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# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Monday, March 1, 1999**

**Speaker: The Honourable Gilbert Parent**

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# HOUSE OF COMMONS

Monday, March 1, 1999

The House met at 11 a.m.

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*Prayers*

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## PRIVATE MEMBERS' BUSINESS

• (1105 )

[*English*]

### CBC FUNDING

**Ms. Wendy Lill (Dartmouth, NDP)** moved:

That, in the opinion of this House, the government should restore full multi-year funding to the CBC, sufficient to meet its stated public service goals.

She said: Madam Speaker, it is my pleasure to move that this House adopt Motion No. M-432. I am proud to have the opportunity to address the House on a subject which is important to Canadians and to our culture.

It is also timely in the minds of the media, due to the current and impending labour disputes. The need for stable and adequate funding for the CBC is also very close to my heart.

Members on the other side of the House will undoubtedly say that after years of cuts they have made a commitment to stable funding. If they say that, I am afraid they are wrong.

Let us look at what funding for the CBC has been since the Liberals last promised full stable funding in the 1993 election campaign. Then the CBC received almost \$1.1 billion to run the largest and best broadcast system in the world. The main estimates from 1998-99, however, show a different story.

In 1998-99 the Liberal government allocated only \$745 million to the CBC for operating expenses. Granted the government did throw another \$94 million into the pot in the supplementary estimates, but it should be noted that \$88 million of that was for employment departure programs. In other words, to get rid of people. In short, the CBC operations have been slashed by this government by about \$400 million and this has resulted in the loss of over 3,000 employees. It has also resulted in a drastic loss in service for Canadians.

We have seen the closing of regional TV stations. We have seen the closing of local supertime news shows and we have seen the closing of foreign bureaus, three of them only last week.

Another result seems to have been the chaos at management level. When \$3 million gets lost on the radio side of the corporation something is definitely wrong. But when the manager in charge of that problem then gets a major promotion I would say that something is drastically wrong.

Radio Canada International, Canada's voice in the world, was also almost lost and has been forced to significantly reduce its service.

We have seen cuts to the radio and stereo services as well, now called Radio one and two, meaning that almost one-third of the radio programming, before the current round of labour problems, was made up of repeat broadcasts.

Despite the cuts we have seen valiant efforts by CBC employees to finally Canadianize the prime time television schedule, but a large part of the success has been undercut because they have been forced to sell even more commercials during prime time to make up for the cuts. Thanks to this government Canadians now have to endure endless commercials in the middle of national news.

All evidence shows that the corporation is a shell of its previous self when the Liberal government promised stable funding in 1993. Some promise. Some stability.

Just before the last election the Minister of Canadian Heritage announced that there would again be stable funding. She pointed to a single line buried in an old press release.

The government's commitment to public broadcasting is similar to that kind of promise; something to be buried, to be ignored, to be lost once the votes are counted. The arrogance of this will not be lost on Canadians.

Following up on her stable funding promise the minister has, just in the last two months, presided over a significant reduction in the amount of funds available to the CBC through the Canadian broadcast television fund. She has also expressed approval for a new funding proposal for Canadian feature films which calls for an additional \$25 million cut to the CBC.

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• (1110)

This kind of treatment, saying that there is stable funding and then taking away more money, is perverse. The government has a choice to make and I call on it to make it. Either support the CBC or have the courage to admit to what is actually happening. It is basically giving it death by a thousand cuts.

Some believe that the CBC's future should be to get out of TV and to move into the new media, with specialty programming for children and news. This would be a logical conclusion if the government policy is to discontinue support, through funding, to public broadcasting. I do not believe that is what Canadians want. It may be what the government wants, but once again it is silent.

Canadians want quality radio programming, not repeats, not reruns and not mismanagement. This government even seems to have acknowledged this by giving an additional \$10 million to the CBC just before the last election. Now the election is over and that \$10 million is no longer part of the overall allocation. The 1997 promise for stable funding is in the same place as the 1993 promise. It has vanished.

A clear example of how hypocritical the government policy has been is reflected in the current labour dispute. During the last question period in the House the Minister of Labour said that the current labour dispute at the CBC has nothing to do with government funding levels. What an odd thing to say. Is this not a dispute about wages, working conditions and job security? Is the core of all these issues not money?

The CBC gets most of its funding from the government. The government funding cuts have created the financial problems which have resulted in the labour dispute. To suggest otherwise is to say that there is no warmth from the sun or that if you fall in the water you will not get wet.

The new Minister of Labour should know better. I had hoped she would be keeping an eye on crown corporations to prevent the use of replacement workers. I had hoped she would ensure that all crown corporations bargain fairly. That is the job of the Minister of Labour, not standing in the House denying reality.

We have recently seen Treasury Board interfering with the CBC to have it include the Canadian flag in the CBC logo. We have seen a member of the board of directors become a leading fundraiser for the Liberal Party and we have seen the CBC launch an advertising campaign, costing hundreds of thousands of dollars, aimed at slandering its workers.

The workers and the programmers at the CBC are the ones who have borne the brunt of the cuts. There are 3,000 fewer employees and those still there have been accepting behind inflation settlements since the early eighties. The fact that there is still good programming on the air is mostly due to the sacrifices of these

CBC employees, both in terms of the extra efforts they have made at work and in terms of the opportunities they have forgone to continue doing a job they love. For them to be treated this way by management is outrageous.

The CBC board and management were acquiescent when the Mulroney government cut them. They were totally silent when the Liberal government slashed their funding. Now they are finally speaking up to attack those who have kept them going throughout these cuts. Shame on the board, shame on the management of the CBC and shame on this government.

The Liberal government took a situation already made critical by the Tories and made it one hundred times worse. I guess one could say that the government made it \$40 million dollars worse and 3,000 employees short.

Now we have a Minister of Canadian Heritage who believes that providing stable funding means cutting back and that the CBC is an arm's length organization as long as some board members help raise money for her political party. We have a Minister of Labour who believes that \$400 million in government cuts to a crown corporation has nothing to do with the monetary issues in collective bargaining. These Liberal ministers should look for a career change. They should be asking for funding from the Canada Council to write fiction, not to be in charge of the greatest gutting of cultural programming in the history of Canada.

The Liberal government promised it was not going to cut the parliamentary allocation to the CBC and it did. It promised it was not going to fill the CBC board with a bunch of political hacks and it did.

• (1115)

The government promised it would defend the validity and the vitality of our world class broadcaster. Instead, it has plunged it into rancour and turmoil. Instead of being the saviour of public broadcasting, it in fact has been bent on destroying it.

I am calling on this government to change its disastrous course, to ditch its boisterous rhetoric about concern for public broadcasting and instead truly recommit in spirit and deed to stable multiyear funding for the CBC.

I am calling on this government to leave as its legacy not just more broken promises but a strong public broadcaster. Canadians want and deserve a confident, courageous and clear voice in this multichannel universe. Give us back our Canadian window on the world, on our communities and on our neighbourhood. Give us back the CBC.

**Mr. Inky Mark (Dauphin—Swan River, Ref.):** Madam Speaker, I am pleased to speak today on private member's Motion No. 432 for more CBC funding from the member for Dartmouth.

The CBC is doing a fine job reflecting Canadian culture at this time despite continued cutbacks. The larger question should be what is the right balance, not just more money.

At present, the CBC receives approximately \$800 million to \$900 million in its annual appropriation from the federal government. The CBC also takes in approximately between \$250 million to \$300 million every year in advertising revenue.

The CBC has exclusive access to half the Canadian television fund, formerly the television and cable production fund for production.

The Minister of Canadian Heritage announced recently the CBC's exclusive access to half the Canadian television fund will end in July 1999. However, that funding has amounted to about \$100 million per year.

Even when we estimate on the low side, when it is added all up, the CBC currently takes in approximately \$1.2 billion or more each and every year.

Where does that \$1.2 billion or more come from? The Canadian television fund of \$200 million comes from both the federal government and from the television cable service providers. It comes from federal taxpayers and private cable companies.

Advertising revenues of \$250 million or more come mainly from private companies, the federal government and federal crown corporations, from advertising, charities and from non-profits.

As an aside, I recently heard something very strange. A well respected Canadian charity, Athletes in Action, which provides chaplaincy support to professional athletes and which is active in youth work, launched a national advertising campaign. One broadcaster refused it, the CBC. Why would the CBC refuse a reputable charity that does laudable work with our athletes and our youth? That is an aside.

More than \$250 million comes from advertisers. Finally, the CBC receives more than \$800 million each and every year from the federal government. Really the CBC receives more than \$800 million each and every year from federal taxpayers.

Canadians across Canada are footing an annual appropriation given to the CBC to the tune of more than \$800 million. The member for Dartmouth is asking this House to restore multiyear funding to the CBC, sufficient to meet its stated public service goals.

I think the more appropriate question to ask, first of all, is why can the CBC not meet its stated public service goals on a \$1.2 billion budget, and why is \$1.2 billion a year not sufficient.

The second question we could raise is are the CBC stated public service goals still valid. What will the CBC's role be in the new millennium? What will be its role on the international stage?

### *Private Members' Business*

What is the place of public broadcasters in an era of not just broadcasting but with cable, direct to home satellite service, an era of booming new media like the Internet, including web casting and a convergence of all these?

• (1120)

I have one more question I want to preface with some observations. Even before the recent problems between the CBC management and its technical staff, viewership for CBC TV and listenership for CBC radio has gone down and stagnated. Private broadcasters sink or swim on their ability to attract viewers and listeners. If they do not attract viewers and listeners they cannot attract the advertising dollars that keep them afloat. In fact, a key basis on which a private broadcaster gets and keeps its licence granted by the CRTC is its profitability. No advertisers, no money; no profits, no licence to broadcast. If fewer and fewer Canadians watch and listen to the CBC, is the CBC serving Canadians?

Is the CBC worth the more than \$800 million it gets in its annual appropriation? Is it worth the \$100 million it gets from the Canadian television fund? Is the CBC worth its combined revenues of \$1.2 billion or more? More important than money for the CBC, this government needs to be at arm's length from the CBC so that the CBC can operate independently without government interference.

Should the CBC get one more cent from Canadian taxpayers? At this time without further review of the CBC I certainly would say no.

[Translation]

**Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ):** Madam Speaker, as Parliament resumes, I am delighted to take part in the debate on Motion M-432 presented by my colleague, the NDP member for Dartmouth.

It reads as follows:

That, in the opinion of this House, the government should restore full multi-year funding to the CBC, sufficient to meet its stated public service goals.

Until very recently, the Bloc Québécois would have supported this motion unconditionally. Since its inception, the CBC has been a public institution dear to the heart of Quebecers. The CBC French-language radio and television network has made a great contribution to the development and enrichment of the Quebec culture and identity.

The Bloc Québécois cannot therefore be opposed in principle to the Canadian government's restoring a budget that it has slashed considerably over recent years, despite numerous promises. These cuts have obliged the CBC to reduce its operating budget by more than \$414 million between 1994 and 1998.

The Bloc Québécois finds, however, that history is repeating itself and that, once again, the Liberals are trying to control the CBC. According to the *National Post* of Saturday, February 26, the

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1984 Trudeau cabinet wanted more control over Canada's cultural institutions. The article states as follows:

[*English*]

"Senior members of Mr. Trudeau's cabinet wanted all the arm's length cultural agencies to carry the Canada logo more prominently and through a strict system of reporting to be brought under more direct government control".

[*Translation*]

It goes on to say that the Minister of Energy, Mines and Resources was the keenest about this and that Mr. Trudeau had given him a two-fold mandate: to help draft a bill limiting CBC and the cultural agencies, and to determine the share of the federal budget to be devoted to each of these agencies.

Members will never guess the name of that minister who was so keen to control culture. Yes indeed, it was the hon. member for Shawinigan, the present Prime Minister. Unfortunately, he has not changed over the years. He is still pushing that same idea, and this time he is asking Treasury Board to do the dirty work.

On March 26, 1998, the President of Treasury Board issued a clear directive requiring all federal agencies and departments to standardize the use of the Canadian government logo. The CBC, generally exempt from such directives, was required to conform this time. Most fortunately, to date the corporation's board of directors has resisted and refused to do so, refused to commit a kind of hara-kiri.

It is public knowledge that the Prime Minister is no lover of the CBC, suspecting it of being pro-separatist. And more recently, the Prime Minister's Office's contacts with the Canadian Broadcasting Corporation concerning a report on "peppergate" have done nothing to reassure the Bloc Quebecois.

• (1125)

We know the effect of the Prime Minister's displeasure: the journalist was suspended on the pretext that his reports were not in keeping with the rules of the art. Strange, though, that the corporation realized this only after a complaint was received from the office of the Prime Minister.

In another vein, during the latest referendum in Quebec, Quebecers saw that for the federal government bigwigs, including the federalist Liberal Prime Minister, promoting national unity was an integral part of the official goals of the CBC public service, the goals referred to in the motion currently before the House.

I refer my colleagues to the statements made by the current Prime Minister and member for Saint-Maurice and to those made by the Minister of Canadian Heritage and member for Hamilton

East in the latest referendum campaign that the corporation had failed to fulfil its mandate to promote national unity.

In addition, the Bloc Quebecois notes along with other cultural sector stakeholders and with at least two other political parties in this House that, for several years now, including following the 1995 Quebec referendum, the federal government has been putting considerable pressure on the CBC to change the independent nature of its national news service. And the article I was referring to earlier indicated, and I quote:

[*English*]

"With a CBC board of directors well stocked with Liberals, there is now a proposal on the table to give control of news and information programming on both CBC and its French service, Radio-Canada, to Ottawa under a senior news czar".

[*Translation*]

This must never happen. And I take the position of Professor David Taras, director of the graduate studies in communications program at the University of Calgary, who said that distance from the government is particularly essential to the integrity of CBC journalists.

Finally, beyond the shadow of a doubt, the federal government is trying to give itself the power to intercede by ensuring it has control over cultural appointments. At least, this is the clear message of Bill C-44, which aimed to provide an ejection seat for the position of president of the CBC. Fortunately, the government dropped this idea following public outcry.

All these examples show the federal government's thrust and its desire to challenge the independence of Canadian cultural corporations. By constantly confusing culture with propaganda, the government is trying to get involved in the content of the programs presented by the CBC.

Consequently, the Bloc Quebecois has some reservations about the second part of the motion, which reads:

—to meet its stated public service goals.

The Bloc Quebecois is prepared to support a motion seeking to restore sufficient multi-year funding to the CBC to enable it to continue to present information and cultural programs while remaining fully independent of the federal government and political parties.

However, the Bloc Quebecois is opposed to the motion if restoring sufficient multi-year funding means that the corporation will have to serve the state and not the public, and that it will have to comply with government directives, submit its plans for government approval, or be accountable to the government and lose its independence with regard to the production of news casts or the content of its programming.

Before unconditionally supporting the motion, the Bloc Quebecois wants guarantees from the federal government that no federal cultural agency will be subjected to the directive released by the Treasury Board on March 26, 1998, demanding that such agencies display the Government of Canada logo. Everything must be done to ensure the independence of cultural institutions, and no measure that threatens that independence should be implemented.

The Bloc Quebecois is also demanding that all the provisions in Bill C-44 that have the effect of increasing the federal government's control over appointments in the cultural sector be eliminated.

Moreover, since the Prime Minister himself, through his statements and actions, has questioned the CBC's independence, the Bloc Quebecois is asking him to formally recognize the corporation's editorial independence, for both its creative and information services. That statement should apply to all the members of his government.

The Bloc Quebecois is also asking the CBC's board of directors to make a public commitment to Canadian taxpayers that it will fight tooth and nail to protect the corporation's independence, and that it will inform the public of any attempt from any party to influence the corporation.

• (1130)

These are the minimal assurances the Bloc Quebecois feels the federal government owes Canadians and Quebecers if the CBC is to keep its independence. Without that independence, which has until now been a hallmark of the corporation's French and English networks, increased funding to the CBC would be seen by the public as nothing more than a boost to a federal government propaganda tool.

[English]

**Mr. David Price (Compton—Stanstead, PC):** Madam Speaker, I am pleased to have this opportunity to rise before the House to address the motion put forward by the hon. member from Dartmouth, Nova Scotia. Essentially it calls upon this government to restore adequate multi-year funding to the Canadian Broadcasting Corporation so it can fulfill the mandate that was entrusted to it by the Government of Canada so many years ago.

Over the years the CBC has played an essential role in helping Canadians to develop a better understanding of themselves as a people, and of the different culture enclaves that together have helped make up this great country of ours.

The CBC was established on November 2, 1936 by an act of parliament. This new agency succeeded the Canadian Radio Broad-

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casting Commission which was first created in 1932 to help regulate a still relatively new broadcasting industry.

Canadian interest in broadcasting has existed since the beginning of this century. In 1918 the first experimental broadcasting licence was issued to the Marconi Wireless Telegraph Company of Montreal by the department of naval service under the authority of the Radiotelegraph Act of 1913. Two years later public broadcasting was well under way in Canada.

By 1928 the number of Canadians who had access to radio broadcasting had jumped to over 400,000 and already the alarm bells were ringing about the undue influence U.S. broadcasts were having on Canadian listeners. Studies conducted back then indicated that Canadian listeners preferred U.S. broadcasting over Canadian broadcasting. These findings were largely due to inadequate coverage provided by Canadian transmitters and a superior quality of programming being offered by the U.S. industry.

The Canadian government of the day under Progressive Conservative Prime Minister R.B. Bennett recognized the danger increased U.S. programming posed to our Canadian culture and immediately set out to find ways to help bolster our broadcasting industry. The government was concerned that our culture would be engulfed by our powerful neighbours in the south and therefore it sought ways of maintaining and promoting our own distinct culture. It had the fortitude and the insight to recognize that Canadian culture is something we should be proud of and that it is something worth preserving.

In 1929 the Aird commission recommended that some form of public broadcaster be created, operated and controlled by Canadians so Canadians could be exposed to Canadian programs. Prime Minister R.B. Bennett appointed a parliamentary committee to further review the Aird commission's recommendations. In 1932 the Canadian Radio Broadcasting Act became law creating the Canadian Radio Broadcasting Commission.

Fortunately, the Reform Party was not in existence in the 1920s for I am certain it would have fought tooth and nail against the need for encouraging any Canadian broadcasting, particularly when our airwaves were already saturated with U.S. programming.

I believe the decision to create a Canadian Broadcasting Corporation has paid huge dividends over the years as Canadians from coast to coast have developed a better understanding and a greater appreciation for the different challenges facing Canadians across this great nation. Over the years the CBC has been the vital link that has helped bond this country together in both good times and bad.

There is no denying the fact that the CBC has helped shape the cultural fabric of this country. Who can question the impact the great Foster Hewitt had on Canadian hockey and on Canadian nationalism? Foster Hewitt's riveting broadcast of the 1972 Cana-

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da-Russia series brought Canadians to their feet helping create a fervour for Canadian nationalism that had not been seen or felt in years.

The CBC has helped launch the careers of so many successful Canadian performers. I think all maritimers in the late 1960s and early 1970s recognized the enormous talents of a wonderful singer from Springhill, Nova Scotia as she springboarded from CBC's Don Messer show to international stardom. Obviously I am referring to the internationally renowned recording star Anne Murray, one of my personal favourites.

• (1135)

What would a Friday night have been without Canadians sitting around television sets watching Canada's longest running variety show with the host the great Mr. Tommy Hunter? I could go on with many others: *La Soirée canadienne*, *Hockey Night in Canada*, *Wayne and Shuster*.

I do not think one can deny the importance the CBC has played in helping Canadian artists achieve their goals and success in both Canadian and international markets. The CBC helped open the doors for today's performers who, if the Grammy awards are any indication, are making a lasting impression on audiences throughout the world.

There is no questioning the importance of the CBC to the promotion of Canadian culture. Unfortunately over the past number of years the CBC has been victimized by substantial government cuts.

Despite Liberal promises in 1993 to provide stable multi-year financing for the Canadian Broadcasting Corporation, the CBC has instead witnessed this government cut its funding by \$414 million between 1994-95 and 1997-98. These drastic cuts have resulted in a reduction in services and permanent layoffs of thousands of employees.

These cuts were considered so drastic, even possibly threatening the future of the CBC, that its president, Anthony Manera, resigned in March 1995 in protest. This comes from a government that preaches the importance of protecting and promoting Canadian culture.

In February 1997 the Canadian heritage minister attempted to deflect some of the criticism being levelled against her government over broken red book promises by announcing \$10 million for CBC Radio and stable funding for five years after 1998. This stop-gap measure was widely criticized, as expressed in a February 12, 1997 article in the *Globe and Mail* which stated, "It's half baked and it's neither here nor there. All it does is acknowledge that they made a mistake".

Canada's broadcasting industry is in a state of flux. Canadians can likely expect many changes in the upcoming years as the

CRTC recently held public hearings to review such things as Canadian content criteria, new specialty TV services, a review of the policy on Canadian TV programming, and a review of Canada's radio policy, just to name a few. As well, for the first time in seven years the CRTC will completely review all of the CBC's licences. These reviews will undoubtedly result in changes in how Canada's broadcasters conduct their everyday business.

The CBC itself is in a state of transition. CBC president Mr. Perrin Beatty has confirmed that he was not offered a second term by this Liberal government and that he will resign come October of this year. It has been widely rumoured that relations were strained between the corporation's chairperson and the president over their vision of the future role of the CBC in this ever-evolving technological world we live in.

By offering the chairperson another five year appointment to the CBC board, it appears that her vision will likely prevail in years to come which would not appear to bode well for the existing structure of the CBC.

The CBC operates independently of government. As such, the federal government has no legislative authority to intervene directly in the corporation's management of its resources and its operations. However, if recent Liberal government actions are any indication, the CBC's independence will soon be brought into question.

The proposed changes contained within Bill C-44 that would have effectively changed how the CBC board members, including the president, are appointed from serving in good behaviour to serving at pleasure of the government were only withdrawn after public protest forced the government to withdraw these proposals. This subtle little change could have effectively compromised the integrity and independence of the CBC.

It is no secret that the Prime Minister maintains a personal dislike for the CBC.

For these reasons it is important that all Canadians remain vigilant against further dismantling of a Canadian institution that has served the Canadian interests so well over these past 67 years.

If Canada is to have an identity and a culture separate from that of our southern neighbours, it is crucial that the CBC network continue to exist and prosper so Canadians separated by distance can remain bonded through technology.

