historical actions taken by the government. So staying away from the concept of legislation...but rather, historical events.

Hon. Sarmite Bulte: I don't think we really mean “historical”. It speaks for itself. If you just put “recognition of these actions”....

Mr. Michel Francoeur: My apologies. What I was saying is that the event we are referring to is the historical actions or measures taken. I'm not suggesting that we change the wording. I'm simply indicating that the event we're referring to is globally the historical actions and measures taken by the government at the time.

The Chair: It's grammatically incorrect. You keep saying the plural and talking about an event.

I think Ms. Bulte has suggested wording that might more accurately reflect what we're talking about. She has simply suggested that we take out “this event” and refer to “these actions”. Would anybody accept that as a subamendment?

Ms. Bev Oda: I would concur.

The Chair: Ms. Oda, since it's your bill, perhaps I'll allow you to move that subamendment.

Ms. Bev Oda: I will do so.

The Chair: Is the committee in agreement?

[*Translation*]

This means that instead of saying “rappeler” in French... I think it works quite well in French, really. The words “this event” in the English version are not translated in French. We do not have the words “cet événement”. So I believe that the French version is fine.

Ms. Meili Faille: It is fine in French?

The Chair: Yes.

Ms. Meili Faille: But not in English?

The Chair: No. We change “this event” to “these actions”, meaning “ces actions” in French.

[*English*]

Okay?

(Subamendment agreed to)

(Amendment agreed to on division)

The Chair: Shall the bill as amended carry? A recorded vote, please, Mr. Clerk.

(Motion agreed to: yeas 7; nays 3)

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

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill?

Some hon. members: Agreed.

• (1200)

The Chair: Thank you very much. Thank you for a good hour's work, committee members—even less than an hour.

Would we like a five-minute break before we go on to resume our study of film production in Canada?

Mr. Mario Silva: You want to focus back on the film study, but not all the members who deal with that issue are necessarily here. Given what we've been through with this particular bill, can we not move it to the following meeting?

The Chair: I'm reluctant to lose half a meeting, frankly. I'm already feeling that we're pressed to get to the point of a report, and everybody did know that both were on the agenda today.

Mr. Mario Silva: Fair enough.

The Chair: So we'll recess briefly. When we resume, we'll be meeting in camera for a confidential briefing of the committee.

Thank you.

[*Proceedings continue in camera*]

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