I want to congratulate the member for Dartmouth for having put forth this motion that is obviously in defence of Canadian culture as well as the CBC. I am not certain that it is the appropriate time to introduce such a motion. It might be more prudent if we were to wait and see the direction the new CBC president will propose for our public broadcaster.

It would also be beneficial if we had some indication from the CRTC as to changes in the rules and regulations broadcasters will be forced to abide by in the future. Regardless of the decisions taken here today, it is vital that we maintain an effective Canadian public broadcaster so we can continue to promote Canadian culture and continue to deliver Canadian talent. Part of making this work would be for the government to sit down and put some serious offers on the table for the negotiations in the ongoing dispute.

• (1140)

**Mr. Mauril Bélanger (Parliamentary Secretary to Minister of Canadian Heritage, Lib.):** Madam Speaker, I am very happy to have an opportunity to address the motion and on the whole to congratulate the member for her continuing support of Canadian culture and Canadian industries. To address the particular issue, I want to point out a few things.

For several years now the Canadian government has recognized the importance of giving the Canadian Broadcasting Corporation the financial stability it needs to adequately fulfill its mandate as a public broadcaster. It was with that objective in mind that two years ago the Minister of Canadian Heritage announced that the CBC would receive stable funding until 2003.

In recent years CBC endured budget cuts as part of Canada's joint efforts with everyone's shoulders to the wheel to rationalize public spending and essentially reverse the growth of continuing deficits and accumulated debt, which we have now achieved. The efforts of all Canadians have borne fruit and the era of cuts to the CBC and other institutions of government, be they cultural or otherwise, are essentially over.

On February 11, 1997 the Canadian government guaranteed the CBC stable funding for a period of five years beginning in 1998 as well as additional funds to ensure the survival and development Radio Canada International.

At the dawn of the new millennium, which we all talk about regularly, Canadians can take pride in the achievement of their national public radio and television networks over the past 60 years. The CBC is the fruit of the combined efforts of many individuals from all backgrounds over the decades.

The CBC is one of the pillars of our broadcasting system. Like other members of the industry, CBC is trying to adapt to the evolution of the constantly changing universe and to diversify its services in order to allow its audience to benefit from the never ending technological improvements being made in this field, such as the Internet, and digital radio and digital television which are looming on the horizon.

The CBC occupies a central position in the Canadian audio-visual landscape. The government gave it a major social, economic and cultural role and enshrined its mandate in the Broadcasting Act.

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The CBC must offer radio and television services that provide predominantly and distinctly Canadian programming that informs, enlightens, entertains and reflects Canada and its regions. At the same time the CBC's programming must actively contribute to the flow and exchange of cultural expression in French and in English, contribute in shared national consciousness and identity and reflect the multicultural and multiracial nature of Canada.

It is an ambitious mandate. That makes it all the more stimulating to fulfill it. The CBC has been meeting that challenge with enthusiasm since its creation. Over the years the CBC has become a household word and remains an integral part of Canadians' everyday lives.

With its funding assured, the CBC met the government's expectations by announcing in its business plan, the one it prepared in 1998, a new action strategy that is firmly focused on the future and on Canadian programming.

The CBC has identified a series of objectives designed to reaffirm its mandate as a national public network. It intends to be the Canadian broadcaster. More than ever, CBC's programming will be Canadian and will reflect the taste and interests of Canadians. The CBC will continue to treat its audiences as citizens of Canada and not simply as consumers of the service. Decisions about what programs to present will be based first and foremost on a desire to serve the CBC's audience, not dictated by commercial considerations.

The CBC is committed to continuing to participate actively in broadcasting amateur sports which contribute to the richness of our cultural heritage and to the health of the Canadians who practise them.

• (1145)

This autumn the minister told the chair of the Canadian television fund that she wanted the distribution rules for the fund amended to put the CBC on the same footing as other broadcasters.

Beginning next spring, the CBC will no longer have a reserve envelope for access to the fund. As before the CBC will have access to the fund through the independent producers whose productions it broadcasts. The minister's request does not limit that access or call it into question. However, eliminating the envelope that gave it privileged access will create a new balance among Canadian producers and broadcasters.

Canadian production has made great strides since the fund was created three years ago. There are more Canadian stories on television and movie screens than ever before. It is no longer necessary to give the CBC special treatment in the distribution of the fund. From now on each production's access to the fund will be

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determined strictly on the basis of its intrinsic qualities. That means the productions broadcast by the CBC will continue to be subsidized by the fund in so far as they demonstrate they possess the necessary qualities to qualify. We are confident the CBC will be able to perform in this very competitive environment.

[Translation]

The minister also wants to ensure that the CBC, and private broadcasters, contribute in a fair and equitable manner to the development and distribution of Canadian cinema. If the past is anything to go by, we are convinced that the CBC will continue to stand out as a broadcaster of high-quality Canadian programming.

This change will not affect the stability of the CBC's funding, which, let me reiterate, is stable until 2003. We are confident that this stability will allow the CBC to continue to fulfil its mandate and to move ahead in this universe of technology and new services.

In conclusion, the issue raised in the motion has already been addressed. The Canadian government reaffirms its commitment to the national public network which, since its creation, has gone from strength to strength and confirmed how relevant it still is to Canadians.

The service offered by the CBC is one of the best in the world. The CBC's broadcasts let Canadians keep in touch and communicate with each other, from sea to sea; and the CBC remains an essential partner in the creation of harmonious social and cultural bonds among Canadians. The CBC is part of the family, and the Canadian government is continuing to help it in its mission.

In closing, I remind everyone that the CRTC is preparing to conduct a cross-Canada consultation on the CBC's mandate, in addition to holding hearings, in May, on the renewal of the corporation's licences. These two events are public and open to all Canadians across the country.

We hope that all those who want to share their satisfaction with or concerns about the CBC will take the opportunity to express themselves to the Commission and share their vision of the CBC's future on the eve of the new millennium.

[English]

**Mr. Dick Proctor (Palliser, NDP):** Madam Speaker, I am pleased to speak briefly to Motion No. 432. The bill, in its present form, would help to redress the problems we see every day in the delivery of broadcasting by the Canadian Broadcasting Corporation. The corporation under the government opposite has no money. It has basically no vision of where it is going and the board of directors is full of Liberal Party hacks.

The member opposite in his speech would have us believe that there is absolutely nothing wrong with the CBC, ignoring the fact

that currently 2,000 employees are walking the picket lines, some of them within a stone's throw of the House of Commons today. The member opposite said about the reduction in funding that "the deficit made us do it". That is their standard refrain on just about everything these days.

I find interesting another refrain we hear all the time from government members. They talk about globalization, how Canada has to be competitive, and how we have to be aware of what is happening around the world.

• (1150)

At the same time, in the last 10 days or so, the Canadian Broadcasting Corporation has announced that three foreign CBC bureaus around the world would be cut and the broadcasters reassigned.

One of those bureaus is in Mexico City. As we go forward as a country on the free trade agreement of the Americas it would be extremely important in the future of North and South America. Joan Leishman, the CBC first-rate broadcaster working out of Mexico City, and her crew are one of the three groups that will be reassigned and the bureau closed. It is particularly painful and very difficult for the government to square that circle on globalization but cut foreign CBC bureaus at the same time.

Another point I would raise is the whole business of the CBC having been told by the Canadian government that it has to display Canada's logo. As a noted TV broadcast journalist has said, this is a role that is common in countries where TV and radio act as government mouthpieces. It is absolutely outrageous that the Canada logo should be included on our television sets. It is a very worrisome trend that the government seems to want to perpetuate.

In view of the absence of money and vision, the make-up of the board, the whole question of globalization on the one hand and on the other related to the broadcasters, as well as the logo, the motion would go a long way to correcting all the initiatives the government is taking.

**Mr. Ken Epp (Elk Island, Ref.):** Madam Speaker, I was not intending to speak this morning but on listening to the debate I found it interesting and realized I have a few ideas members of the House and perhaps some of the people out there who pay the bills would be interested in hearing.

I acknowledge publicly and proudly that I have received a few letters and a few phone calls, not many, which say "please support the CBC. We like it and we do not want it to be diminished or abolished". I put that fact on the record.

On balance I should also say that I have a greater number of communications from people in my riding who are asking me to seriously consider letting CBC stand on its own legs and stop

*Private Members' Business*

propping it up with taxpayers dollars. We have both sides in the riding where I am from.

Who of us does not appreciate the CBC? I remember for many years listening to programs like the *Royal Canadian Airfarce* and enjoying the humour. I suppose those of us in the House have all been the subject of their ribbing humour. We enjoy it even when they poke fun at us because its usually very humorous.

I remember way back I used to almost religiously listen to *Double Exposure* on CBC Radio because again it was very funny, entertaining, and yet made a social comment. If I were asked if this defines what it means to be a Canadian, I would humbly submit that being a Canadian is much more than that.

I also think of a program like *Cross Country Checkup* on Sunday afternoons, with Rex Murphy; I hardly ever miss it. What a great venue it is to bring Canadians together. People can phone in from coast to coast. I do not know exactly how rigorous their screening process is, but it gives Canadians an opportunity to express their points of view and it gives all of us across the country an opportunity to hear those points of view.

Those are very good points, but the question here is with respect to funding. My constituents are telling me very strongly that we ought to be supporting those things that Canadians support. We believe the marketplace is what can do that.

I remember a number of years ago when one local magazine, whose name I do not want to give, published a very demeaning article about the daughter of the prime minister of the day. I did not read the article but I heard about it. I said I would never give that magazine a nickel because of what it did. I have the right to do that. I have kept that promise with one exception. On one occasion there was a very funny article. I do not believe in breaking copyright rules, so instead of making a photocopy of the article I in fact bought one issue of that magazine.

• (1155)

When the CBC or other broadcasters come up with things that we do not like, we have the right as citizens to boycott the product that is sponsoring the program or in other ways to exert pressure by saying we do not approve of what is happening.

One of the most obscene things I ever heard was on CBC Radio. It was totally demeaning to women. It was an outrage. This was before I was a member of parliament. I asked what I could do and there was nothing. They tax me. They give the money to CBC. They fund this stuff. They have the right to crank it out. There is no way that we can control it.

I agree the government ought not to be controlling broadcasting. They need to be kept at arm's length, but if they are at arm's length to whom will they be answerable and where is the final accountability.

The member proposing the motion has five minutes to speak and I would like to concede the floor at this stage. Let us carefully consider the funding of the CBC and the accountability of what is broadcast.

**Ms. Wendy Lill (Dartmouth, NDP):** Madam Speaker, I appreciated the comments of my colleagues around the Chamber. In terms of the member across the floor, I had hoped Liberal governments would drop the rhetoric about stable funding for the CBC and actually in the cold light of day look at what they have wrought in the public broadcasting situation. However, that will not happen.

I would like to make some comments which I think are real wake-up calls for me. I was on the heritage committee tour across the country last week talking to people about what they want in a cultural policy. Over and over again we heard about the importance of a public broadcaster. More than that, we heard terrible concerns about the fact that we are living very much in an occupied country in that our culture is occupied.

Jack Stoddart, a respected publisher in the country, says that we are at war with another culture, the American culture. One of our main defences is institutions such as the public broadcaster, our magazine industry, our publishing industry and the Canada Council. They are the bulwarks for our defence against an unending swamp of American products.

The idea of having a strong public broadcaster is as critical at this point as ever before. We are also facing enormous media concentration. We are facing foreign ownerships in all these areas. The issue is keeping a strong public broadcaster, funding it sufficiently so that it is not constantly making deals with the devil or is not constantly trying to cut here and alter there and drop services in order to balance its ever shrinking budget.

One of the things my colleague from Yukon just told me was quite astounding but also played into the issue of globalization. We are saying we are out in the world. We are dealing and marketing ourselves all over the place. Yet for some reason we decide not to have journalists in some major centres of the world, one of them being Mexico with which we are inextricably connected by a trade agreement.

Paris and South Africa are places where we need Canadian eyes and voices and Canadian values looking at what is going on. We do not need just CNN feeds. We do not need to hear another country's particular take on issues. We need to know what we think.

• (1200)

Apparently there was a Catholic priest who was with the Chiapas human rights centre. He was kidnapped during the Chiapas uprising. If it had not been for the meticulous and aggressive work of the CBC reporters at that time he would have been killed. He was actually saved by their investigative reporting.

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I think that these kinds of things are important. I think they are signals. I am not sure how anyone on the other side of the House can actually feel comfortable about removing our eyes and ears on the world from these important bureaus simply to cut further into the budget.

In conclusion, I would ask for unanimous consent to make this a votable motion.

**The Acting Speaker (Ms. Thibeault):** Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

[Translation]

**The Acting Speaker (Ms. Thibeault):** As no more members wish to speak, and as the motion has not been made votable, the time provided for the consideration of Private Members' Business has now expired and the order is dropped from the order paper.

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## GOVERNMENT ORDERS

[English]

### FIRST NATIONS LAND MANAGEMENT ACT

BILL C-49—TIME ALLOCATION MOTION

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

That in relation to Bill C-49, an act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management, not more than one further sitting day shall be allotted to the consideration of the report stage of the bill and one sitting day shall be allotted to the third 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 report stage and on the day allotted to the third 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.

**Mr. Randy White:** Madam Speaker, I rise on a point of order. I am not sure, but I believe the motion which was moved by the Liberal government will limit debate to the end of today on this important bill.

**The Acting Speaker (Ms. Thibeault):** That is not a point of order.

Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Thibeault):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Thibeault):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Thibeault):** In my opinion the yeas have it.

*And more than five members having risen:*

**The Acting Speaker (Ms. Thibeault):** Call in the members.

• (1240)

*Before the taking of the vote:*

**The Speaker:** As is our custom, the government whip has walked in. He has indicated that he is ready for the vote.

• (1245)

I would ask hon. members in the middle aisle to please resume their seats if they want to vote. If they do not want to vote I would invite them to go into the lobby.

I remind hon. members that if they are not in their seats they cannot be counted as voting in the vote we will be taking shortly. I invite hon. members to return to their seats. We are now ready to proceed.

I direct my remarks to the opposition House leader and to the opposition whip who are officers of this House. We have a regular procedure which we go through. We will take the votes in an orderly fashion. I would very much appreciate if they and their colleagues would either return to their seats in preparation for the vote or leave the House.

I hope that we can clear this up in the next minute or two. We are going to take this vote.

• (1300)

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

(Division No. 319)

#### YEAS

##### Members

Adams  
Assad  
Augustine  
Baker  
Barnes  
Bélanger  
Bennett  
Bevilacqua  
Bonin  
Bradshaw  
Bryden  
Caccia  
Caplan  
Catterall  
Chamberlain  
Charbonneau  
Coderre  
Copps  
Dhaliwal

Alcock  
Assadourian  
Axworthy (Winnipeg South Centre)  
Bakopanos  
Beaumur  
Bellemare  
Bertrand  
Blondin-Andrew  
Boudria  
Brown  
Bulte  
Calder  
Carroll  
Cauchon  
Chan  
Clouthier  
Collenette  
Cullen  
Dion

Discepolo  
Drouin  
Easter  
Finlay  
Fontana  
Galloway  
Goodale  
Gray (Windsor West)  
Harb  
Hubbard  
Iftody  
Jennings  
Karetak-Lindell  
Kilger (Stormont—Dundas)  
Knutson  
Lastewka  
Lee  
Lincoln  
Mahoney  
Maloney  
Marleau  
McCormick  
McKay (Scarborough East)  
McWhinney  
Minna  
Murray  
Nault  
O'Reilly  
Paradis  
Patry  
Peterson  
Phinney  
Proud  
Redman  
Richardson  
Rock  
Scott (Fredericton)  
Shepherd  
St. Denis  
Stewart (Northumberland)  
Telegdi  
Torsney  
Valeri  
Whelan  
Wood—127

Dromisky  
Duhamel  
Eggleton  
Folco  
Gagliano  
Godfrey  
Graham  
Guarnieri  
Harvard  
Ianno  
Jackson  
Jordan  
Keys  
Kilgour (Edmonton Southeast)  
Kraft Sloan  
Lavigne  
Leung  
MacAulay  
Malhi  
Manley  
Massé  
McGuire  
McTeague  
Mifflin  
Mitchell  
Myers  
O'Brien (London—Fanshawe)  
Pagtakhan  
Parrish  
Peric  
Pettigrew  
Pratt  
Provenzano  
Reed  
Robillard  
Saada  
Serré  
Speller  
Stewart (Brant)  
Szabo  
Thibeault  
Ur  
Vanclief  
Wilfert

**NAYS**

Members

Abbott  
Bachand (Richmond—Arthabaska)  
Bailey  
Bernier (Tobique—Mactaquac)  
Blaikie  
Brien  
Cadman  
Cummins  
Debien  
Doyle  
Earle  
Gagnon  
Gilmour  
Grewal  
Hardy  
Hart  
Hill (Macleod)  
Jones  
Kerpan  
Lalonde  
Loubier  
Marchand  
Martin (Winnipeg Centre)  
McDonough  
Obhrai  
Picard (Drummond)  
Power  
Proctor

Anders  
Bachand (Saint-Jean)  
Bergeron  
Bigras  
Borotsik  
Brison  
Crête  
de Savoye  
Desjarlais  
Duceppe  
Epp  
Gauthier  
Goldring  
Guimond  
Harris  
Harvey  
Hill (Prince George—Peace River)  
Kenney (Calgary Southeast)  
Konrad  
Lill  
MacKay (Pictou—Antigonish—Guysborough)  
Mark  
Matthews  
Meredith  
Penson  
Pickard (Chatham—Kent Essex)  
Price  
Ritz

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Robinson  
Scott (Skeena)  
St-Jacques  
Tremblay (Rimouski—Mitis)  
Wasylcia-Leis  
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Rocheleau  
Solberg  
Strahl  
Turp  
White (Langley—Abbotsford)

**PAIRED MEMBERS**

Alarie  
Asselin  
Îles-de-la-Madeleine—Pabok)  
Cardin  
Desrochers  
Dubé (Lévis-et-Chutes-de-la-Chaudière)  
Girard-Bujold  
Grose  
Laurin  
Marceau  
McLellan (Edmonton West)  
Normand  
Perron  
Steckle  
Wappel

Anderson  
Bernier (Bonaventure—Gaspé—  
Byrne  
Dalphond-Guiral  
DeVillers  
Fry  
Godin (Châteauguay)  
Karygiannis  
Longfield  
Martin (LaSalle—Émard)  
Mercier  
O'Brien (Labrador)  
Sekora  
St-Hilaire

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

REPORT STAGE

The House resumed from February 1 consideration of Bill C-49, an act providing for the ratification and the bringing into effect of the framework agreement on first nation land management, as reported (with amendment) from the committee; and of Motions Nos. 1, 6 and 7.

**Mr. Derrek Konrad (Prince Albert, Ref.):** Mr. Speaker, I am pleased to be speaking to the report stage of Bill C-49. The vote just taken shows that the opposition is united in opposing this frequent abuse of democracy in invoking time allocation. I think this is the 48th time this has been done since the Liberals came to power. This bill is certainly far too important to succumb to that type of action.

For many years big power has been wielded by Ottawa with respect to first nations, with a little power being wielded by the band leadership and no power at all devolving to the rank and file natives.

With the passage of this bill we see Ottawa's power being devolved somewhat, the bands have increased some power and it turns out that rank and file natives still do not have any power. This parliament also seems powerless to do anything about this.

Bill C-49 purports to devolve municipal type powers to bands and it does allow some local decision making. It removes judicial protection from bands. People pursuing legal revenues will at least have to fight the band and not Ottawa. These are some positive things that we have seen in this legislation.

However, when we were in committee we heard concerns from lessees and women's groups who were concerned about their rights under this legislation. We did hear that the minister had launched a fact finding process into property disposition on reserve when marriages break down, and we welcome that initiative. We urge the minister to make this a priority, make the results public and to act on any recommendations that may arise from this initiative. We

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want to see involvement by national and provincial native women's groups in the consulting process.

• (1305)

The Bloc Quebecois has independently introduced an amendment which will be the next amendment discussed under this fast track process that has just been initiated.

We have had a major concern addressed during committee stage hearings. The proposed legislation may fall under section 35 of the Constitution and we are grateful that the act now contains a proviso that it will not qualify as a land claim.

We noted this deficiency. We proposed the amendment and it is now included in the bill. Support for the amendment was sought and obtained and it is now included. This required the support of the chiefs, their advisers and all party support in committee. We appreciate the fact that there was no opposition to it. It was hard for those people to support the amendment and credit is due to those who worked to bring it about.

I had a discussion with the chief of the Muskoday reserve which is in my riding near the city of Prince Albert. I would like to point out that 101 women on the reserve signed a letter which would not qualify as a petition in this House but I indicated I would speak about it while I am speaking to Bill C-49.

The letter's main features are that the women want this House to know that B.C. native women do not speak for them regardless of the merit of their case. They are not in favour of the attempted injunction by that group. They are in support of Bill C-49 and feel that matrimonial lands and property questions were addressed in their land code. I would say this has more to do with the good relations that exist on that reserve than any benefits contained in the land code itself. The women of the reserve and the council seem to have a good accord with one another.

Unfortunately this is not always the case on every reserve and the Bloc amendment is set to address that concern. The Reform Party will continue to be the voice of those who have no voice in Ottawa.

Since those good times of committee, events have overtaken the bill. The Muskoday reserve situation in B.C. has raised serious concern over the lack of consultation on reserves and communities and with those who reside in them. The municipalities in the Vancouver area are concerned there is no formal consultation clause in the bill. That means development can take place without adequate consultation.

Prior to becoming a member of parliament, I was a Saskatchewan land surveyor and as a land surveyor I know the importance of well defined property lines in never mind ameliorating a dispute

but avoiding disputes. This bill does not define the limits between municipalities surrounding a reserve and the reserves themselves. What will happen, and we are quite positive of this, is this will lead to no end of difficulties between reserves and the surrounding municipalities.

When one looks at the Musqueam situation it would never have arisen had it been a requirement to consult on a regular basis instead of everybody encamping and holding firm to the fortress of their position without ever hearing what the other side's concerns were. I believe that had that been put in place at the time the agreements and leases were signed, we would not see the difficulties we see today.

We look at what the government is up against in having forced this legislation through. Two hundred and thirty people signed a petition from the Squamish band alone. They are opposed to the legislation. Why did the government impose time allocation knowing about the 230 people from just one reserve that requires really only 12.5% of the members of the reserve to approve a land code? A federal court case has been filed by the B.C. native women's society demanding amendments.

• (1310)

While I appreciate that the minister will be looking into it, what will happen when the court case proceeds and if the government is found wanting? There have been warnings from B.C. mayors that the bill could create planning chaos. Anyone who knows anything about the planning process knows that one tries to get wide consultation and agreement on plans prior to their implementation. There are sewers, water, roads, telephones, power lines, gas lines and all kinds of infrastructure that will not be prepared or that will be ill placed as a result of development that does not proceed hand in hand with wide open consultation.

To say that the goodwill of people is all that is required is somewhat naive. Everywhere we go there is legislation to govern relations between people. This bill has not provided that. We can see that in the type of opposition that is coming from it, real estate agents from Vancouver and area, non-native residents on reserve. The legislation makes homes owned by non-natives on Indian lands unmarketable. They cannot get rid of them. Why? There was no agreement which allowed prices to rise with the market and all of a sudden they have a huge adjustment and no one can move on it.

The government says there is no interest on the part of Reform in any constructive change to the legislation at this point. I beg to disagree. The amendment we are proposing calls on the government to consult and the bands to consult even prior to developing with an ongoing consultation which has to occur so that we can know what the limits of development are. It is a very important amendment. It is not one that was lightly put forward by the

opposition. We take it very seriously and we will continue to bring these points forth as the bill proceeds.

**Mr. John Harvard (Charleswood St. James—Assiniboia, Lib.):** Mr. Speaker, I would like to speak in support of Bill C-49, the first nations land management act. In particular, I would like to address Motion No. 6, the amendment proposed by the hon. member for Skeena. This amendment would require the 14 first nations signatories to consult with their neighbouring jurisdictions on their land codes.

Neighbouring municipalities would not be consulted when the land codes are developed by the first nations. For one, neighbouring jurisdictions have not been defined. We would have to define and limit who is included in neighbouring jurisdictions which would create an unworkable consultation requirement.

More important, these land codes are beyond the jurisdiction of neighbouring jurisdictions. Why should municipalities have the right to review what is the internal working document of a first nation? Would we expect any municipality to accept such a paternalistic system? Of course not. Therefore this proposed amendment from the opposition suggests it believes that first nations cannot be trusted, that they must be held to a higher standard than other communities in Canada.

This is not the first time the opposition has suggested during debate of this bill that first nations need to be subject to a different set rules from other Canadian jurisdictions. This is not the first time the opposition has said that the 14 signatories to this bill cannot be entrusted with powers of governance. In particular, the opposition has voiced exaggerated claims regarding the powers of the 14 signatories to expropriate reserve lands.

In the course of second reading and again in committee questions arose about the ability of first nations to expropriate any existing interest in their reserve lands with the recourse available to individuals whose interests are being expropriated.

• (1315)

Currently the Indian Act gives authority to the Minister of Indian Affairs and Northern Development to expropriate reserve land for the first nation's benefit under section 18 for the general welfare of the band. The bill before us delegates similar expropriation powers to the signatory first nations.

I would emphasize that expropriation powers are an essential power of governance and are a necessary facet of land management. As such, these powers have been provided for in Bill C-49. The power of expropriation being delegated to the signatory first nations is similar—and I emphasize similar—to the expropriation power that is delegated by the provinces to ministers, to municipalities or to boards of school trustees.

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It is important to emphasize that the expropriation power provided for in this bill is not mandatory. Each first nation community will decide whether or not this power will be an element of the first nation's land management powers.

In the case of the Chippewas of Georgina Island the Mississaugas of Scugog Island, these communities have both decided not to exercise their expropriation powers in their land codes.

The Muskoday First Nation has chosen to implement expropriation powers and has addressed the issue in accordance with the framework agreement.

When a first nation chooses to implement the power of expropriation it must do so through its community developed land code. The land code sets out the specifics of the new land management regime for each first nation.

The land code includes basic laws that will govern land and interests in land and resources after the land provisions of the Indian Act are withdrawn from the community. It will also include the rules and procedures that will apply to the use and occupancy of first nation land and to the transfer by testamentary disposition or succession of any interest in the land. As well, it will include provisions related to first nation lawmaking, land exchange procedures, conflicts of interest, dispute resolution, procedures for amending the land code and expropriation.

In other words, the responsibility and procedure for expropriation is being removed from the minister and placed, along with other aspects of land management, in the hands of the communities where they belong.

A first nation with a land code in effect has the right to expropriate interest in first nation lands without consent if deemed by the first nation council to be necessary for community works or other first nation purposes.

In exercising any power of expropriation the first nation must meet the test of community purpose. A first nation with a land code in effect has the right to expropriate interest in first nation lands without consent only if it is deemed by the first nation council to be necessary for community works such as roads, water, sewer treatment facilities and hydro transmissions or other first nation purposes such as hospitals, day care centres, fire halls, schools and health centres. This does not allow for arbitrary expropriation.

First nations must justify any expropriation, just as provincial and municipal governments must. Further, any expropriation must be justifiable before the courts and Canadian jurisprudence.

The bill before us requires that in exercising these powers first nations provide fair compensation based on the rules set out in the Expropriation Act. This act provides that compensation is based on fair market value and that this value will be determined based on

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the value of the interest prior to the knowledge or expectation of expropriation. In other words, an expected expropriation will have neither positive nor negative effects on fair market value. Alternative dispute resolution mechanisms are available to those persons who want to challenge the rationale for first nations expropriation. The court is also available for the same kind of challenge.

I want to repeat that the power of expropriation that is being delegated to the signatory first nations is no different from the expropriation power of federal and provincial governments and public and private organizations such as municipalities, school boards, universities and hospitals. Canadians know that this power is invoked in the interest of the community. They know that those who have property expropriated will be compensated.

• (1320)

The expropriation regime for first nations is different in that the community is consulted extensively during the development of the rules and procedures that will be applied for the expropriation.

Under this bill and the framework agreement a first nation wishing to implement expropriation powers will have to develop the specifics of their powers in consultation with the community and then seek the community's approval of the proposed powers in a community-wide vote. The powers are not automatically in place. This approval process is by far the most stringent approval process in Canada respecting the development of governance, expropriation powers and land codes. It allows every member of the participating first nations a voice in deciding if a proposed land code meets with the values of their individual communities.

I remind all members that the first nations communities themselves will decide in their land code whether they will exercise the power to expropriate and how it will be exercised. As stated earlier, we have already seen some cases, namely the Chippewas of Georgina Island and the Mississaugas of Scugog Island, where first nations have decided not to implement expropriation provisions in their land codes.

I emphasize that both the first nations and Canada have ensured that the framework agreement and this legislation provide for the protection of third party interests. Both stipulate that any existing third party interests will continue in force according to their terms and conditions. As is the case now, upon expropriation of the existing terms and conditions, the disposition of those interests will be subject to negotiations between the first nations and the third party. However, third party interests will not be exempted from expropriation. Everyone in Canada is subject to the power of expropriation.

I urge the House to support Bill C-49.

**Mr. Randy White (Langley—Abbotsford, Ref.):** Madam Speaker, it is a little difficult to address this issue with members opposite after listening to the speech that was just given. One wonders in this country why we talk about western alienation. I do not think that many members opposite have much of an understanding of exactly what the problem is. It is interesting that when they do not understand the problem they seem to say that Reformers are wrong or that Reformers did it for some terrible reason and that they are opposed to this. That is not the case and in the next few minutes I will show the House why I believe that.

A short time ago we all witnessed time allocation for the 48th time in the last two sessions of this House. Time allocation is basically when the government says that it will limit debate on a bill because it does not see it as being important enough to debate. Or the government may feel that the bill may be too hot to handle and will impose time allocation limits on the debate so the folks out there do not really catch on to what is happening. Today we had another time allocation vote, which of course the majority government won. That happened after one day of debate on this issue in the House of Commons. Just one day. That is a shame. It is really despicable, but again what do we do with a majority government? One day we hope to change that.

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

**Mr. Randy White:** Members opposite do not like to hear that, but we are going to change it.

In the event that those long lost people on the other side do not think others agree with us, I will read from a letter given to me by the leader of the official opposition in British Columbia, Gordon Campbell, who will no doubt be the premier of that province after the next election.

**An hon. member:** He is endorsing the Liberal Party.

**Mr. Randy White:** They say that I am endorsing the Liberal Party. One never knows. I may just be a provincial Liberal in British Columbia. The nice thing is that they do not endorse the federal Liberals.

• (1325)

This person is going to be the next premier of that province. If they do not want to listen to us on that side, maybe they should listen to somebody who has a deep concern about this bill. I want to read the letter into the record.

The letter is to the Minister of Indian Affairs and Northern Development.

Dear Minister,

I am writing to express my concerns about Bill C-49, the First Nations Land Management Act, which federal Opposition members have rightly argued must be addressed through corrective amendments.

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First, there appears to be no guarantee that women will have equal protection of property rights as men under the rules governing the breakdown of marriages. Under section 17, First Nations will have the ability to establish "general rules and procedures, in cases of breakdown of marriage, respecting the use, occupation and possession of First Nation land and the division of interests in First Nation land".

Members opposite say that this is wrong, but we on this side, along with Gordon Campbell from British Columbia, speak from a bit of knowledge and not from the notes the minister gave these people to read when they walked in here.

The letter goes on to state:

As you know, some aboriginal women have alleged that women living on reserve have not always been treated fairly by band councils when marriages fail. They maintain that men have sometimes been granted preferential treatment with regard to housing issues, because property division laws that protect other Canadians do not apply on reserve.

The Act should specifically stipulate that the land codes authorizing the new rules governing property rights will accord equal treatment to both sexes, in keeping with property division laws of general application. There should be no possibility that the rules established by First Nations will allow for any potential discrimination.

Second, the Act must be amended to ensure that the expropriation powers granted to First Nations under section 28 cannot be abused. In view of the recent controversy on the Musqueam reserve, it is understandable that some non-native leaseholders are very worried about how First Nations might be able to use their expropriation powers.

I understand you have said that you will only approve land codes that ensure expropriation powers cannot be abused. With respect, that assurance offers little comfort.

I will re-read that:

With respect, that assurance offers little comfort. I trust you are sincere, but the fact remains, leaseholders will not have any real protection from expropriation under the Act. And past experience suggests that it is not good enough to rely on Ministerial discretion in protecting property rights.

I was given similar assurances by former Minister Tom Siddon that Musqueam leaseholders' rights and interests would be fully protected before he would sign off on the transfer of authority over those leases to the band. That commitment was not honoured. The Musqueam band is now using their unchecked authority to extract unconscionable lease and tax hikes from those residents, while your government has sat idly by and done nothing.

I note that Bill C-49 includes a number of sections that will guarantee First Nations' land cannot be expropriated by the Government of Canada without a rigorous justification and appeal process. That same level of protection should be extended to all leaseholders living on the reserves in question.

Finally, the Act should be amended to ensure that neighbouring municipalities are adequately consulted by First Nations in the development of their land codes. There appears to be no assurance in Bill C-49 that the communities adjacent to reserves will have a right to be consulted, despite the fact that they will be heavily impacted by the First Nations' land codes. That is simply unacceptable and must be corrected.

I urge you to give careful consideration to the amendments proposed by the federal Reform Party and others, to correct the flaws in Bill C-49.

That letter comes from Mr. Gordon Campbell, the leader of the opposition and the person whom we hope will soon be premier of British Columbia.

• (1330 )

All I hear in response from the group over there is that it is not true, that that is not the way it happens, that it cannot be.

Members of the NDP are panicking because we want them out of office in British Columbia. Imagine. They were in twice too many times. That is why they are always a minority in the House.

Here we have it. A few Liberals in the House are trying to make like they know what they are talking about. British Columbians, not just the Reform Party but people from all walks of life are saying there are problems in the bill, but the Liberals do not listen. I guess that is what we have come to know in western Canada as western alienation.

I understand the Liberals have a 10 or 12 member committee going to western Canada to find out what is alienating us. It is this kind of attitude, this kind of atmosphere in the House of Commons by this government toward the west that creates western alienation. The Liberals say that it is nonsense and rubbish, but they have just a few seats in British Columbia because we are sick and tired of the Liberal government telling us the way it is going to be in our province without listening.

The minister comes into the House with this bill. The Liberals slap it on the table saying that we are going to have to live with it because the government is going to use time allocation and it is going to short everybody on the issues in British Columbia. Is it any wonder that British Columbians will never ever again elect Liberals the way they elect Reformers.

**Mr. Lynn Myers (Waterloo—Wellington, Lib.):** Madam Speaker, I am pleased to respond to Motion No. 7, the amendment to Bill C-49 proposed by the hon. member for Skeena.

This amendment would delete the names of the 14 first nations from the schedule and in effect would make it an empty schedule. We will not be supporting this motion. It is absolutely necessary that the schedule identify the 14 participating first nations. If they are deleted from the schedule, no first nations can opt in, rendering the act inoperable. The proposed amendment suggests that the first nations can opt in through section 45 of the act but section 45 does not come into force until four or five years after the first nation has opted in.

I am sure hon. members will share my disbelief over the logic of this proposed amendment. This is not useful or even workable as an

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amendment. It does not improve the bill. In fact it would only serve to change the commitments made in the framework agreement.

I want to take a moment to remind hon. members why this bill is being enacted and why it is a positive piece of legislation for first nations.

The new land management regime outlined in the framework agreement empowers participating first nations to opt out of the land management sections of the Indian Act and establish their own legal regime to manage their own lands and resources. This bill will facilitate the exercise of first nations government as far as lands and resources are concerned. It gives the 14 first nations the authority to pass laws for the development, conservation, protection, management, use and possession of their lands. The crown continues to hold the title to the lands but the jurisdiction and authority to manage that land will now lie with the communities themselves.

The first nations will no longer need to get approval from the Minister of Indian Affairs and Northern Development to promote economic development on their own lands. This bill is an innovative way to establish an alternative land management regime to give 14 first nations control over their lands and natural resources.

As stated at the Standing Committee on Aboriginal Affairs and Northern Development, this bill is about first nations accountability, capacity building and economic development. Most important, this bill is part of a first nations community driven process that culminates here in the House of Commons.

• (1335)

This bill does not create a third order of government. The framework agreement that it puts into effect gives first nations the powers, rights and privileges of a landowner. I am sure no members in the House would tolerate in their own lives and businesses the kind of red tape the Indian Act imposes upon aboriginal land management.

The framework agreement will get these 14 first nations out from under these provisions. It will give them a new degree of flexibility. They will be able to get on with the task of building the economy in their communities.

The framework agreement provides first nations with greater control over their future. They will have greater autonomy and control over land and revenues in their area. The new land regime does not fundamentally alter the crown's fiduciary relationship with the first nations. However, when first nations exercise their new authority, the crown's fiduciary obligations respecting those new authorities will diminish.

This bill establishes a framework for accountability. The 14 first nations will establish a framework that defines accountability both toward the government and toward their communities.

I want to thank the hon. member for South Shore in particular for his remarks at second reading about the accountability provisions of this legislation. I fully agree with him when he said that this is a very positive piece of legislation.

Following the extensive debate this bill received at second reading, it was brought before the Standing Committee on Aboriginal Affairs and Northern Development where it received support from many witnesses from the first nations communities.

The committee also received correspondence from Phil Fontaine, the national chief of the Assembly of First Nations. Mr. Fontaine described this bill as unique and an important first step, but he also pointed out that this legislation will not initiate or impose change. I am quoting when I say "the act merely provides the opportunity for these 14 first nations communities to initiate change at the pace and in the direction established by their community". That is important to note.

One of the issues raised in committee was the question of matrimonial property. I remind the House that the government has taken this issue very seriously. That is why the department has called a second meeting with aboriginal organizations to work in partnership to identify an individual who will conduct an independent fact finding process to investigate the issue of matrimonial property as it relates to reserve lands.

If there is a broader context in which this bill should be placed, it should be seen as part of the government's agenda to respond to longstanding issues that have held back aboriginal communities for generations, issues raised in the Royal Commission on Aboriginal Peoples. These are the issues that the government addressed nearly a year ago when it tabled its aboriginal action plan, Gathering Strength. The action plan has four objectives. Each of them has a bearing on the bill before us. The four objectives are: renewing partnerships; strengthening aboriginal governance; developing a new fiscal relationship; and supporting strong communities, peoples and economies.

The framework agreement and this bill to implement it provide renewed partnerships and through new co-operative relationships with other levels of government and the private sector, the first objective. They help create new governance mechanisms through increased lawmaking powers and accountability, the second objective.

In fact the framework agreement provides opportunities to help build the capacity of first nations communities for self-government. It gives an opportunity for first nations peoples to demon-

strate that they have the skills and knowledge required for accountable, democratic and efficient government structures.

These first nations will develop their own source of revenue and those who manage the process will remain accountable to the community for their actions. This relates to the third objective of Gathering Strength which is to develop a new fiscal relationship.

Control over lands and resources provides a foundation for stronger communities based on healthy economies. That is the fourth objective of Gathering Strength.

Land and resources provide opportunities for first nations. All too often these opportunities have not been tapped because first nations are hamstrung by the provisions of the Indian Act concerning land and resources. Local control over reserve lands will mean that first nations will be able to take advantage of economic development opportunities, and well that should be.

• (1340)

The benefits will also spread to neighbouring communities that will prosper from economic development spinoffs. We will see an end to the situation where transactions that off reserve might take a matter of weeks can go on for months when they involve first nations land.

New partnerships will be forged between the first nations and surrounding communities. That too is important to note and is worthy of our support.

I should add that the consultations on the development of this legislation have been ongoing since 1996. Canada has met with all affected provinces as well as other stakeholder groups such as the Union of British Columbia Municipalities and the Ontario Association of Cottage Owners.

The framework agreement that this bill provides is a win-win situation. The first nations communities win; they obtain the flexibility they need to build their economies. The government wins because the bill reduces the minister's day to day involvement in the routine decisions of land management and it meets the government's objectives of helping to build the capacity for self-government in first nations. The local non-aboriginal communities also win as the first nations begin to generate jobs and economic growth on Indian land, thereby contributing to the broader economy.

I thank all hon. members for providing lively discussion and understanding and I ask them to join me in supporting this very worthwhile bill.

### *Government Orders*

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Madam Speaker, I stand here to speak on behalf of the aboriginal people in my community.

It is very interesting that in the Vancouver *Sun* this weekend a person by the name of Kelly Acton quoted as being a spokeswoman for the Indian affairs minister said, "The minister believes concerns about the legislation were met when it was being studied by the Commons Indian affairs committee at which time the government accepted one amendment from Reform". She suggested that recent attacks on the legislation by Reform Party members were insincere. I say to Kelly Acton, if that is the kind of advice she is offering to the Indian affairs minister, no wonder the Indian affairs minister is so mixed up.

I have in hand just three of many letters my office has received from grassroots aboriginal people. I want to read them into the record. I know they are watching this on CPAC as we speak. They want their voices heard in this House. We know this government does not want their voices heard in this House because it keeps coming in with closure and stifling debate. For the 48th time it has stopped debate in this House. It does not want their voices in this House.

I am taking the next couple of minutes to give these people a voice in this Chamber, not that I expect the Liberals to listen but at least they will have had their say. The people of Canada will also know that there is a bankruptcy on the part of the Indian affairs minister in the way this legislation is being brought forth.

The first letter, dated February 11, to myself is from Jeannette George from the Lower Kootenay Indian Band. She says:

I am very concerned about Bill C-49 and what I've just read on its powers over ownership, management and expropriation of band lands.

I would like to know, who is going to protect us when we speak out against our chief or council? Are we going to be kicked off the reserve for speaking our minds? This is already happening right now on this reserve because a person brought up issues on housing and land and how they were being handled here. They gave her two weeks for her and her young children to get off the reserve.

I myself had my three children taken away because I tried to find out what was going on with the housing here and why we had to pay such high rent.

It seems to me that this band is already doing what is being talked about in Bill C-49. This really concerns me when I think about the land and the money that will be coming to the band after the land claims are settled. I am worried that most of the families here will be no better off and everything will end up going to certain families only. I ask you to think about the rest of us when you are deciding.

P.S.—I just watched the Prime Minister on TV talking about the homeless in this country. If this bill passes we too might be the next homeless.

I know this woman. She speaks from experience. She speaks from a position of having challenged the chief and council and having had her family taken away from her for doing so. It was only through the intervention of B.C. social services that she got

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her children back. That is what this government is putting this person through.

This letter is from Sharon Willicome, also from the Lower Kootenay Indian Band:

Thank you for this opportunity to comment on the proposed Bill C-49 and thank you for bringing this issue to my attention.

These comments will be brief but are sincere and based upon personal experiences therefore should justify some consideration during the debate on this matter.

First, it is mind boggling to think a piece of legislation is being proposed and in its third reading where such a tremendous lack of public information and public input exist. This matter seems to exist within a vacuum of informed public input while surrounded by the cloud of treaty negotiations and settlements. Are they not of equal importance and value for to have such significant impact on native communities impacts on non-native equally as well?

Second, based upon recent personal experiences with abuses of a local band council's power and the inability of the Department of Indian Affairs to ensure the Indian Act is being administered according to law, the only remedy for fair mediation is now in the courts. How will both residential/commercial interests of native and non-native people be protected under the proposed legislation? What fair remedy will exist to protect those rights?

At this time in history and the restoration of native communities is this legislation premature, opening the door to corruption and greater abuses on reserves? What mechanism of accountability will exist?

I strongly urge the Members of Parliament to table this proposed piece of legislation, call for further public consultation from all sides of the issue with well informed input from the ones who will be affected. There is too much at stake and too much to lose.

• (1345)

I know the issue that aboriginal constituent is raising in that letter has been brought personally by me to the attention of the minister. The third letter is dated February 13 and reads:

As you know, the Tobacco Plains Indian Band has experienced many problems over the last couple of years, and among those is the issue of land ownership on the Reserve. In reference to the recent information I have received regarding the little publicized and controversial Bill C-49, I would like to share with you some of the situations we have encountered within our Band and one of the others in the Ktunaxa Nation.

On the Tobacco Plains Reserve, at least nine homes and the Band Office have been on bottled water for the past five years. The water source supplying the homes and office is contaminated with the cryptosporidium virus, similar to E coli, and is unsuitable for drinking. The Band has been supplying water coolers and bottled water to everyone at a cost of approximately \$45 per month per household, with the Office being slightly higher, thereby paying more than \$5,000 a year for drinking water.

In an effort to solve the water problem, the past Band Manager had several wells drilled in various places around the Reserve. Water was found here and there, but there was never enough of it or it was unsuitable for drinking. The drillers were on Band owned land, and had found good, clean water with a sufficient flow when someone who lived there started screaming at them to leave and get off "their land". They left and

went to Elizabeth Gravelle's land, which is also currently supplying the contaminated water. They found clean water and lots of it.

Now, Indian Affairs (BC Region) have told Liz that her land will be expropriated "for the good of the Band" and have offered her \$18,000 for the land easement and water rights, even though she has made it clear that she is not interested in selling her land. She has offered to lease or rent, but she is told 'no', that they will take her land. Elizabeth and her heirs are strongly opposed to this land transaction, and want to know why their land is being taken when the Band has land of its own that is just as suitable for the intended purpose. She has no chance to voice her concerns, and has no choice but to begin discussions with a lawyer to try to keep her land. Elizabeth is 76 years old, lives on a pension, and has very little money to put toward legal fees to fight the expropriation process. It will be a long and arduous battle that she may very well lose in the end.

If Bill C-49 were passed, she would lose her land. It would be taken from her and her heirs, without them being able to protest. The Band would have its land, and an old lady would not.

In another example, a woman who was born a St. Mary's Band Member cannot inherit her family's land because she is a woman. Her brother is the family's last living male; he is older than she is, and in poor health. She was told that when her brother dies, the land will become the property of the St. Mary's Band. In order to inherit the land, her son had to transfer his membership from his own Band, Tobacco Plains, to St. Mary's so that there would be a living male to accept the inheritance.

Bill C-49 would, again, take this woman's land from her and give it to a Band and Council that already has enough of their own land.

There are no good reasons for the land transaction, but it would be done. It is already ridiculous enough in itself that a woman stands to lose what belonged to her family simply because she is a woman. Bill C-49 wipes out 100 years of progress for women, and brings forth yet another prejudice to divide the Indian people. It is but another opportunity for the elite to govern the lives of the oppressed. It gives even more power and control to those who have already failed to demonstrate a sense of responsibility to bring unity, fairness, and equality for all. It will result in a greater wedge of mistrust between the people and the leaders who, already, do not meet these expectations.

• (1350)

She wants me to send her any updated information. The updated information is that the Liberals do not really care about any of my constituents.

The Liberals have decided that they will steamroller this entire effort through the House of Commons, with closure at report stage where we are trying to bring in some responsible, rational and reasonable amendments so the bill would not be the dog's dinner it presently is.

The House will note that all three of these letters were from aboriginal women who are saying to me face to face: "We don't understand. The Indian affairs minister is a woman. Why doesn't she understand the plight we find ourselves in? We take a look at this entire issue and we ask where in the world is the government going and why".

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We see the reaction of backbenchers when the minister tells the whip that they must all stand and vote accordingly. What about these women? The Liberals do not care. That is really frustrating to me as I listen to the people in my constituency.

**Mr. David Iftody:** Madam Speaker, I rise on a point of order. The hon. member is engaging in discussion which should be on the next motion dealing with the matrimonial question and women's rights.

We are still on the first motion and I would suggest respectfully that the member's comments are somewhat out of order.

**The Acting Speaker (Ms. Thibeault):** I ask the member to stay on the motion as far as possible.

**Mr. Jim Abbott:** Madam Speaker, the point is that I cannot get up on the next motion because Liberal members have brought in closure and I will not have an opportunity to do that. They know that. They are the people who have shut down the debate in the House. That is really light weight.

**Mr. Bryon Wilfert (Oak Ridges, Lib.):** Madam Speaker, I would like to speak in support of Bill C-49, the first nations land management act. As a member of the standing committee I will point out a number of things with regard to the amendments presented today.

The bill is a very important step for the 14 signatories who have worked hard to negotiate the framework agreement. Hon. members will appreciate the impact of the bill and that the framework agreement extends beyond individuals communities and their relationships with the federal government. Third parties are affected.

Over the course of past months we have seen considerable discussion and the impact land codes made possible under the bill may have on provinces, municipal governments and individual tenants on first nation lands. There has been some misunderstanding and I would like to set the record straight.

I will address the issues of each of these third parties. The theme is common to all. Even though the third parties have no direct say in the creation or ratification of the land codes, they have been and will be kept well informed of the process for creating a first nations land management regime.

I will outline the issues raised by the provincial governments affected. British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and New Brunswick are not signatories to the framework agreement because the issues addressed are within federal jurisdiction. However the new regimes provide for the participation of provinces in matters that normally fall within or could affect their jurisdiction such as the administration of justice, environmental protection and assessment.

Both federal and first nation representatives consulted with these provinces throughout the development of the framework agreement in the bill before us. Moreover, the provinces which do not have participating first nations have also been informed of the new regime. We consulted on the issue by removing provincial expropriation powers. We consulted on the extent of the expropriation powers for first nations. We consulted on environmental protection regimes.

The framework agreement and the bill reflect a balance that has been struck as a result of taking provincial interests and needs into account.

• (1355 )

The bottom line is that we have been consulting with the provinces on an ongoing basis to resolve these issues to the greatest extent possible. We consulted the province of British Columbia regarding the impact of the framework agreement and order in council 1036 and privy council order 208 which provide for British Columbia's power to resume its authority over a portion of the reserve lands; in fact one-twentieth of the lands.

Discussions have been ongoing throughout the development and introduction of the bill. British Columbia has given strong assurances that the legislation will not affect these orders. The Government of Canada has given B.C. the assurance that the legislation affects only the Indian Act and not other existing orders in council or legislation.

I will turn to the impact of the bill and the framework agreement on municipalities. Being the former president of the federation of municipalities I can speak with some authority as to the impact and the issues with regard to my colleagues from the municipal sector in British Columbia. The Union of British Columbia Municipalities had similar concerns to those of the province. It sought to have a provision for mandatory consultation included in the legislation respecting any development of first nation land.

We see in this example the reason it is important for the framework agreement and the bill to go through. For the first time municipal governments are concerned about land management in neighbouring reserves. The first nations communities are rightfully concerned about land management, and that takes place in neighbouring communities.

The five British Columbia signatory first nations have been working with the Union of British Columbia Municipalities. The first nations have received a letter from the Union of British Columbia Municipalities supporting the first nation consultation process and mechanisms for discussion. Under the existing regime the federal government gets involved in the process.

Let us imagine if the situation took place with two communities, neither of which was a first nation. The citizens of those communities would not welcome federal government interference. They

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would not tolerate it. It should be up to the communities to resolve the issues using existing law where necessary.

The bill and the framework agreement allow first nations and neighbouring municipal governments to work out issues between themselves without federal interference. The municipal governments and the signatory first nations have met to address mutual concerns. Both parties agreed to provide letters of assurance that each will consult with the other on an issue.

Neighbouring municipal governments will not be consulted when the land codes are developed by first nations. There are several reasons for this.

**The Speaker:** As it is almost 2 p.m. I will stop the member here. He still has five minutes remaining in which to wrap up.

We will proceed to Statements by Members.

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## STATEMENTS BY MEMBERS

[English]

### THEOREN FLEURY

**Mr. Rob Anders (Calgary West, Ref.):** Mr. Speaker, in June 1987 sceptics laughed at reports of a shiny new star on the horizon. "Too small to notice" and "doesn't fit the mould", they said but they were wrong.

He was small but he was also living proof that big things come in small packages. Today the city of Calgary mourns the loss of our super hero Theoren Fleury, traded by the Calgary Flames to the Colorado Avalanche. Not unlike a political party that was born about the same time, Theoren Fleury cast a long shadow across the western landscape and won the affection and respect of Canadians from sea to sea to sea.

He was the smallest player ever to don the jersey of a national hockey league team. When the experts questioned whether a small man could ever make it into the big leagues, Fleury had the answer. He said "When you are small you have to play with heart". He played with heart, departing as the team's all-time leading scorer.

Today I suggest to my hometown that if anybody deserves the title of honorary Calgarian for life it is Theoren Fleury. He truly is one of the biggest little men we have ever known.

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### GRAMMY AWARDS

**Mr. John Godfrey (Don Valley West, Lib.):** Mr. Speaker, we will move along briskly from sports to culture. Allow me to join all Canadians in congratulating our artists for their success at last week's 41st annual Grammy Awards in Los Angeles.

[Translation]

Congratulations to Céline Dion, who won two awards, one for best pop song of the year, and the other for best recording.

[English]

Let me congratulate Alanis Morissette for winning both best rock song and best female vocalist of the year. Let me also congratulate Shania Twain for winning both the best country song and best female country vocalist of the year.

• (1400)

[Translation]

I would also like to congratulate Luc Plamondon on winning the awards for best musical of the year and best song of the year at the Victoires de la musique in Paris on February 20 for his hit show *Notre-Dame de Paris*.

Canadian artists are our best known cultural ambassadors.

\* \* \*

[English]

### MEDICAL RESEARCH

**Mrs. Sue Barnes (London West, Lib.):** Mr. Speaker, I rise to highlight and applaud the research component of the 1999 budget and in particular the \$1.4 billion allocated to medical research.

Coming from a riding and a city where health research plays a key role, last month's budget was welcome news for many dedicated researchers.

The creation of the Canadian institutes of health research will support research and innovation in health care, strengthen treatment and prevention methods while providing more opportunities for advanced research in areas such as biotechnology and medical devices.

The CIHR will also keep our best and brightest research minds and clinicians at work here in Canada. Meanwhile the additional funding for the three federal granting councils will enable researchers to continue their important work.

With the 1999 budget Canada is well positioned to be a world leader in medical research. The investment the government is making today will provide benefits well into the future, improving the health and well-being of Canadians. Making knowledge and innovation a key priority for the future is enhanced by this budget.

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### LITTLE MOUNTAIN NEIGHBOURHOOD HOUSE

**Ms. Sophia Leung (Vancouver Kingsway, Lib.):** Mr. Speaker, I am announcing an exciting new project in my riding of Vancouver Kingsway.

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Recently I had the pleasure of presenting a cheque for program funding to Little Mountain Neighbourhood House. Funding from the federal government and the Minister of Health is for a project called Breaking Down the Barriers. It is a pilot program to address the needs of young children and families in Vancouver. I wish the best of luck to the organizers of this great project.

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**UNITED ALTERNATIVE**

**Mr. Jason Kenney (Calgary Southeast, Ref.):** Mr. Speaker, last week nearly 1,600 Canadians from every corner of the country and a variety of partisan backgrounds gathered in the nation's capital to begin the urgent work of replacing this arrogant, top down, tax and spend, health care cutting Liberal regime.

The naysayers said it could not be done, that such a diverse group could not come together around common principles to form a united alternative to Liberal misgovernment. Well, they were wrong.

Delegates opened their minds and focused their eyes firmly on the future, not on the political disputes of the past. They defined the basis for a common sense governing agenda, including balanced budget legislation, debt reduction, real tax relief, Senate reform, direct democracy, end to judge made law, reforming the federation, property rights and real criminal justice reform.

In short, these grassroots Canadians came here in good faith to begin creating a brighter future for the country they love and to end the corrosive effect of one party government.

As the hon. member for York South—Weston, a former Liberal, said, build it and they will come. Last week these Canadians began the exciting work of building this principled united alternative.

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**UNITED ALTERNATIVE**

**Mr. Reg Alcock (Winnipeg South, Lib.):** Mr. Speaker, if I were to offer my own comments on the meeting last week that the hon. member spoke about, it might be considered a bit biased but let me use a few of the statements in some of the western papers.

Rick Bell in the Edmonton *Sun* says the party is over for Reformers. Mike Jenkinson in the Calgary *Sun* says the Leader of the Opposition will never see Sussex Drive.

The Edmonton *Sun* says there is a fight on the right. The Edmonton *Journal* says marriage of Conservatives divided on party lines.

The Vancouver *Sun* says the new political party will be a hard sell. In the Calgary *Herald* Catherine Ford says unite the right movement doomed before meeting began.

My own Winnipeg *Free Press* says the united alternative convention was effectively a shotgun wedding at which the bride did not show up.

The *Globe and Mail* says the Leader of the Opposition was seen as handicap to the Ontario win.

**The Speaker:** The hon. member for Charleswood St. James—Assiniboia.

\* \* \*

**UNITED ALTERNATIVE**

**Mr. John Harvard (Charleswood St. James—Assiniboia, Lib.):** Mr. Speaker, I too attended the so-called united alternative convention in Ottawa and I will share with Canadians a couple of enduring images from that gathering.

The convention was little more than a Reform Party annual meeting. Before it was minutes old up popped David Thomlinson, a Reform Party activist better known as president of the radical National Firearms Association.

If the delegates were trying to remake the image of Reform they failed miserably with the likes of Thomlinson at the microphone. With Reform Party members as the majority of delegates, the new UA is just the same old extremist Reform Party by another name.

The second enduring image left with me was the one of a keynote speaker. A convention supposedly committed to uniting the right invited someone like Rodrigue Biron, a prominent separatist.

● (1405)

The Reform Party will stoop to any level to gain power.

The last time the Conservative Party went to bed with separatists, Canadians ended up with Lucien Bouchard.

\* \* \*

**REFORM PARTY**

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, the Reform Party is the first political party in Canadian history to vote no confidence in itself while in official opposition. This raises two very interesting questions.

Why would Canadians put their trust in a group so hungry for power that after only two elections it is ready to give up what makes it unique and go crawling back on penitent knee ready to barter its position on Quebec, on the Senate, on moral issues, all for a taste of the fruit of the tree of power in the garden of Canadian politics?

It also raises the question of whether Reform should continue to be the official opposition. In the last parliament the Reform Party argued that the Bloc should not be the official opposition because it was not and could not be a government in waiting as defined by Erskine May.

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The Reform Party has now put itself in the same category. It is not even a party in waiting. By admitting it cannot form a government without becoming something other than it is in name and substance, perhaps Stornoway should become empty again. Its current occupant appears to have forfeited the category that qualifies him for occupancy.

\* \* \*

**UNITED ALTERNATIVE**

**Mr. Steve Mahoney (Mississauga West, Lib.):** Mr. Speaker,

It was a weekend to forget  
 And while Reformers did fret  
 The Tories said, "We won't unite"  
 For them, Reform is too far right  
 Canadians agree—you can bet.  
 The pollsters, the pundits all  
 Talked for hours about the call  
 From leader to leader it went  
 But Joe ignored the event  
 On Reform it did cast a pall  
 So it's back to the west  
 Reform sends their best  
 From talk show to talk show  
 Their leader did blow  
 With no success and little zest  
 Now it's back to the board  
 For the motley Reform hoard  
 Who will search on and on  
 For that magic wand  
 To fool Canadians, who are bored.  
 It's the same old crew—  
 A pollster who asks—would you vote for a Jew?  
 Against immigrants, refugees and all  
 Unless of course, they bring money to the ball  
 Reform is Reform—and that's all.

\* \* \*

**MINISTER OF INDUSTRY**

**Mr. Jim Jones (Markham, PC):** Mr. Speaker, the lights are on at Industry Canada but nobody is home. In the past three months the Minister of Industry sang the virtues of high taxes as a way to improve productivity, turned a blind eye to federal loans to convicted criminal Yvon Duhaime and got caught with his pants down when the WTO ruled that Technology Partnerships Canada was an illegal subsidy.

Now we have news that the big banks, in particular the National Bank of Canada, are often misusing the federal small business financing program, costing the taxpayer hundreds of millions of dollars in bad loans.

What is the minister's response? The status quo. This is unacceptable. While Bill C-53 was a welcome improvement, we need a law and regulations with more teeth, we need penalties on banks that knowingly break the rules and we need a claims process that

includes an assessment on whether banks reasonably evaluated loans.

The banks should not get taxpayer dollars to cover bad loans for business projects that clearly were not feasible. It is time for the industry minister to—

**The Speaker:** The hon. member for Anjou—Rivière-des-Prairies.

\* \* \*

[Translation]

**SEMAINE INTERNATIONALE DE LA FRANCOPHONIE**

**Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.):** Mr. Speaker, during the Semaine internationale de la francophonie, which will be held from March 14 to 20, some 75 organizations and associations promoting and protecting the French language will be involved in many activities.

Performances, exhibitions, literary competitions, discussions, organized events and socio-cultural conferences will go to make up an exciting program promoting French, a jewel requiring our constant protection in this very particular North American context.

These activities will take place in various regions in Quebec, and the festivities will be organized under the auspices of the honorary president, Gilbert Lacasse, the publisher of *La Presse*.

We therefore wish every success to the organizers of the Semaine internationale de la francophonie and thank them for contributing to the increasing awareness of one of our riches, the French language.

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**THE BUDGET**

**Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, according to the former premier of Quebec now a researcher for the Bloc Québécois, the Government of Canada has declared war on Quebec. A fine idea. Especially, when we look at the misleading advertising of the PQ.

Here is the truth. Quebec will receive \$954 per capita, over the next two years, therefore more than Ontario, which will receive \$918. Then, they will both receive the same, \$960.

● (1410)

With equalization payments, Quebec will receive \$1,495 per capita in 1999-00, compared with \$918 for Ontario. The Government of Quebec will receive an extraordinary equalization payment of \$1.4 billion over the coming weeks.

Researcher Jacques Parizeau better go back to the drawing board.

**The Speaker:** The hon. member for Rimouski—Mitis.

\* \* \*

**AGRICULTURE**

**Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ):** Mr. Speaker, on the initiative of the Bloc Québécois member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, the farmers of

the lower St. Lawrence region have made their expectations known loud and clear as far as the next round of World Trade Organization negotiations are concerned.

They want to see Canada quit doing more than its competitors for the liberalization of markets, and do more to help them by investing heavily in R&D.

They are concerned about the attitude the federal government will adopt at the next round of negotiations of international agreements which are going to tend toward still greater liberalization of markets and they demand full respect for the consensual position of Quebec.

To quote Alain Bélanger, president of the symposium on agriculture and globalization, "I would have preferred to see Quebec at the table as a sovereign state. In the current context, rest assured that the Bloc Québécois is going to act as a watchdog over the federal government in order to ensure that the interests of the farmers of Quebec are defended".

\* \* \*

[English]

#### LAND MINES

**Mr. Jim Hart (Okanagan—Coquihalla, Ref.):** Mr. Speaker, I rise on behalf of the people of Okanagan—Coquihalla to congratulate Canadians for brokering a treaty banning anti-personnel land mines.

This law takes effect today. But there is still a lot of work ahead. Canada must take a continued leadership role and invite more nations to become signatories to the anti-personnel land mine agreement. Canada must encourage signatories to abide by the treaty provisions and assist in the removal of anti-personnel land mines from war torn countries like Cambodia and Angola.

I congratulate the official opposition member from Esquimalt—Juan de Fuca who first raised the issue in the House. The good doctor spent many years treating land mine victims around the world. He has been a champion for banning anti-personnel land mines in order to save lives and limbs.

Canadians and this House have been well served by the tireless efforts of our official opposition colleague from Esquimalt—Juan de Fuca.

\* \* \*

[Translation]

#### PRESIDENT OF THE QUEEN'S PRIVY COUNCIL FOR CANADA

**Mrs. Pauline Picard (Drummond, BQ):** Mr. Speaker, most decidedly, the president of the privy council seems to not have been privy to any counsel.

#### S. O. 31

He certainly needs some, for if he continues to blunder about from sea to sea, all of Canada will end up joining forces with the Quebec sovereigntists in condemning federalism as it is being served up by this academic who has taken up a new career.

For example, last week in Edmundston, he was preaching the apocalypse to the Acadian minority, warning them of the dangers of Quebec sovereignty. What a fine example of paternalism, arrogance and ignorance.

This same minister, who has already said that Quebecers needed to be made to suffer in order to learn an appreciation of Canada, is now preaching to the Acadians. He reminds them of their minority situation, agrees that they are suffering, but tells them that they could suffer even more. An editorial in the February 24 edition of *l'Acadie nouvelle* quite rightly spoke out resoundingly against him.

This is what has become of federalism—

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

\* \* \*

[English]

#### PERSONS WITH DISABILITIES

**Ms. Wendy Lill (Dartmouth, NDP):** Mr. Speaker, last week nine national organizations sent a letter to the Prime Minister demanding an action plan with defined outcomes, with dollar amounts attached, to deal with the crushing problems facing the disabled, a responsibility centred within government to ensure new policy initiatives such as child tax credits for families with children with disabilities, an extension of the opportunity funds, mobility rights assured by national standards and a commitment to the ongoing removal of barriers that prohibit our participation in community life, and an action plan to address issues of aboriginal people with disabilities.

To the Prime Minister, the time is now. Disabled Canadians cannot wait any longer. The disabled are tired of being excluded in this country. It is time to exercise their will to act.

\* \* \*

#### LAND MINES

**Mr. Ted McWhinney (Vancouver Quadra, Lib.):** Mr. Speaker, the land mines treaty enters into legal force today, a scant 15 months after it was opened for signature in Ottawa on December 1, 1997. It has already been signed by 134 states.

• (1415)

While attention focuses on the few holdout states, which include key permanent members of the security council, it may be argued that because of the wide representation, among its signatories, of all main political, ideological, cultural and regional groupings of the world community, the treaty has already entered into general

*Oral Questions*

customary international law and has become legally binding as such on signatory and non-signatory states alike. Dicta in recent jurisprudence of the World Court confirms such a legal thesis.

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## ORAL QUESTION PERIOD

[*English*]

### TAXATION

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, who pays some of the highest taxes in Canada? According to a new study by the C.D. Howe Institute, it is not millionaires or the super rich. It is ordinary Canadian families making between \$30,000 and \$60,000 a year.

Young families are grossly and unfairly overtaxed. Nothing in last month's budget did anything to change that. Why does the government's tax policy penalize and discriminate against young families?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, I know the Leader of the Opposition was quite busy with his united alternative conference last week, but if he had paid more attention to the budget when it was presented, he would realize that the general tax reforms, both in the last budget and in this budget, are focused particularly on middle and lower income families, among them millions of young families. Those are the people we are helping through this budget. Those are the people we will continue to help in years to come.

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, let us look at the tax position of two families after this budget.

Suppose there are two families, both earning \$50,000 each and each with two children. We would think that they would both pay the same amount of tax. But if one family chooses to have one parent stay at home, that family under this government's tax policy ends up paying about \$4,000 more per year in taxes.

Why does the government think that it is fair that one family should pay \$4,000 more a year in taxes simply because one parent chose to stay home?

**Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.):** Mr. Speaker, for a family earning \$50,000, two earners and two children, the combination of our last two budgets has reduced the total tax bite by fully 15%. On top of that we have introduced the child tax benefit, \$850 million in one budget followed by another \$300 million on the last budget for a total of \$2 billion to low income working families.

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, the parliamentary secretary did not answer the question. Besides, the child tax credit gets clawed back after families make \$26,000 a year.

The question is simply this: We have two families, identical income, two children, but one has a parent stay home and the other does not. The family with a parent who stays home to look after the children ends up paying \$4,000 a year more in taxes than the other family.

Is it the policy of the government to discriminate against families that make that choice? Can the secretary answer the question?

**Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.):** Mr. Speaker, I am very pleased to be able to respond to the acting leader for the opposition.

We have recognized these disparities which occur. This is why we have taken 600,000 low income taxpayers right off the tax rolls in our last two budgets.

What the Leader of the Opposition fails to recognize in his question is that there are various tax credits which can be transferred among spouses when one—

**The Speaker:** My colleagues, we all make little errors. Hon. members know they are the secretary of state and the Leader of the Opposition. The hon. member for Medicine Hat.

**Mr. Monte Solberg (Medicine Hat, Ref.):** Mr. Speaker, you will notice how the parliamentary secretary or whatever he is over there did—

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

**The Speaker:** The hon. member for Medicine Hat.

**Mr. Monte Solberg:** Mr. Speaker, let us see if we can get the minister to answer the question this time.

There are two families, each making \$50,000. One has a parent stay home and that family ends up paying \$4,000 more a year in taxes.

I want to know from the minister why his government discriminates against parents who choose to stay at home and look after their children. Why is that the government's policy?

• (1420)

**Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.):** Mr. Speaker, as I was attempting to answer in the last question on the very same issue, one has to recognize that under our tax act we have brought in a lot of liberalizing measures which allow credits to be transferred from a spouse who is working and earning income to one who is not. I will go through some of these. For example, we have the age credit, the pension credit, the medical expense tax credit, the disability tax credit, the charitable donations tax credit. The tuition and educational tax credit can also—

*Oral Questions*

**The Speaker:** The hon. member for Medicine Hat.

**Mr. Monte Solberg (Medicine Hat, Ref.):** And, Mr. Speaker, the most liberalizing act of all are the highest personal income taxes in the G-7, thanks to this government.

Let us see once again if the minister can answer the question. There are two families each making \$50,000. One of them chooses to have a parent stay home and that family pays \$4,000 more a year in taxes.

Why does this government discriminate against single income families?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, we want to treat everybody fairly. This is the basis for our budgets.

I want to ask the hon. finance critic for the Reform Party, why is it when he asked the question the last day we sat before the week's break, in the preamble to his question he in effect said that the Liberal tax policy was so good that the Liberals would still be in power in the year 2019? That is in fact what he said a week ago Friday.

\* \* \*

[Translation]

**EMPLOYMENT INSURANCE FUND**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, in an interview with the *Journal de Montréal* early last week, the Minister of Human Resources Development stated as follows in connection with the employment insurance fund surplus, "To be honest, it has been spent—. Is this appropriate?"

How can the government pretend there is still a surplus in the employment insurance fund as a buffer against a hypothetical recession, when the money has been spent? What is going to happen if we come upon hard times?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, this is a most interesting hypothetical question. I believe that, if our government continues to provide the country with the same interesting and creative direction, that hypothesis will not come to pass.

What I can say is this: job creation is so much of a priority for us that I can assure the House we insist on maintaining the drop in unemployment we have had for the past five years. Our unemployment level is now 7.8%. We have excellent programs which are proof that our general economic policy is working very well.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, what is not hypothetical is that the \$25 billion surplus has

been spent. Now they are prophesying that there will never be another recession on this planet. That is a good one.

The minister also said "I believe we must have a discussion and a societal debate on the use of these funds".

Will the minister admit it would have been more intelligent to have that societal debate before spending the \$25 billion surplus, as the Bloc Quebecois proposed? Has the minister just wakened up?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, one thing is perfectly clear to us, the Bloc Quebecois is far more comfortable with deficits than with surpluses.

When there were deficits, they lacked imagination, for deficits were, of course, of no interest to them, for the Bloc Quebecois is capable of creating deficits. Now we have a surplus to contend with.

Since 1986, we have respected the wishes of the auditor general for the two accounts to be part of the Canadian government's consolidated fund. We are now managing the surplus as we had in the past to manage the deficit.

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, the Minister of Human Resources Development has finally admitted that the federal government spent the EI surplus. The surplus no longer exists, his colleague the Minister of Finance having dipped into it.

Is the Minister of Human Resources Development not ashamed that he let the Minister of Finance get his hands on the \$20 billion EI fund and did not even stand up for unemployed workers?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I find it a bit surprising that the Bloc Quebecois has only just clued in.

The EI fund has been part of the Canadian government's consolidated revenue fund since 1986. This has been the case for 13 years straight, whether there was a deficit or a surplus.

• (1425)

However, I would have thought that they would have toned down their language in light of recent political events.

I am not ashamed of what this government has done. No, I am not ashamed of the funding in the finance minister's budget for a youth employment strategy to help young people into the job market and a Canada jobs fund for job creation.

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, does the minister realize that entrepreneurs, workers and the unemployed are right not to

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trust him, and will he admit that the only solution lies in creating an independent EI fund run by those who pay into it?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, now there is an interesting suggestion. This is the system the French have adopted. France's fund is independent. When there were deficits in Canada, the Bloc Quebecois did not push for an independent fund.

I am merely pointing out that now the Bloc Quebecois is singing a different tune. There is an interesting evolution in its thinking, as it begins to wonder how sovereignty will work in a context of globalization.

We wish it all the best in their evolution. It might actually end up understanding our government's economic policy.

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[English]

**HOMELESSNESS**

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, the Prime Minister refuses to recognize the human horror of homelessness. Last week I saw it firsthand, people living in conditions not fit for humans, 90 people sleeping shoulder to shoulder in one room, sharing one shower, pleading with the Prime Minister. What were they saying? "We are desperate. We are dying".

How many people will have to die before the Prime Minister recognizes the horror of homelessness?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, we recognize the problem. For us it is more important to do something tangible than just look for photo ops. We went out last December and announced an additional \$50 million for this fiscal year for housing renewal and rehabilitation aimed at low income Canadians and the homeless.

This new funding is on top of the \$250 million we announced last year to support residential housing renewal programs over five years. This is more important than photo ops. This is something tangible to really help the homeless. That is what counts.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, they are not doing anything to help the homeless.

Homelessness is all around us. This weekend a pregnant woman died of exposure within sight of Parliament Hill. The recent budget had lots for Canadians with two or three homes, but nothing for those with no address at all.

When will this government do anything to solve the crisis of homelessness?

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, we are concerned with the problem. We are working with some provincial governments.

Some provincial governments are not working with us. For example, perhaps the NDP leader should talk to the NDP government in British Columbia which does not participate in the RRAP program. If the Government of British Columbia participated in the RRAP program, it would have more money for the homeless.

In the meantime, last year we created 2,800 affordable units and this year we expect to have 3,000. Also, \$12 million from RRAP will be targeted for—

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

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**AIRBUS**

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, the RCMP investigation into the Airbus affair has cost Canadian taxpayers nearly \$4 million and counting. Despite the fact that investigators have absolutely no evidence to justify chasing these false allegations, they have stepped up their efforts. This amounts to a vindictive and politically motivated pursuit of a former Prime Minister.

In light of this ongoing embarrassment for this Liberal government, when will the solicitor general stop wasting taxpayers' money and call off his Liberal posse?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, as solicitor general I do not direct the activities of the RCMP.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, he should tell that to a former solicitor general.

For years now Canadians have witnessed this farcical saga that resulted in a forced half-hearted apology to Mr. Mulroney, followed by RCMP investigators then continuing and expanding the investigation.

With law enforcement cuts resulting in the impending collapse of CPIC, depleted organized crime budgets and the closure of a cadet college, I question the government's priorities.

• (1430 )

When will the government cut its losses, put an end to this ill-founded investigation and focus on the replenishment of scarce police resources for the better protection of Canadians?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, as I indicated previously I do not direct investigations in the RCMP.

I am surprised that my hon. colleague would be talking about scarce funds when the leader of the Progressive Conservative Party today had a direct hand in putting this country in one of the worst financial messes ever. This government had a saviour and was able

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to appoint a Minister of Finance who could direct the government and put the finances of this country in place. That is why—

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

**The Speaker:** The hon. member for Prince George—Peace River.

\* \* \*

**JUSTICE**

**Mr. Jay Hill (Prince George—Peace River, Ref.):** Mr. Speaker, according to the justice minister child porn is not a problem in British Columbia. She says “police are investigating, charges are being laid and prosecutions are taking place as they always have”. Wrong.

Just last week a judge in Vernon, B.C. refused to accept a guilty plea from a man charged with possession of child porn because she said the charges were unconstitutional pending the April court appeal.

Why did the justice minister tell British Columbians that everything is okay when in fact it is not?

**Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, as has been stated by the minister in the House, the case is under appeal. The Court of Appeal of British Columbia will be hearing the case in early April. We, unlike the official opposition, respect the due process of law and will continue to monitor the decisions of the courts in British Columbia.

I also want to say that the Minister of Justice has been talking to her colleague, the attorney general, and the law still is the law of the land.

**Mr. Jay Hill (Prince George—Peace River, Ref.):** Mr. Speaker, that legalistic mumbo-jumbo might cut it with Liberal backbenchers, but the facts are that it will not cut it with parents in British Columbia.

Glen Kelly knew he was guilty. He knew he did wrong. He should have been punished for his perversion. Yet in British Columbia judges cannot even accept a guilty plea for this disgusting crime.

Why should police continue to investigate and crown prosecutors prosecute if a guilty verdict will not be allowed by judges in B.C.?

**Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, this is another example of the due process of law not being respected by the official opposition. The justice system in this country is one of the best in the world. We are awaiting the appeal of this case which is coming in April.

[Translation]

**EMPLOYMENT INSURANCE FUND**

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, the Minister of Human Resources Development is pondering the fact that his government is dipping into the employment insurance surplus to invest in health care or to lower taxes.

Could the Minister of Human Resources Development tell us finally where the \$20 billion from the employment insurance fund really went? Will he tell us where the contributors' money went?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, the employment insurance funds have been in the same place since 1986, that is within the Canadian government's consolidated revenue fund.

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, it may not be immoral to take money from the employment insurance fund, but does he not consider it immoral to cut off the resources of entire families, which are going hungry because he has reduced their benefits in order to accumulate such a surplus?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, the argument is rather bizarre.

What I can say is that we reformed employment insurance so that, on the contrary, people would no longer as dependent and so they could return to the labour market. All the Bloc wants is to have as many people as possible unemployed for as long as possible.

That is not helping people. We want to help people by helping them return to the labour market, because this is what people expect from good government.

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[English]

**THE CANADIAN BROADCASTING CORPORATION**

**Mr. John Nunziata (York South—Weston, Ind.):** Mr. Speaker, my question is for the Minister of Canadian Heritage. The government is consistently attacking the independence of the CBC. Reports indicate that the government intends to appoint a news czar in Ottawa to oversee the journalistic operations of the CBC. This is a direct challenge to the independence of the CBC.

• (1435)

Why is the government trying to create a mouthpiece for the government through the CBC? Does the minister know the difference between a state broadcaster and a public broadcaster?

*Oral Questions*

**Hon. Sheila Copps (Minister of Canadian Heritage, Lib.):** Mr. Speaker, the government has no intention of making any such appointment.

**Mr. John Nunziata (York South—Weston, Ind.):** Mr. Speaker, the government has ordered the CBC to display the government logo on all newscasts at the bottom corner of the television screen. The CBC is not a *Pravda*-like propaganda agency for the government. Is this payback time for the CBC's APEC coverage? When will the minister realize that the CBC is a public broadcaster, not a state broadcaster?

**Hon. Sheila Copps (Minister of Canadian Heritage, Lib.):** Mr. Speaker, I know the member is planning to join a new political party in the very near future. I would like to underscore this for him before he makes that step to his soulmates beside him. Their policy is to abolish the CBC.

\* \* \*

[Translation]

**THE BUDGET**

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, by unexpectedly and unilaterally changing the criteria for divvying up the CHST among the provinces, the Minister of Finance—

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

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

**Mr. Yvan Loubier:** By unexpectedly and unilaterally changing the criteria for divvying up the CHST among the provinces, the Minister of Finance has taken everyone by surprise.

What made the government think it could pull a stunt like this with the CHST and ignore the social union agreement just signed with the provinces?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, this question was fully answered last week. I think that people understood perfectly well.

If the Government of Quebec had played a more active role in the discussions instead of relying on the policy of the empty chair, there would have been far fewer problems.

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, what sort of federal-provincial relations does Ottawa have in mind when it makes decisions that not only run counter to the social union agreement, but that also ignore its own fiscal arrangements legislation, which provided for a much more gradual transition than that described in the budget?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, we respect the social union agreement and we note that the only government criticizing it is the one that did not sign.

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[English]

**THE SENATE**

**Mr. Rob Anders (Calgary West, Ref.):** Mr. Speaker, last Thursday Senator Eric Berntson was convicted of defrauding taxpayers out of \$41,000. On the steps of the courthouse Berntson was defiant, claiming he did nothing wrong. He even laughed out loud when reporters asked him if he was still going to sit in the Senate. In last month's budget the Prime Minister increased Senate spending by 6%. What is that for, a parole officer?

**Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, the hon. member should know enough to have respect for the laws of this country. Furthermore, he should know that the budget of either this House or the other House is used for the proper maintenance and the representation of the people of Canada in the Parliament of Canada.

**Mr. Rob Anders (Calgary West, Ref.):** Mr. Speaker, the laws say that criminals do not sit in the Senate. Michel Cogger still sits in the Senate even though he has been convicted of influence peddling. Senator Berntson laughed at reporters after he was convicted of fraud, yet the Liberals have increased the Senate's budget to \$47 million this year. Why does the Prime Minister think that democratically electing senators is a bad idea but appointing—

**The Speaker:** The question is out of order. The hon. member for Témiscamingue.

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[Translation]

**MILLENNIUM SCHOLARSHIPS**

**Mr. Pierre Brien (Témiscamingue, BQ):** Mr. Speaker, last week, the Minister of Intergovernmental Affairs admitted that the millennium scholarships were probably a mistake. He also said "If we were wrong, we will not do it again". Yet today we learn that the Minister of Human Resources Development is negotiating with the Liberal opposition in Quebec.

My question is for the Minister of Human Resources Development.

Not only has the federal government made a mistake by creating the millennium scholarships but, on top of that, the minister is in the process of committing a second mistake by negotiating with the opposition in Quebec instead of with the democratically elected government, which represents all Quebecers.

*Oral Questions*

• (1440)

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, although the majority of Quebecers did in fact vote for the Liberal Party of Quebec in the last election, I am not negotiating with the Liberal opposition, because I respect the duly elected Government of Quebec.

There is, therefore, no negotiation between the government, my department, and the Liberal opposition in Quebec City.

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**LANDMINES**

**Ms. Raymonde Folco (Laval West, Lib.):** Mr. Speaker, the Ottawa convention on landmines comes into force today and becomes international law.

Could the minister explain to the House the changes this law will mean for the people in countries where there has been conflict in recent years?

[English]

**Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.):** Mr. Speaker, I am pleased to announce today that the international convention is now a permanent part of international law around the world. More importantly, since the time the Ottawa process began, close to 14 million land mines have been destroyed and 98 de-mining projects and 25 countries have been sponsored. The number of casualties has also dropped. What is more important is that basically the export of land mines has stopped.

As the Prime Minister said today, it is a good day for the good guys.

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**ABORIGINAL AFFAIRS**

**Mr. Mike Scott (Skeena, Ref.):** Mr. Speaker, my question is for the solicitor general.

According to a secret internal RCMP report, aboriginal militants are stockpiling gasoline bombs, explosives and grenades, possibly even light anti-tank weapons and heavy machine guns.

Will the solicitor general confirm if this report is accurate and, if so, why this highly dangerous situation is allowed to continue?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, the RCMP is concerned about any group, aboriginal or non-aboriginal, if it is involved in illegal activities.

**Mr. Mike Scott (Skeena, Ref.):** Mr. Speaker, my supplementary question is for the solicitor general.

Can he confirm if these reports, made internally by the RCMP, are accurate? Can he confirm that aboriginal militants are stockpiling these kinds of weapons? What is he and the government going to do about it?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, as my hon. colleague is well aware, the report indicated that there was a small number of aboriginals who were possibly involved in these activities. However, any number is unacceptable, whether aboriginal or non-aboriginal.

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**THE BUDGET**

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, a New Brunswick patient is told to cash in her RRSP to pay for a multiple sclerosis drug. A Manitoba family re-mortgages their house and cashes in their life insurance policy to pay for necessary medications. Yet this government finds \$3.6 million to advertise its budget that has been reported on over 750 times by the major media outlets.

If this budget is as good as the government claims, why would it spend \$3.6 million to advertise it? Why will this government not put all the money into patients, not propaganda?

**Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.):** Mr. Speaker, there is no action taken by government which has a more profound and deep impact on the lives of individual Canadians than a budget. That is why governments throughout history have felt it incumbent upon them in a democratic process to make sure that Canadians understand the very precise implications of every budget.

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, is it not interesting that this government will put millions into propaganda but not one penny into advertising the dangers of toxic products used for the storage of blood? It puts \$3.6 million into public relations but will not take the teeniest, tiniest step to stop the use of toxic products in the storage of life-giving intravenous fluids and blood.

My question is for the Minister of Health. When will this government start protecting people from dangerous toxins in plastic bags used for the storage and transfusion of blood?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, the suggestion that such events might be occurring with blood banks was first raised some 15 years ago. At that time there were various studies and they all indicated that there was no health risk. Since then additional studies have confirmed the same findings.

*Oral Questions*

● (1445)

Last week Greenpeace claimed to have other information and last week I directed my officials to meet with the Greenpeace representatives and to take information from them.

We will look at it, obviously with great care. I assure the member that if there is any evidence to indicate that safety is an issue we will act appropriately.

\* \* \*

[Translation]

**MILLENIUM SCHOLARSHIP FOUNDATION**

**Mr. André Bachand (Richmond—Arthabaska, PC):** Mr. Speaker, there is \$2.5 billion in the millennium scholarship fund. There is currently a problem with Quebec. Tens of millions of dollars are not available for the student population in Quebec.

The Minister of Human Resources Development seems not to want to talk to the Quebec minister of education. There is a consensus in Quebec. The National Assembly is in agreement. The students are in agreement. The Liberal Party of Quebec called for it this morning.

Could the minister pick up the telephone and talk to François Legault, the Quebec minister of education, so that the students will at least have a hope of getting quality loans and bursaries for the year 2000 with the millennium scholarship fund?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I have seen the motion by Mr. Béchard, the MNA for Kamouraska in the Quebec National Assembly. I am very pleased that the Quebec Liberal Party wants Quebec students to benefit from this program like the other students in Canada.

If the foundation thinks that a spokesperson from my department could help facilitate dialogue between officials with the Quebec system of loans and bursaries and representatives of the foundation, I would be more than delighted to co-operate.

\* \* \*

[English]

**AGRICULTURE**

**Mr. Larry McCormick (Hastings—Frontenac—Lennox and Addington, Lib.):** Mr. Speaker, the Minister of Agriculture and Agri-Food met with his provincial counterparts last week to reach agreement on a farm assistance package.

Could the minister inform the House when application forms will be available so that our producers can access these much needed funds?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, it certainly was a great day for Canadian

farmers last week when we were able to finalize the details of the agriculture income disaster assistance program. We have reached agreement with nine provinces. It is our optimism that Nova Scotia, the tenth province, will participate as well.

The forms will be on the website at the end of this week. The hard copy will be available shortly after that so that farmers can turn this around and we will then turn them around as quickly as we possibly can.

\* \* \*

**ABORIGINAL AFFAIRS**

**Mr. Mike Scott (Skeena, Ref.):** Mr. Speaker, my question is for the solicitor general.

He says this is just a small problem. Are these small anti-tank guns? Are these just small machine guns? We are not suggesting that all aboriginal people are involved in this.

He says that this is unacceptable. Does he mean by saying it is unacceptable that he will take concrete steps and do something about it?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, I indicated to my hon. colleague that it is a small number of aboriginal people. There are no groups here. If you break the law, if you are involved in this type activity, it is up to the Royal Canadian Mounted Police to deal with it, and that is what they are doing.

**The Speaker:** I inadvertently skipped over a supplementary to the member for Richmond—Arthabaska.

\* \* \*

[Translation]

**MILLENIUM SCHOLARSHIP FOUNDATION**

**Mr. André Bachand (Richmond—Arthabaska, PC):** Mr. Speaker, that will surely have been enough time for the Minister of Human Resources Development to come up with a satisfactory answer.

The chairman of the millennium scholarship foundation said that, if there was no agreement with Quebec, the money earmarked for students in Quebec would go into a bank account, thus depriving them of tens and tens of millions of dollars.

I again ask the minister: Will he, in good parliamentary fashion, telephone Quebec's Minister of Education to say that an agreement can surely be reached, that, if negotiators must be appointed, then so be it, and that students in Quebec are indeed very important to the government?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, absolutely. Students in Quebec are extremely important to our government. If a spokesperson from my department would help discussions between the founda-

*Oral Questions*

tion and those administering Quebec's loans and grants system, I would be only too pleased to provide one.

However, the Gauthrin motion unanimously passed in the National Assembly and endorsed by the government contains three principles, and I can assure the House that we are perfectly capable of meeting all three, thus putting students in Quebec on an equal footing with Canadian students when it comes to these millennium scholarships.

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, the Minister of Human Resources Development stated earlier that he is not involved in three-way negotiations, not negotiating with Jean Charest in Quebec City concerning the millennium scholarships.

• (1450)

Yet a just-issued press release states that "with the assent of Ottawa, the Jean Charest Liberals propose a three-way negotiation". Later in the release education critic B  chard is quoted as saying "We have established the major parameters of this proposal in conjunction with the federal government".

Is the federal government currently negotiating with Jean Charest, yes or no?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I am not negotiating with Jean Charest. He is not the Premier of Quebec. I cannot negotiate the millennium scholarships with him, that is quite obvious.

Unlike the pointlessness of the opposition here, however, Jean Charest is trying to be of some use in opposition. Mr. Charest and the Quebec Liberal Party are trying to find a way by which we can finally do something for the students of Quebec, based on the three principles of the Gauthrin motion. That is what a constructive opposition does. In speaking to him, I realize he is moved by a constructive spirit, but there is no negotiation. He does not have a mandate.

\* \* \*

[English]

**DISABILITIES**

**Ms. Wendy Lill (Dartmouth, NDP):** Mr. Speaker, a year ago the government accepted a UN award on disability issues and promised the disabled post-deficit spending but delivered nothing in the budget.

Tonight the Deputy Prime Minister is supposed to accept kudos on this award but the problem is that there are no kudos to accept. Eight of the ten disability groups that accompanied the Prime Minister to New York last year are now publicly criticizing the lack of action from the government.

Will the Deputy Prime Minister outline a specific plan of action with dollar amounts attached, or are disabled Canadians forced to live with another year of empty rhetoric from the ministers opposite?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, a prestigious international group decided to award Canada the FDR award for its work on behalf of the disabled internationally in fighting land mines that hurt people and make them disabled, and domestically for its initiatives.

For example, since 1996 we have invested \$193 million, cost shared with the provinces up to 50%, for employability assistance for the people with disabilities program.

We have just announced a new policy framework with the provinces to garner collective efforts to enable people with disabilities to participate as full Canadian citizens—

**The Speaker:** The hon. member for Bramalea—Gore—Malton—Springdale.

\* \* \*

**HOUSING**

**Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton—Springdale, Lib.):** Mr. Speaker, my question is for the Minister of Public Works and Government Services.

Canadian housing products and services are one of our most successful exports to major foreign markets including Asia. What is the government doing to promote the export of Canadian housing products and services abroad?

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, right now before the House we have Bill C-66 which once passed will enable CMHC to promote Canadian housing exports across the world. This will mean job creation for Canadians and growth for the housing industry in Canada.

In 1998, for example, we had a trade mission to Chile that resulted in \$14 million worth of sales. CMHC is organizing other missions right now in Germany, China, Japan, Korea and more. The government believes in and supports the housing industry in Canada.

\* \* \*

**ABORIGINAL AFFAIRS**

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, we have had the solicitor general indicate to us that the RCMP knows where these weapons are. The question I have for the solicitor general is very simple and very straightforward.

When will the RCMP act on this issue? It is not a small issue that there are weapons of that type on the loose in Canada. We need to know when they will act.

*Oral Questions*

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, it is public knowledge that the RCMP and other law enforcement agencies have previously and are now taking appropriate steps to deal with issues such as this with aboriginal and non-aboriginal people.

\* \* \*

[Translation]

**MILLENIUM SCHOLARSHIPS**

**Mr. Bernard Bigras (Rosemont, BQ):** Mr. Speaker, the president of the metropolitan Montreal chamber of commerce said last week, and I quote "As it currently stands, the millennium scholarship fund is simply a very costly visibility program for Canada, a mistargeted program and a constitutional irritant".

● (1455)

Since everyone in Quebec thinks that the millennium scholarships are a government mistake, why does the Minister of Human Resources Development not simply send Quebec's share to the Quebec minister of education instead of causing a dispute and expanding federal bureaucracy?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, here again, the Bloc, rather than attempting to find solutions, like the Liberal opposition in Quebec, is trying to raise the stakes and dramatize things.

They are even ignoring the unanimous motion in the Quebec National Assembly, which makes no mention of opting out with full compensation. It is the Bloc that is making a mockery of the National Assembly.

\* \* \*

[English]

**TRADE**

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, the government seems to have learned nothing from its recent MAI fiasco. As it now careens toward the free trade agreement of the Americas, transparency and openness seem to have been reduced to an afterthought.

Why is it that these trade agreements which affect the lives of millions of workers are being scrutinized behind closed doors and only by government and its big business buddies in the BCNI?

Will the government live up to its promise to consult with citizens, NGOs and labour groups before trading away our resources and our economic sovereignty?

**Mr. Bob Speller (Parliamentary Secretary to Minister for International Trade, Lib.):** Mr. Speaker, the hon. member should know, having sat in the House, that the Standing Committee on Foreign Affairs and International Trade is in fact at this time

consulting with Canadians all across Canada on the whole issue of the FTAA.

For our part, the Government of Canada is looking not only to business groups but to labour groups and different provincial capitals across the country and gaining Canadians' concerns and views on where we should be taking trade into the next millennium.

\* \* \*

**NATIONAL DEFENCE**

**Mr. David Price (Compton—Stanstead, PC):** Mr. Speaker, the 35 year old Sea Kings are plagued by problems, from flameouts to rotor heads, but all long term maintenance has been postponed because there is no money left in the war chest to pay for the latest Persian excursion. Long term maintenance is a required safety measure.

My question is for the Minister of National Defence. How can we do proper safety maintenance with a slashed budget and ensure a peace of mind for our Sea King pilots and their families?

**Hon. Arthur C. Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, I have said continuously in the House that we in fact will not fly any aircraft unless it is safe to fly. We have a very high maintenance standard. We ensure that we overhaul these aircraft on a very frequent basis. There are new engines that are being installed. Only when they are safe to fly will they fly.

\* \* \*

**SWISSAIR**

**Mr. Chuck Strahl (Fraser Valley, Ref.):** Mr. Speaker, I have a question for the Deputy Prime Minister. In the aftermath of the Swissair air crash Canadians were shocked to learn that Christian clergy involved in the Swissair ceremonies afterward were not allowed to use the name of Christ or Christian liturgy in the ceremony.

The Prime Minister has apologized for that incident. However, what we are looking for from the Deputy Prime Minister are assurances that protocol has been developed to make sure that this situation, a very unfortunate situation, does not happen again. Could he give us assurances that a protocol has been developed?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, it is my understanding that the Prime Minister's Office and the foreign affairs department were not involved with the planning of the event with respect to the sermons and their content and played no role in determining the content of the sermons.

In any event, the Prime Minister has apologized for any misunderstanding. I am sure the experience will be taken into account in the future, but I hope and pray we will not have another air disaster like this for a long time to come, if ever. I hope the hon. member will join with me in this prayer.

**ABORIGINAL AFFAIRS**

**Ms. Louise Hardy (Yukon, NDP):** Mr. Speaker, there are first nations people in the country who do not live on reserves. In fact they are living in garbage dumps in towns around Ontario. In the fall, nine of them froze to death or died of TB or of other diseases related to poverty and exposure.

I know there is a Gathering Strength document but it is not helping these people. In fact they said it has put them back 20 years in their inability to even make contact with the interlocutor for Metis people. They would like to meet with him. They have good ideas about how to help these people.

• (1500)

Will the minister meet with them so that they can help those who are still alive and living in the dumps?

**Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.):** Mr. Speaker, we all know that some of the conditions facing off reserve aboriginal people are very distressing and deserve the attention of all governments in this country that have jurisdiction and responsibility.

The Government of Canada is working on its side of that responsibility as we would expect all other levels of government to do as well. We are anxious to work in partnership to find the solutions that work. And yes indeed, my door is always open to meet with any aboriginal group that wants to talk to me.

\* \* \*

**PRESENCE IN GALLERY**

**The Speaker:** I draw the attention of hon. members to the presence in the gallery of Sir Leon Brittan, Vice-President of the European Commission.

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

**ROUTINE PROCEEDINGS**

[*Translation*]

**MAIN ESTIMATES 1999-2000**

The President of the Treasury Board presented a message read by the Speaker in which His Excellency the Governor General transmitted the Main Estimates for the fiscal year ending on March 31, 2000.

\* \* \*

• (1505)

**GOVERNMENT RESPONSE TO PETITIONS**

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker,

*Routine Proceedings*

pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 10 petitions.

\* \* \*

[*English*]

**COMMITTEES OF THE HOUSE**

## PROCEDURE AND HOUSE AFFAIRS

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I have the honour to present the 58th report of the Standing Committee on Procedure and House Affairs regarding the associate membership of the Standing Committee on Human Resources Development and the Status of Persons with Disabilities. If the House gives its consent, I intend to move concurrence in the 58th report later this day.

\* \* \*

[*Translation*]

**1999-2000 MAIN ESTIMATES**

## REFERRAL TO STANDING COMMITTEES

**Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, pursuant to Standing Order 81(4) and to Standing Order 81(6), I wish to introduce a motion concerning referral of the Main Estimates to the standing committees of the House.

Therefore, I move:

That the Main Estimates for 1999-2000, laid upon the Table earlier today, be referred to the several Standing Committees of the House as follows:

Since there is a lengthy list associated with the motion, if it is agreeable to the House, I would ask that the list be printed in *Hansard* at this point without being read.

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

**Some hon. members:** Agreed.

[*Editor's Note: The list referred to above is as follows:*]

To the Standing Committee on Aboriginal Affairs and Northern Development  
Indian Affairs and Northern Development, Votes 1, 5, 10, 15, L20, L25, L30, 35, 40, 45 and 50

To the Standing Committee on Agriculture and Agri-Food  
Agriculture and Agri-Food, Votes 1, 5, 10, 15, 20 and 25

To the Standing Committee on Canadian Heritage  
Canadian Heritage, Votes 1, 5, 10, L15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90, 95, 100, 105, 110, 115, 120, 130 and 135  
Privy Council, Votes 30 and 35

To the Standing Committee on Citizenship and Immigration  
Citizenship and Immigration, Votes 1, 5, 10 and 15

*Routine Proceedings*

To the Standing Committee on Environment and Sustainable Development  
Environment, Votes 1, 5, 10 and 15  
Privy Council, Vote 40

To the Standing Committee on Finance  
Finance, Votes 1, 5, L10, L15, 20, 35 and 40  
National Revenue, Votes 1, 5 and 10

To the Standing Committee on Fisheries and Oceans  
Fisheries and Oceans, Votes 1, 5 and 10

To the Standing Committee on Foreign Affairs and International Trade  
Foreign Affairs, Votes 1, 5, 10, 15, 20, 25, 30, L35, L40, 45, 50, 55 and 60

To the Standing Committee on Health  
Health, Votes 1, 5, 10, 15, 20 and 25

To the Standing Committee on Human Resources Development and the Status of  
Persons with Disabilities  
Human Resources Development, Votes 1, 5, 10, 15, 20, 25, 30 and 35

To the Standing Committee on Industry  
Industry, Votes 1, 5, L10, L15, 20, 25, 30, 35, 40, 45, 50, 55, 60, 65, 70, 75, 80, 85, 90,  
95, 100, 105, 110, 115 and 120

To the Standing Committee on Justice and Human Rights  
Justice, Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50  
Privy Council, Vote 50  
Solicitor General, Votes 1, 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50

To the Standing Committee on National Defence and Veterans Affairs  
National Defence, Votes 1, 5 and 10  
Veterans Affairs, Votes 1, 5 and 10

To the Standing Committee on Natural Resources and Government Operations  
Canadian Heritage, Vote 125  
Governor General, Vote 1  
Natural Resources, Votes 1, 5, L10, 15, 20 and 25  
Parliament, Vote 1  
Privy Council, Votes 1, 5, 10, 45 and 55  
Public Works and Government Services, Votes 1, 5, 10, 15, 20, 25 and 30  
Treasury Board, Votes 1, 2, 5, 10, 15 and 20

To the Standing Committee on Procedure and House Affairs  
Parliament, Vote 5  
Privy Council, Vote 20

To the Standing Committee on Public Accounts  
Finance, Votes 25 and 30

To the Standing Committee on Transport  
Privy Council, Vote 15  
Transport, Votes 1, 5, 10, 15, 20, 25, 30 and 35

To the Standing Joint Committee on Library of Parliament  
Parliament, Vote 10

To the Standing Joint Committee on Official Languages  
Privy Council, Vote 25

(Motion agreed to)

[English]

**COMMITTEES OF THE HOUSE**

## PROCEDURE AND HOUSE AFFAIRS

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, if the House gives its consent, I move that the 58th report of the Standing Committee on Procedure and House Affairs presented to the House earlier this day be concurred in.

**The Deputy Speaker:** Does the House give its consent to the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons to move this motion?

**Some hon. members:** Agreed.

**The Deputy Speaker:** Having heard the terms of the motion, is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

\* \* \*

**PETITIONS**

## RIGHTS OF GRANDPARENTS

**Mr. Ted White (North Vancouver, Ref.):** Mr. Speaker, I rise to present a petition on behalf of Liliane George of Grandparents Requesting Access and Dignity, along with 186 others.

They draw the attention of the House to the fact that grandparents as a consequence of the death, separation or divorce of their children are often denied access to the grandchildren by their guardians. The relationship that exists between grandparents and grandchildren is a natural fundamental one and the denial of access can constitute elder abuse and can have a serious detrimental emotional impact on both the grandparents and the grandchildren.

There is legislation in several provincial jurisdictions, including Quebec and Alberta, containing provisions to ensure the right of access of grandparents to their grandchildren. They are asking this House to amend the Divorce Act to make this possible.

## GASOLINE ADDITIVES

**Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.):** Mr. Speaker, pursuant to Standing Order 36, I am honoured to present two petitions signed by residents of London, Sarnia, Exeter and Grand Bend. They urge parliament to ban the gas additive MMT, noting it is not used in Europe and most American states as it clogs emission control devices in vehicles and is opposed by all major car companies.

*Routine Proceedings*

• (1510)

HUMAN RIGHTS

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, pursuant to Standing Order 36, I am pleased to present a petition signed by a number of Canadians including some from my own riding of Mississauga South concerning the matter of human rights.

The petitioners would like to draw to the attention of the House that human rights abuses continue to be rampant around the world in countries such as Indonesia. The petitioners also point out that Canada continues to be recognized as a champion of human rights around the world. Therefore the petitioners call upon Canada to continue to speak out against human rights violations and also to seek to bring to justice those responsible for such abuses.

\* \* \*

**QUESTIONS ON THE ORDER PAPER**

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, Questions Nos. 84 and 144 will be answered today.

[Text]

Question No. 84—**Mr. Garry Breitkreuz:**

For each of the last twenty years: (a) how many actual violent crimes have been investigated by the RCMP; (b) of these offences how many involved the use of firearms; and (c) how many of the firearms used in these criminal incidents were categorized as non-restricted, restricted-registered, restricted-unregistered, or prohibited firearms?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Insofar as the Ministry of the Solicitor General is concerned, the answer is as follows: a) Violent Crimes Investigated by the Royal Canadian Mounted Police

Year	Violent Crimes	Year	Violent Crimes
1978	35,400	1988	60,158
1979	37,930	1989	64,924
1980	39,665	1990	70,236
1981	40,888	1991	76,871
1982	44,550	1992	81,040
1983	44,687	1993	84,894
1984	47,983	1994	85,139
1985	50,859	1995	83,863
1986	54,733	1996	84,499
1987	57,592	1997	93,055

Source, Canadian Centre for Justice Statistics  
Aggregate Uniform Crime Reporting Survey (UCR 1)

The statistics on violent crimes investigated by the Royal Canadian Mounted Police, RCMP, were obtained from the Canadian Centre for Justice Statistics, CCJS. The RCMP does not have crime statistics in an automated format for 1978 to 1981 and must rely on CCJS statistics.

“Violent Crime” in the table refers to the total number of violent crimes investigated by the RCMP which includes crimes against persons, such as homicide, attempted homicide, sexual assault, non-sexual assault, other sexual offences, abduction and robbery.

It is important to note that CCJS’s statistical information reflects the “Most Serious Offence Rule” which restricts the reporting of offences to CCJS to only the most serious offence in an event. For this reason, the number of violent offences investigated by the RCMP is undercounted by 2000-4000 when compared to operational police data maintained by the RCMP.

b) Violent Crime Incidents involving Firearms Investigated by the RCMP

Year	Homicide	Year	Homicide
1978	78	1988	45
1979	65	1989	47
1980	57	1990	53
1981	61	1991	58
1982	76	1992	68
1983	68	1993	59
1984	62	1994	56
1985	60	1995	43
1986	60	1996	61
1987	45	1997	51

Year	Robbery with Firearms	Year	Robbery with Firearms
1978	263	1988	317
1979	275	1989	354
1980	290	1990	438
1981	340	1991	731
1982	457	1992	734
1983	378	1993	656
1984	381	1994	597
1985	324	1995	649
1986	335	1996	736
1987	388	1997	610

*Routine Proceedings*

Year	Discharge of Firearms with intent	Year	Discharge of Firearms with intent
1978	n/a	1988	87
1979	n/a	1989	73
1980	n/a	1990	97
1981	n/a	1991	116
1982	n/a	1992	154
1983	56	1993	109
1984	69	1994	86
1985	79	1995	85
1986	93	1996	82
1987	84	1997	62

Note: n/a = Not available

Source: Canadian Centre for Justice Statistics  
Aggregate Uniform Crime Reporting Survey (UCR 1)

The RCMP does not have an automated system to identify all crimes where a firearm was used during the commission of an offence. The police information retrieval system PIRS, is the automated indexing system for the majority of the RCMP investigative files. However, it is not mandatory to record all information on the system. PIRS serves as a pointer to the hard-copy files where the details of investigations are recorded, including information on firearms used in a crime. The hard-copy files are the only source of information that can accurately reveal all information on firearms the RCMP encounters.

The RCMP opens approximately 2.5M investigational files each year; therefore, it is estimated that the number of files the RCMP created during the past 20 years would be up to 50M. The RCMP does not have the resources for this type of extensive file review. We would encounter problems conducting this research, even if resources were available, since files have various retention periods ranging from 24 months after the date of conclusion to 240 months. Some files are retained indefinitely if they meet the general criteria of the National Archives of Canada. With all of these details in mind, clearly tabulating the requested information is an impossible task due to the records that no longer exist and the quantity of resources required to review the millions of files.

The RCMP uses operational statistics reporting OSR, to fulfil the requirement of reporting crime information to Statistics Canada. OSR is a far more accurate data source than PIRS, but there are data quality concerns with it. OSR is comprised of 1,206 codes which identify various offences, survey or service provided information. There are no OSR codes to clearly identify all instances when firearms are used to commit crimes. For example, AA01 indicates a 1st degree murder, but it does not reveal how the murder occurred. There are some OSR codes which do indicate a firearm was used or some other weapon. These codes include the follow-

ing: AA34—Robbery with Firearms—Effective date: 1981-05-01; AA48—Discharge of Firearms with Intent—Effective date: 1983-01-04.

The OSR codes AC13, AC14 and AC15 identify weapons offences that include many firearm crimes, but without a detailed review of every file there is no way of identifying only the crimes involving firearms. For this reason, these statistics have not been included in this report. The following information explains the offences covered by each OSR code.

AC13—Prohibited Weapons—Effective date: 1981-05-01—Note that not all prohibited weapons are firearms. The existence of an offence does not mean the weapon was used directly against someone. The presence of a prohibited weapon is an offence. Offences under this category refer to breaches of Sections 90 (Possession of Prohibited Weapon), 95 (Importing or Delivering Prohibited Weapon), 103(10) (Possession of Prohibited Weapon while Prohibited), 104 (Found Prohibited Weapon) and 105 (Record of Transaction in Prohibited Weapons) of the Criminal Code. It is not possible to determine how many offences in this category involve violence against a person.

AC14—Restricted Weapons—Effective date: 1981-05-01—Note that not all restricted weapons are firearms. The presence of a restricted weapon can be an offence; therefore, the existence of an offence does not mean the weapon was used directly against someone. AC14 covers restricted weapons offences under Sections 91 (Possession of Unregistered Restricted Weapon), 96 (Delivery of Restricted Weapon to Person without Permit), 103(10) (Possession of Restricted Weapon while Prohibited), 104 (Found Restricted Weapon) and 105 (Record of Transaction in Restricted Weapons) of the Criminal Code.

AC15—Other Offensive Weapons—Effective date: 1981-05-01—Note that this code includes much more than firearm offences and includes: breaches of Section 85 (Use of Firearm in Commission of Offence); 86 (Pointing a Firearm); 87 (Possession of Weapon or imitation); 88 (While Attending Public Meeting); 89 (Carrying Concealed Weapon); 93 (Transfer of Firearm to Person Under 18); 94 (Wrongful Delivery of Firearms, etc.); 97 (Delivery of Firearm to Person Without Firearms Acquisition Certificate); 100 (Prohibition Orders, Seizure and Forfeiture); 103(6)(b) & (10) (Possession of Firearm, etc. while Prohibited); 104 (Found Weapon not Prohibited or Restricted); 105 (Ammunition and Firearm[not Prohibited or Restricted]); and, 113 (Offences Relating to Certificate and Permits) of the Criminal Code.

(c) The RCMP does not collect statistics in this format. To even provide a partial answer to this question would require a labour intensive review of millions of RCMP files at detachments across Canada. The RCMP does not have resources for this undertaking.

*Government Orders*

**Question No. 144—Mr. Ted White:**

With respect to “E Division” of the RCMP in the Province of British Columbia: (a) for the period January 1, 1998, to date, what actual number of charges have been laid and investigative files have been opened; (b) what were the respective totals for the period January 1, 1997, to December 31, 1997; and (c) what were the forecasted numbers of charges likely to be laid and files likely to be opened for the 12-month period January 1, 1998, to December 31, 1998?

**Hon. Laurence MacAulay (Solicitor General of Canada, Lib.):** With respect to “E Division” of the Royal Canadian Mounted Police, the following information was retrieved from the RCMP Operational Statistics Reporting system:

(a) From January 1, 1998 to December 31, 1998:  
Total Reported Offences: 1,271,604  
Total Cleared by Charge: 507,072\*-\*

(b) From January 1, 1997 to December 31, 1997:  
Total Reported Offences: 1,380,769  
Total Cleared by Charge: 514,386\*

(c) see (a)

\*Total cleared by charge indicates that charges were laid in these instances.

\*\*Please note that the total indicated for “cleared by charge” for 1998 is accurate as of 1999-01-04. However, these statistics may change slightly since some charges will be processed in 1999.

\* \* \*

[English]

**QUESTIONS PASSED AS ORDERS FOR RETURNS**

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, would you be so kind as to call Starred Question No. 154.

[Text]

**\*Question No. 154—Mr. Svend J. Robinson:**

In the previous five fiscal years, and to date in this fiscal year, (a) what has been the cost to Canada of association with regional Development Banks in the following categories: (i) any annual dues by the way of membership or association, (ii) any contributions to loans or so-called rescue packages to foreign nations, (iii) any contributions to specific bilateral or multilateral development projects and, if so, to which ones, and (iv) any other costs incurred for any other purposes; (b) what has been

the source of this funding (e.g. annual revenue, foreign loans); and (c) in each case, which departmental votes have been the source of payments?

[English]

**Mr. Peter Adams:** Mr. Speaker, I ask that the answer to Question No. 154 be made an order for return and this return would be tabled immediately.

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

**Some hon. members:** Agreed.

[Text]

**\*Question No. 154—Mr. Svend J. Robinson:**

In the previous five fiscal years, and to date in this fiscal year, (a) what has been the cost to Canada of association with regional Development Banks in the following categories: (i) any annual dues by the way of membership or association, (ii) any contributions to loans or so-called rescue packages to foreign nations, (iii) any contributions to specific bilateral or multilateral development projects and, if so, to which ones, and (iv) any other costs incurred for any other purposes; (b) what has been the source of this funding (e.g. annual revenue, foreign loans); and (c) in each case, which departmental votes have been the source of payments?

(Return tabled)

[English]

**Mr. Peter Adams:** Mr. Speaker, I ask that the remaining questions be allowed to stand.

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

**Some hon. members:** Agreed.

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**GOVERNMENT ORDERS**

[English]

**FIRST NATIONS LAND MANAGEMENT ACT**

The House resumed consideration of Bill C-49, an act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management, as reported (with amendment) from the committee; and of Motions Nos. 1, 6 and 7.

**The Deputy Speaker:** When the debate was interrupted for question period, the hon. member for Oak Ridges had the floor. He has five minutes remaining in his allotted time.

**Mr. Bryon Wilfert (Oak Ridges, Lib.):** Mr. Speaker, I will continue my remarks with regard to the impact of the framework on municipal governments. As the former president of the federation of municipalities and as a member of the Standing Committee

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on Aboriginal Affairs and Northern Development, I offer the following perspectives.

We prefer that first nations and their neighbours work out issues among themselves without our interference. We strongly believe this bill and the framework agreement will pave the way for better understanding and closer relationships between first nations and neighbouring municipal governments. They remove some of the constraints that impede the building of partnerships between first nations and neighbouring communities.

First nations recognize the necessity of consulting with neighbouring municipal governments to establish long term co-ordinated approaches to development and servicing. These consultative processes are already in place. First nations are already working with the Union of British Columbia Municipalities to develop the appropriate consultation mechanism.

In its January 20 response to this issue, the UBCM indicated that on the recommendation of the aboriginal affairs committee, the UBCM executive endorsed in principle the idea of mutual consultation. The letter also stated: "Further, the aboriginal affairs committee believes that the ideas contained in the draft discussion paper attached hereto are a very good starting point for the negotiation".

In other words the UBCM supports that in the following areas: the land use plans in existence at the time of agreement and in the future; environmental impacts for development on their lands; the provision of local infrastructure and services to their residents; cross-boundary land use issues; other matters of general concern relating to land development and its effect on the respective adjoining lands. Consultation and discussions will occur in a round table format to which all parties will be invited. Individual agreements between neighbouring B.C. first nations and B.C. local governments will be encouraged. The local governments affected in support would be Vancouver, North Vancouver and Kelowna along with the five first nations already mentioned. I mention that particularly for my colleagues across the way.

Various land and resource management initiatives will again proceed. First nations will be able to sign servicing agreements with their neighbours on such matters as water, sewer services, schools, roads, and so on. In one case one first nation has already loaned money to a neighbouring municipal government to help complete a water project.

• (1515)

I also point out that there are over 100 active service agreements between first nations and neighbouring municipal governments in the province of British Columbia in the areas of water, sewer, transportation and schools.

I further point out that the Centre for Municipal Aboriginal Affairs which is based in Ottawa would indicate again how, from a best practices standpoint, first nations and municipal governments work together not only in British Columbia but right across the country.

I would like to address the concerns of third parties who are neither provincial nor municipal. They are, for the most part, individuals or associations representing individuals who have leased property on first nations land. Let me emphasize that any interest currently held by third parties will transfer to the jurisdiction of the first nation with the original terms and conditions intact. At the expiration of these interests, the lessee, like lessees anywhere in Canada, will have the opportunity to negotiate directly with the first nations to remain on first nations land.

Members will appreciate that while provinces and municipal governments were consulted extensively in the development of this act, the department had neither the resources nor the time to consult with individual lessees affected. Some meetings did take place, however. For example, department officials met with the Ontario Association of Cottage Owners last September and most recently with the Musqueam Home Park lessees. Wherever the concerns of third party leases were brought to the government's attention, federal officials did meet to try to address these concerns.

Third party tenants will not have an opportunity to vote or have input into the land code because they have no proprietary rights to the effect that lands are on the existing lease, licence or permit. Therefore voting rights under this regime have been restricted to those directly affected by the delegation process under the Indian Act who do hold proprietary rights to the affected lands, in other words the band members.

This House can be assured that individual third party leases are and will continue to be notified by Canada and the first nation where the first nation opts to come under the new regime. The framework agreement and this bill require that they be informed of the proposed land code, the first nations land management act and the date of the vote.

One of the attentions of the new land management regime is to foster partnerships between interested parties such as provincial governments, municipal governments and private industries that deal with first nations on a daily basis. We hope that all will participate in making sure that the relationships foster mutual respect and co-operation.

**Mr. Rob Anders (Calgary West, Ref.):** Mr. Speaker, today I am speaking on Bill C-49. For the folks back home, I want to make sure they understand that this is indeed not the 47th, not the 46th, not even the 45th, but the 48th time this Liberal government has brought in closure to go ahead and stifle debate. That is 48

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jackboots I hear a thumpin' on the pavement where this government will not allow freedom of speech.

Who is being silenced by this, by those 48 votes of closure? Who is not being heard? Who do the Liberals want to shut down? Who do the Liberals want to muffle? Who do the Liberals want to stifle on this? I will tell members about some of those voices.

One of those voices says that at least 250 members of the Squamish nation have joined the rising chorus of criticism against proposed changes to the federal Indian Act, this very Bill C-49. They are saying that powers greater than those granted to municipal governments are being given out here. There is authority over zoning and search and seizure. The legislation would also give bands the power to implement laws that call for punishments ranging from fines to jail terms. There are those within those bands who have been after the council members to explain the bill and its ramifications to the band membership, but the band members have heard nothing with regard to explanation.

We have people on bands across this country who want to hear explanations. They are not getting explanations. And yet we are having a third level of government created here. One person here says it may be 10 years in the process, but when in the 10 years were we consulted?

• (1520)

So I have something that is long, agonizing and painful but with not a lot of consultation. It sounds like this Liberal government when it got elected in 1993.

The powers that band councils would acquire to expropriate their own members' land and the absence of any requirement that bands consult with the neighbouring municipalities before developing these lands are real problems. There need to be consultations, not unilateral actions.

I have just touched on a few issues here but we also have issues of property rights, of expropriation, of a lack of consultation and of a lack of openness in the process. We also have people who have been silenced on these bands and have to put up with all these types of unilateral actions and lack of explanations.

It calls into question here that there should be one law enforced uniformly over the land in a common jurisdiction. Yet what we have here is a set-up of some sort of third form of government. We also have people who are not even listening.

That Bill C-49 will not protect non-aboriginal tenants is also another criticism. Here is where we talk about these expropriations. To kind of turn a phrase, it is almost a joke in and of itself but not so funny for those who have their property taken where it is called

expropriation rights. A right to expropriation, can anyone believe it?

There are aboriginal women's rights as well to equal access to the marital home in the event of a marriage breakdown. There are real problems. Under the law everybody else who marries and then gets divorced has the ability to get half the assets. There are those who would quibble about whether some deserve half or more or less but nonetheless it is part of the law.

What we have with this situation is that native women entering into a marriage contract if it does not work out have a very vague system that they will be going into where they are not assured of having equal access to the matrimonial assets.

We have warnings from B.C. mayors that the bill would create planning chaos because it does not require bands to consult with the municipalities that must provide the services, roads, sewers and the water for any developments the bands plan.

We have warnings from Vancouver area real estate agents and non-native residents on reserves that the legislation makes homes owned by non-natives on Indian lands across the country unmarketable because there is not enough protection for homeowners from expropriation.

One might ask how this government can pass this. It can implement its land use codes after they are approved by 25% of all eligible band voters. Usually in a democracy it requires 50% to pass something. I guess what we have here is half democracy because real democracy would demand that we need 50% plus one. I guess that is what we would call half a democracy.

We have west Vancouver mayor Pat Boname saying that the bill should be amended to require bands to consult with neighbouring communities before undertaking major developments as B.C. municipalities are now required to do. What they are calling for is a level playing field, not a veto. This is pretty straightforward stuff, no unilateral actions, consultations. This is not a painful process. They only want a little openness and a little explanation.

They are not confident that the council will consult with them thoroughly before drawing up a land use code which is one of the reasons we are proposing changes to this and one of the reasons why we do not want to see time allocation and the 48 jackboots of the Liberals once again shutting down debate.

Coincidentally, where it is only requiring 25% of eligible voters, not the majority needed in just about every other common sense democratic election one can possibly think of, that can approve a land use code change that equals the number of people employed by the band.

I stress this once more for the folks at home. In just about every other democratic set-up one could possibly imagine they require 50% plus one to make a change.

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• (1525)

They only require 25%. More insidious than that being half a democracy, there is the coincidence that 25% equals the number of people employed by the band. I do not think that just sounds incestuous, I say it is incestuous. We have serious problems with that.

On top of that, one of the other voices that the government is trying to silence is Gail Sparrow, the former chief of the Musqueam Band. She says: "How can you go to parliament with this when the first nations people haven't voted on it?" That is a very good question. How can that happen? It is because the Liberals bring in closure for the 48th time. That is how that happens. She said: "Land use codes could be used to deny women access to homes on the reserve".

I have some more people who are being silenced. Barbara Findlay, the lawyer for the B.C. Native Women's Society, says: "You can't hand off inequality. You can't contract out your constitutional responsibility for women to native bands".

Those are pretty good quotes. Those are quotes that should be heard by the government across the way when it goes ahead and restricts freedom of speech.

I mentioned that we have non-natives on band lands who are worried. I will quote a few of them because the Liberal jackboots are silencing them. "We will be excluded", McKay said of non-native residents who have lived on the reserve for 30 years but who will have no say in the land use code". Imagine that, living some place for 30 years and not being able to have any say with regard to the land use codes. "People's property rights are being trampled".

"They have to pay fair market value but what will fair market value be?", asks Fred Warkentin, a real estate agent with MacDonald Realty". That is a very fair question. If they have no say over their land use codes what type of market value is that? Once somebody has stated they will expropriate your land and take it from you what value does it have? It is like a government that says it will confiscate your gun. Good luck selling it. Who would want it after that? That is property rights.

We also have an instance where market prices have plummeted since the band more than doubled taxes and imposed a 7,366% rent increase on leasehold homes in the Musqueam Park subdivision. Cheryl Dewson, a real estate agent with Dexter Associates, said: "In my professional opinion there will not be any buyer prepared to purchase a property with this type of encumbrance". Who does this affect? There are 20,000 leaseholders on Indian lands in B.C. and 60,000 in Ontario whose homes may now have no value. Unless amendments are made to this bill, Bill C-49 renders all properties on Indian leasehold lands worthless.

I have been able to go through only a few of the voices that have been silenced. This screams, if anything possibly could, that the Liberals should open up their ears and make changes so that those people do not fall victim to bad legislation.

**Mr. Ted McWhinney (Vancouver Quadra, Lib.):** Mr. Speaker, it is a privilege to intervene at this stage of the debate on Bill C-49. We are at report stage. I remind hon. members that third reading is still to come and after that to the Senate.

We sometimes tend to think in terms of dichotomous divisions, watertight departments and divisions between the different organs of parliament.

I would like to pay tribute to the very helpful discussions on this bill I have had with members of the Senate, both government and opposition members, and members of other parties in this House, more particularly on the larger public issues with which it is bound up. It is legally and constitutionally separate and distinct from the Nisga'a treaty to which a lot of us have given a lot of attention. It is separate and distinct from the Musqueam leaseholders issue. In the public mind it is part of the general discussion and our thoughts could never be completely divorced one from the other.

• (1530)

I take notice of the fact that although it is an area in which I have had some pre-parliamentary experience, there are some massive briefs by lawyers presenting arguments on this issue which I am studying in some detail; some communications by leaseholders, by both native and non-native leaseholders; some by native women. We recognize of course that no one of our legislative acts in Indian matters is a template for other matters. That was the original confusion, if I can call it that, of the provincial government of B.C. Each act is historically separate and should be seen on its merits. Nevertheless, certain points are common in respect to them.

I have advanced the view that I have problems with section 35(3) of the charter of rights, which was an amendment adopted after the charter was enacted in 1982. I have some problems with it, but nevertheless it does remain my view that the better interpretation is that all matters in this area are subject to the Constitution and to the charter of rights. This means that the larger charter principles of due process in its procedural sense and its substantive sense are applicable to all subsequent measures that may be made in this area.

In some areas, and the Nisga'a treaty is an example, it is stated explicitly, and if one wishes a subordination to the charter of rights and to the Constitution, there is the case for making assurance doubly sure and stating that in terms. But I would say again that it is not constitutionally necessary to do that.

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I would also think that it is implicit in the subjection to the charter that judicial review and recourse to the Supreme Court of Canada remain an ultimate resource in every situation.

There would be merits at some stage in the proceeding—and it is a long march I think to the issue of native self-government within the Constitution—in adopting some form of general code. But the procedure that all parties have agreed on, provincial government, federal government and others, is that this would do less than justice to the special historical facts and circumstances of each of the individual agreements. But it should come and I would envisage in that case, if there were some sort of general code, that the explicitness in relation to the Constitution and the charter would be made. The provision for a dispute settlement process, some form of third party adjudication, arbitral or otherwise, a mixed commission of which there are many comparative law models, would be there apart from the court itself.

What I am saying is that we are at certain steps along the road. This particular bill is at the moment limited to 14 nations of which five are from B.C., although others can opt in. I do believe that the proceedings in this House, the further debate to occur this afternoon and at the next reading, as well as the deliberations in the Senate which could include hearings as well as study, will help take us further in the search for the best form of expression of the imperatives of giving heed to the concept of self-government within the Constitution for Indian nations, the concept of control over property, but subject again to the constitutional rights that apply to all Canadians and to rendering them uniform in some later general code.

The debate has been helpful and constructive in the general Canadian community, including, I would stress, B.C. We sometimes are more heated in our statements, but it is the way of arriving at constitutional truths and I would like to pay tribute to the thousands of people, and I stress that, who have communicated with me over the last two months on aspects of this general problem. We have tried to answer each letter individually and respond to each individual case. The message is “I am still working. I appreciate the co-operation that has been extended by everybody in this House, the Senate and those whom I have discussed it with. The book is not closed”. I believe that constructive changes can occur in the general process of self-government within the Constitution and in the control and ownership of lands which are being spelled out at the moment by several distinct and separate measures of the government and which will also be present in each of the 50 treaties still to be discussed.

• (1535)

This is my comment at this stage. I hope to have studied the briefs in great detail, and they do require detail. I hope to have more specific recommendations to make. But I repeat again, even

in the absence of express mention and in the Latin phrase, making assurance doubly sure that we have in the Nisga'a treaty, that the general constitutional rules prevail and are paramount, including the charter of rights. And so the protections are given to all Canadian citizens, especially including the Indian communities, but they also exist in relation to the parties.

**Mr. Ken Epp (Elk Island, Ref.):** Mr. Speaker, I am honoured to be able to stand to speak to this bill. It is a rare privilege, since there are not many people who will have the right to speak due to the fact that the Liberal government by the careful pulling of the strings of their voters on that side said “You have no choice but to vote in favour of time allocation and we are not going to let anybody speak on this after today”. That is shameful in my view.

I remember a number of years ago a colleague of mine at the Northern Alberta Institute of Technology where I worked had a little placard on the bulletin board in his office. It is one that is very applicable to our situation here today. It said “If you don't have time to do it right, when will you find time to do it again?” I thought that was a very good principle. We need to get things right.

I am not speaking here only of a united alternative, I am speaking generally of what our purpose in parliament is. It is to make rules and regulations which govern our country, which govern our people. We need to get it right. If we do not get it right all we have to do is look at history to see the number of countries around the world which have suffered immensely because of the fact that their government structure was not established in a correct way.

What is wrong here? First, I would like to talk about this process. Why would the government in this particular instance insist on invoking time allocation? It is a mystery to me. I think that the purpose of government, the purpose of the minister, the purpose of the Prime Minister should be to bring a solution to the long-festering problem which we have had on land claims. Let us bring a solution that works.

Overriding all of those considerations is that thing which occupies our minds so much these days, national unity. We need to be together on it. We need to make sure that members of our society, all Canadian citizens, are respectful of each other and that they respect that the limitations which apply to one apply to others.

A request has been made by the official opposition and indeed by Bloc members to make small amendments to this bill.

I worked for a while on a school board. I liked the form of democracy in the school board somewhat better than what we have here. We did not have bills at our school board, but we had motions. If the motion was not a good motion, a number of members would speak against it. When I happened to be the chairman for a while I would ask “All those in favour?” and maybe one or two hands would go up. I would say “Who is opposed?” and

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the other 13 hands would go up. I would simply declare the motion defeated and we would go on with our business.

• (1540)

What do we do here? Somehow we have this idiotic process. I am not speaking of any individual member, but we have this idiotic process. Parenthetically I have to say that it is mathematically possible and maybe even probable that occasionally a bill might be brought forward by a minister that is not perfect. That is possible. Yet we have this idiotic process which says that unless all members on the government side vote for it somehow they are being disloyal. I contend that they are being disloyal if they vote for something that is not as good as it could be. Instead, it is reversed and then we have the government forcing this vote through. Now we are not even able to speak on it.

One might ask why we do not use the time that we have to debate the issue. It is bigger than that. We are dealing with a relationship among Canadians. We are dealing with people who live next door to their neighbours.

All of us have neighbours. In my instance I have neighbours from a wide spectrum of national backgrounds. They have different language backgrounds, different ethnic backgrounds and we get along just fine.

What happens if we have rules brought in by a distant, disjointed, ineffective federal government that controls how we live next to our neighbours, who happen to be natives living on reserve lands or on native lands as they are called? What happens if we do not do that right? It introduces friction that could otherwise be resolved. All we are asking is that we take some very, very simple measures.

This government could have avoided the embarrassment of the vote at noon today. That was embarrassing. It is incredibly embarrassing that there is no thought for democracy in this place. "It is my way or no way. It is my way or the highway". That cannot be.

Part of the legislative process, in my view, is that we also make sure that the people who are affected have an opportunity to communicate. They have done so to a certain degree already. Some of my colleagues have referred to a number of different letters that they have received. We are dealing not only with members of municipal councils who are concerned. We are not dealing only as the government tends to do, with those people who form the leadership of the natives. What we need to do is to make sure that the input from grassroots natives is also taken into account. We need to make sure that we hear them. They have some very genuine concerns and we need to hear them.

I cannot for the life of me understand why this government would be so reluctant to enter into a few simple amendments and say "Yes, that is a good idea. Let us adopt it. Let us correct this slightly flawed legislation to make it the best bill possible", instead of allowing it to just be jammed through in its present mediocre form.

• (1545)

In conclusion, it is atrocious of the government to set up within the nation a separate set of nations without having an appropriate governance system. It is inappropriate to do that. It is awful that the government is suggesting that there can be pockets of municipal-like governments that are not subject to the same rules as other adjacent municipalities.

We are asking for a very simple amendment, that when the law is passed first nations must obey the rules and laws of the municipal acts of the provinces in which they exist. They have to enter into meaningful negotiations.

It is atrocious that people who have been leasing land in the area to be affected can essentially have their life savings and their homes wiped out. There is no protection for them. I do not believe that is right. The government should be paying attention to the very legitimate rights of landowners and investors who have put their life savings into their properties.

Prior to the bill becoming law some local band councils have been driving the value of property essentially to zero, putting lease rates so high that they cannot afford to stay there. It is unconscionable that the values are down and they cannot afford to sell. They ought not to be doing that.

I urge members to support these amendments. Let us do that instead of just ramming it through like a bull in a china shop. Let us listen to each other. Let us listen to the reasoning. If it is valid, let us make the changes that are necessary. Then we will have an opposition that will be supportive of the legislation as improved.

**Mr. John Finlay (Oxford, Lib.):** Mr. Speaker, I think it will be difficult, after what I have heard today, to deal in any direct way with some of the ramblings of the opposition.

My friend from Elk Island said they are not able to speak to it. We have been speaking to it since 10.15 this morning and I have not heard a great deal that is on the bill, the purpose of the bill, or why the bill has been 11 years in the making. In fact, it has probably been 30 or 40 years in the making.

Some of the enlightened first nations of the country have been trying to become responsible, have been trying to get out from

under the paternalistic Indian Act for many years. Three times in fairly recent history the government has offered to scrap the Indian Act and to bring native people into full partnership in Canada. It has never been accepted, partly because it was too big a chunk to swallow and partly because first nations were at various levels of expertise or capacity for economic development of their reserves and their peoples. They suffered from that paternalism. They all recognized it, and we recognize it.

We are trying to take a step at the behest of 16 first nations and more that sought a review of federal policy on delegated land authority as part of a broader exploration of alternatives to the Indian Act. They began work on the legislation in 1991. In the last parliament it was Bill C-75 which unfortunately died on the order paper.

● (1550)

As vice-chair of the aboriginal affairs and northern development committee I have been dealing with this problem on behalf of the government, my fellow members in the House and the aboriginal people of the country for about five years. It is not very long, as the native people count their seven generations, but I have been struck by the capacity of these people to look after themselves, to take a hand in their own development. I have seen evidence where they have been given some encouragement in terms of what they can do.

I have read a good deal of the royal commission report on aboriginal peoples which talked about four things that were important if we were to bring first nations as citizens of Canada into Canada where they belong. They were respect for their values, for their spirituality, for their history, for their sense of land and for their sense of community; recognition that they are in fact citizens of the country; responsibility, which we had been summarily taking away since the passing of the Indian Act; and sharing, to share in the future of the land because we realize this is the second largest country in the world in area, much of it north of the 60th parallel.

In less than a month, on April 1, we will be celebrating the founding of Nunavut, a land, a territory, the northeastern arctic territory of the country which is one-fifth of Canada's land mass. It has fewer residents than the town of Woodstock, the county seat of Oxford, but it will have control and responsibility for its people, its land and its laws.

The first language of the territory will be Inuktitut. Cree will be a language as will English. They will start off on this great adventure and I wish them well. It would be too bad to go on carping about what other first nations want to do with their land in concert with the provincial governments which they must respect in terms of environmental matters, the Constitution and the charter of rights and freedoms that they fully accept.

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I hear opposition members railing that they have not had enough time to speak to it. If they had stuck to what was in the bill we might agree with them but they have not. They have talked about it being slightly flawed. I would like to know what legislation introduced in parliament since 1867 has been perfect.

I have heard from the opposition that it has to be right, that we have to do it right. Nonsense. We have to do it and do it the best way we know how with the best brains and co-operation we have. We have to give aboriginal people the right to go on and make some mistakes as we have done. We seem to think it will be perfection overnight. It will not be, but we will move along the road in the way those responsible for the aboriginal people want us to go.

As a new member in the House I sat beyond where the member from Perth is sitting and my colleague, Elijah Harper, addressed the House. He said to all of us including the opposition: "You don't get it, do you? You just don't get it. We were the first people here. It was our land".

Contrary to what a member of the opposition mentioned two weeks ago, they did not have a feudal system of government. The feudal system of government was something created by the Anglo-Saxon race in England.

● (1555)

The Indians had a communal, co-operative system of government. They traded the length and breadth of this continent and the South American continent. They have been here for 10,000 years. They existed in the face of the harshest conditions that the world knows. They were never defeated in battle in this country. They welcomed the white skinned people. They taught them how to survive in the wilderness, how to survive the winter, and they expect to be treated with some respect. That is what the report of the aboriginal people's commission said, and Gathering Strength which the minister published last year says how we will do it.

We need to pass the bill today. Members of the opposition worked with me in committee. They approved the bill in committee. They listened to the witnesses, to the people. They struggled with it. We asked for an amendment which we got. They said that was fine and they would support it.

A lot of good work is done in our committees. We match wits and we deal with a problem before us. Politics normally stay out of the way if there are a good committee chair and good committee members like we have on our committee. We came to an agreement.

Then I came in this morning and found that my colleague from Prince Albert was worried about giving band leadership more power. He agreed to the amendment. He agreed to the bill, but the big boss from Kootenay—Columbia came in and said "No, you

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can't do that. You can't go along with your colleagues and bring in a good bill because we are going to make some trouble".

If I had heard some enlightened discussion on what was wrong with the bill, I might not be so passionate about it. I have spent a lot of time, a lot of effort and a lot of work on the bill. I want it passed. I want the chiefs to be proud of it. I want the 14 nations to get on with running their own affairs. I want us to get on with Gathering Strength. As one of my colleagues said earlier, the four principles of that document are increased governance, partners, new fiscal arrangements and strong community.

What could be more important to the aboriginal people of the country? I rest my case.

**Mr. Grant Hill (MacLeod, Ref.):** Mr. Speaker, this is actually an important bill to me because I have a large number of big reserves in my riding. I will be presenting the problem with the bill in relation to a rural environment.

I start by saying that this is 48th time that time allocation and/or closure has been used by the Liberal government. It is a shame. I recall what members opposite said when they were over here about that issue. They cried long and hard. We stood here in the precincts of parliament unwilling to sit in our places this morning because it is inappropriate to be bringing in time allocation or closure.

Bill C-49 actually has a lot of good things in it. I will grant that to the member opposite. This is in fact a move in the right direction. Land management control to bands willing to accept that responsibility is the way we should be going. The member opposite also has a large native community in his riding and is very interested in this issue.

I will enumerate the bands within my riding: Eden Valley, the Peigan Band, the Blood reserve which is the largest reserve in Canada, and the Tsuu T'ina. The chief of the Tsuu T'ina Band was my Liberal opponent in the first election. He is a fine, articulate native man by the name of Roy Whitney. There is also the Siksika reserve which is one reserve that is very interested in the bill. It is a very advanced band with a highly educated administration. They are computer literate natives of the highest standards who are ready for land management control if any band in Canada is.

• (1600)

Our position, however, is that this bill is deficient in the area of co-operation with surrounding municipalities. I would say to my colleagues that if my own home town of Okotoks, a small community coming close to 10,000 people now, does something in a developmental sense, it must consult with the municipal district beside it. If it decides to put up an ammunition control facility, it must consult. That only makes sense, would it have an impact. If

the municipality outside decides to put a golf course in place, it must let the town of Okotoks know. It gets an opportunity to interchange, comment and if there is a problem, there is a modification.

I give two practical examples from the Siksika reserve of how that sort of consultation is not taking place today. It will not take place under Bill C-49 because Bill C-49 does not address this. This is not a casual issue but a significant issue. There is a boundary fence along the south side of the Siksika reserve which delineates. For those who have not spent time in a rural riding, this boundary fence is important because it keeps livestock from one side getting on to the other side. On the Siksika reserve there is a very large wild horse herd, 150, 175 wild horses. They spend much of the time during the day on the reserve and at night time cross the boundary fence which is old and broken down.

The neighbouring municipality, the town of Vulcan, which is the closest town, has tried for 15 years to get this boundary fence fixed. When it went to the band administration, it was referred to Indian affairs. When it went to Indian affairs, it was referred to the band administration.

Members may say from an urban perspective this is not significant. There is a roadway along that boundary fence. This roadway carries kids on school buses and large transport trucks. The number of close misses at dusk and at dawn when the horses are going back and forth is legion. In fact a school bus with kids on board nearly overturned when it swerved to miss the wild horses.

No one would take responsibility. There was no direct contact. Would this bill improve that? Yes, if there were the necessity to have a consultation process with the neighbouring municipality. That should be there. It could be there. It is not a major amendment to have it there.

The second issue farming individuals will understand. On one side of the fence is unfarmed, untended land, dirty land, weedy land. On the other side of the fence is highly valuable farm land, kept clean, tilled regularly where no weeds are allowed to grow. No one will take responsibility for the weedy portion inside the reserve. No one will cut. No one will look after it. Of course the weeds blow on to the farmland.

There is a lawsuit in place because there is no consultation back and forth between the two administrative levels that could have and should have been addressed in this bill.

To my colleagues opposite, would it be unreasonable to request the native administration to consult with the neighbouring administration? Why not? I can think of only one reason that we would not want to go that route and that is if we were treating the reserve as something unique, not as a municipal style of government but a

country style of government. That has not been envisaged. It should not be envisaged. I think it would be wrong to go that route.

I am in a position where I would like to have the opportunity to have a reason that this is not addressed. This is Group No. 1 amendments and I tried to be very specific to the Group No. 1 amendments, not to stray but to go directly to the consultation component.

• (1605)

I wish I could understand why my colleagues opposite would not address this consultation which, to my mind, is profoundly important and profoundly necessary.

The municipal government from the outside has raised this with me and asked me to speak to it in the House. The councillors have asked me to deal with this in the House and this is my opportunity. It is an opportunity, however, that is attenuated by the fact that other MPs with exactly the same concerns now will not be able to speak. I think that is a shame. I think it is dreadful.

I would like to speak directly to the Siksika band so that I can reiterate how comfortable I am with the land management arrangements that it proposes. I think it is likely to consult better with the surrounding municipalities without the department of Indian affairs as a buffer. I think there will be a better relationship. I would be profoundly reassured if this bill made that certain. Every municipal act that I have read takes the time to make that certain.

I will try not to waste the House's time but to mention again how advanced these reserves are. I have not spoken of the Tsuu T'ina reserve which has also a very highly advanced administration. Natives there have gone to university and can debate and discuss on any level with anyone.

The native communities do need to become independent. They should not be subservient to the department of Indian affairs. They should move down this path but they should also be as accountable and consultation wise able to discuss with the surrounding municipalities.

My hope is that Bill C-49 will still be altered. I wish it would be altered before we were forced to vote on it in this inadequate form. I will look forward to the opportunity to discuss with my own native community things that could improve it from its perspective, as I represent it here.

It is an honour to be its representative here, to represent individual needs of natives as well as their collective needs, Eden Valley, Peigan band, Blood reserve, Tsuu T'ina and Siksika.

I would ask that the government still consider putting in a consultation component. Amendments that have been put forward would stifle and still my concerns about this bill completely. Once again, it is an honour to represent those interests in the House.

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**Mr. Inky Mark (Dauphin—Swan River, Ref.):** Mr. Speaker, I am pleased to speak today on Bill C-49, the first nations land management act.

Like my colleagues, I am not happy with the government's evoking time allocation for the 48th time. I certainly hope the government resists the temptation to invoke time allocation on certain other bills. As I understand, next week it may do the same on Bill C-55.

I come from a riding with 13 Indian reserves. Bill C-49 will have profound implications from what I have heard today. I hope the government slows down the process and consults the aboriginal community certainly at the grassroots level before passing this bill.

I want to focus today on the issue of simple fairness as it relates to Bill C-49. Bill C-49 proposes to give significant jurisdiction to certain Indian bands, including the authority to collect taxes from residents on reserve land.

Bill C-49 fails to take account of how these jurisdictions affect residents on reserve lands who are not status treaty Indians. So far in dealing with the residents of the Musqueam development of lower mainland B.C., the Musqueam band is proposing the collection of horrendous rents from resident leaseholders.

The Musqueam's proposed rent will have the effect of driving residents who own homes built on leased lands out of their homes. I have received briefs from the people who are affected by this proposed change to the act. They have had numerous town hall meetings and have many issues to be concerned about.

• (1610)

In some cases the band's rents are driving out senior citizens who have resided on the Musqueam development for the past 30 years. Annual rental payments for each lot are now in the range of \$28,000 to \$38,000 depending on lot size. Currently rents are based on a percentage of the property value if these properties were owned outright, including the land. The homeowners do not own the land on which their homes sit. Property taxes have recently been doubled into the \$7,000 range by the band's taxation authority. The homeowners' only recourse is through the courts. Currently they are pursuing their case before the Supreme Court of Canada.

The homeowners have no voice on the Musqueam band council nor with the band's taxation authority. The are not entitled to vote in band elections. Even if homeowners choose to pay unreasonable land rent, they know their homes are now rendered worthless.

Under Bill C-49 the Musqueam band will obtain sweeping powers of expropriation. Bill C-49 restricts recourse to the courts of the provinces and of Canada. Under Bill C-49 charter protection is no longer guaranteed. Where is the fairness in this kind of legislation. Why is the Indian affairs minister pitting Canadians against Canadians? In the name of fairness to all stakeholders the

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Minister of Indian Affairs and Northern Development should withdraw this unfortunate bill forthwith or certainly approve its amendments.

Most Canadians believe the granting of self-government powers to first nations is a reasonable solution to historical problems. However, the manifest unfairness of Bill C-49 is its effect on non-natives who have property interests on first nation reserve lands.

I have been asked to bring forth to the House concerns about the Musqueam band issue. The first nations law that Bill C-49 enables will apply within the boundaries of reserve land. Therefore people can choose whether to subject themselves to such laws based on whether they choose to enter reserve lands. However, the reason Bill C-49 would be outrageously unfair to existing non-native leaseholders on reserve land is that such leaseholders would be automatically subject to any new first nation law. Whether they approve or not by virtue of their pre-existing leasehold interests, choice is effectively violated.

I will present to the House some thoughts on the Musqueam situation vis-à-vis Bill C-49. This is seen as a squeeze play by the federal government. The government can give away all the self-government power it wants provided that it is acting fairly to all parties involved. In other words, people caught in the middle like leaseholders on reserve land should not be destroyed in the process. It is only reasonable. After all, this is supposed to be a democratic country.

This is also seen as an abuse of power. The powers granted under Bill C-49 are much too broad and are apparently not restrained by checks and balances. Unchecked power tends to abuse, as we all know in the House. In this case the law is giving aboriginal bands the right to abuse with impunity. Bill C-49 would be all right if there were some safeguards, for example guaranteed charter protection for the non-native people who live on the reserve.

Concerning the lessons of history, the American revolution was in part fought over this issue. The Americans objected to the authoritarian rules of the British monarchy and thus revolted in order to establish a system of government with fundamental checks and balances to counter the supreme power of the leader. Today in Canada our system of government follows this model, supposedly. It is known as democracy.

On Bill C-49 in the context of appeasement, appeasement does not always work since the party receiving the benefit will invariably ask for more power in the future. Just ask Prime Minister Chamberlain before the outbreak of World War II.

• (1615)

Another thought on this bill is future uncertainty. Once a break occurs, no one can control the direction in which it spreads. Bill

C-49 grants wide, sweeping powers. Once established the future evolution and scope of the powers cannot be predicted with any degree of certainty.

This dynamic evolution of law is a fundamental element of our common law system. Therefore, once such broad powers are granted, they may be very difficult to restrain, since they will be able to use the full force of the legal system in the fight to keep such powers entrenched. Before granting such powers, the government should carefully consider all of the downside permutations lest there be future regrets.

The Musqueam situation is unique. It is a 10 sigma event, one that just happens to fall through all the cracks. The three pronged combination of property taxation, rental dispute, and Bill C-49 expropriation could be used to destroy the leaseholders completely. In other words, the leaseholders can be hit with any of the prongs in any order to maximum effect. The catch is that it is perfectly legal.

On the provisions of Bill C-49, clause 28 deals with expropriation. Expropriation can occur for any first nations purpose. In other words, it is effectively carte blanche. Expropriation takes effect from the moment of its registration or 30 days, whichever is shorter. In other words, it can have immediate effect.

Fair compensation is to be paid along the lines of fair market value. In the case of the Musqueam, current FMV is zero. Appeals of fair compensation are to be had through their own internal review structure, one that is sure to confirm any initial assessment. It is uncertain whether or not the usual courts of Canada can be engaged in reviews of fair compensation. It is arguable that they are not since this bill is essentially granting powers of self-government.

I would like to close by stating that self-government by the bands means that they are being granted the right to write their own criminal legislation along with penalties. Penalties follow the summary conviction stream, meaning the maximum penalty is either a \$2,000 fine or six months imprisonment. They are also being given the power to hire their own justice of the peace and police.

The combination of all the powers under this section would effectively allow a band to create its own criminal justice system. And the application of the charter is uncertain. Therefore, there is no guarantee of fairness or due process. This is very alarming.

I urge all members of the House to support the amendments.

**Ms. Sophia Leung (Vancouver Kingsway, Lib.):** Mr. Speaker, as an MP from British Columbia I want to express the great concerns British Columbians have regarding Bill C-49. I have had a number of meetings and discussions with B.C. residents and mayors and also with the ministry of Indian affairs to express my concerns.

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First I want to speak on the consultation process between the first nations and the municipalities. Let me refer to the correspondence between the Union of B.C. Municipalities to the Land Management Board representing the 14 first nations. The UBCM clearly supports the concept of mutual reciprocal consultation on land use and responded to a draft discussion paper in very favourable terms. I quote: "The UBCM aboriginal affairs committee has now considered the draft discussion paper on land use and related matters. The draft discussion paper between first nation governments and the municipalities including a number of cities states they will consult with one another on a regular basis regarding the following issues of mutual concerns: First, their land use plans in existence at the time of this agreement and in the future. Second, environmental impacts from development on their lands. Third, the provision of the local infrastructure and services to their residents. Fourth, cross-boundary land use issues. Fifth, general concern regarding land development and its effect on their respective adjacent lands".

• (1620)

I am pleased that the consultation process is already in place. The five B.C. first nations are involved in discussions with UBCM to develop a process to address the issue of consultation. Those five first nations have agreed to consult off reserve governments and other interested parties on major developments that would affect them. They are currently working with the Union of British Columbia Municipalities to develop the appropriate consultation mechanisms. Such a consultation process must protect the interests of all Canadians which is what I support the most.

Under Bill C-49, first nations could not exercise expropriation powers arbitrarily. Expropriation by first nations would be for community purposes only, such as water and sewage projects or a public building like a fire hall. Bill C-49 requires first nations to clearly define their expropriation powers in their land codes before they are ratified by the community.

I want to pay tribute to many British Columbians, officials and mayors for their input and opinions regarding Bill C-49. I convey their opinions to my colleagues in this House as I speak now as their representative from B.C.

**Mr. Charlie Penson (Peace River, Ref.):** Mr. Speaker, I am happy to take part in the debate at report stage of Bill C-49, and specifically the group one amendments that are before us today.

It is clear that this is an area that needs a lot of work. From my own experience in my riding of Peace River there are a number of reserves with significant problems which I think need to be addressed down the road by disbanding the Department of Indian Affairs and Northern Development and letting the reserves take control of the situation themselves. One aspect that is really hurting that prospect right now is the fact that they still have to have communal property. I will speak to that in a moment.

The glaring problem in Bill C-49 is that it fails to require a band to consult with adjacent municipalities on land use issues. These issues have a potential impact and implication for other municipalities. There needs to be consultation and co-operation, otherwise it may lead to conflict which quite often hurts and delays industrial development, environmental clean-up and many other issues.

That is why my colleague from this side of the House suggested that we should have consultational amendments that will help ensure that bands have local community support in writing, to create a much smoother transition from the remote control aspect that we have seen under this government and Indian and northern affairs to what we might have, which is local control by bands that do not meet development problems that exist when we have two municipalities existing side by side.

I suggest in many respects that is what we really should have here. These reserves should really be municipalities.

I hear the NDP members talking. I guess they will probably have their turn in debate so I would hope they would use this opportunity to listen to others while they are speaking.

I believe that we need to have local government at the band level, a municipal style government, not government that gets into provincial or federal areas but which is a delegated government from the province on down. It seems to me that by having municipal type government on reserves, if we had a good municipal style election process, we would have greater responsibility on the reserves as well. We would have an election process that was under the courts and would have to be adhered to more openly.

• (1625)

My big concern today has to do with the communal property aspect as I was suggesting earlier. It is one important change we could make by repealing the Indian Act and moving away from the Department of Indian Affairs and Northern Development and establishing a better relationship with the local reserves.

I suggest that as long as we have communal property aspects rather than fee simple title on the reserves, we have the potential for a lot of problems. We know that the communal property aspect has not worked anywhere around the world in the socialist or communist countries. I am not sure how we intend it to work here and work effectively.

I want to tell the House about a friend of mine who passed on about two years ago. A Cree Indian from northern Alberta, from the Beaver Lodge Hythe area, Archie Calihou was a friend of mine and I talked to him at great length. Archie told me that he had some of

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the best advice of his entire life when his father said to him when he was a young man, "Archie, don't take treaty". The reason, his dad said to him, "You are going down a dead end road, Archie". Archie took his advice. Archie went on to become a war hero for us. He fought in the second world war. He worked very hard to help his people out with substance abuse counselling and he worked very hard as an advocate for people on personal issues. Archie said to me when I was elected, "You have to do something here to address this communal property aspect. Down the road in 100 years my friends out there on that reserve at Horse Lake and their descendants are going to be no better off in 100 years than they are right now. Look at my situation. My wife and I did not take treaty. We have our own home in Beaver Lodge. My friends on the Horse Lake reserve are having a great deal of difficulty. They try to get ahead, yet what happens to them with the communal property aspect? There is no reward system".

Private property gives that reward. We take chances in life when we have private property. We have a farm ourselves. We make investments. We know that sometimes we make good investments, sometimes we make bad investments. We make good decisions, or we make bad decisions, but we live by them and we learn from them. But when people have a piece of property that does not really belong to them, when they are working a piece of land and all they can do is lease it for a farm, and they do not know about the long term tenure of that lease, and there is no possibility of it ever becoming theirs, what hope do these people have?

We have to move beyond this situation. Clearly we have to move to a system where people have fee simple title to land. Fee simple title is an aspect of life we enjoy in Canada and I would suggest it has worked very well for us.

We see what is happening in some countries, for example Russia, which still has not been able to make that transition out of the communist system to go to private property. They are wallowing. They cannot produce enough food for their own people under that kind of system. I talked to people who were here from Estonia. I asked them if they had been able to move back to the private property aspect and they said that after having communal property it is very difficult. People get used to that security of the government over all those years.

I suggest there is an analogy here with what we are talking about today. They get used to that security blanket and they are not willing to take any opportunities and chances for themselves. They said that the result is very little production. The production levels in Estonia need to be increased.

I believe that will happen over time, but only when we make the transition back to the fact that people can have private property and it will be their decision to go ahead or not based on their own industry.

I support the amendment by my colleague which suggests that we need to have a consultation process between Indian bands on their reserves and the local municipalities.

• (1630)

I know from firsthand knowledge in my area that it is important that we have that. It seems to me that municipalities should work together. In fact, it is a requirement in all other municipalities in Canada that if one is suggesting an industrial development that will affect the other they have to consult. I am not sure why we would want to move away from a model that is working well throughout the rest of Canada.

It is a very good amendment. I look forward to further debate on the other aspects of this bill later on.

**Mr. Gerry Ritz (Battlefords—Lloydminster, Ref.):** Mr. Speaker, I am pleased to rise today to speak to Group No. 1 amendments to Bill C-49, a framework on first nations land management. It is a great title.

My colleagues from Skeena and Prince Albert have done a considerable amount of work on this issue through committee and through the various stages in the House of Commons. But we have only scratched the surface of what is really wrong with this government's approach to native Canadian issues.

Our amendments to Bill C-49 call for the co-ordination of first nations land code changes in concert with their municipal neighbours and in line with the laws and provisions set out by the provinces in which the effected lands are located. Otherwise it would seem to me that what this government has in mind is to set up a fourth level of government superior to the provinces and with no accountability to the other Canadians around it who are subject to property taxes and codes much more restrictive than what we see in Bill C-49. Who would believe that a Liberal government would undermine the provinces and hand out special privileges based on who a person's grandfather was?

We have to assume that every member of the House and most Canadians are interested in the same thing, the greatest prosperity for the greatest number of people. We all want to see a country that has stable families, good health and education for its citizens and the maximum opportunity for individuals not only to provide the necessities in life but also to enjoy leisure activities that make life more pleasant. How a country can best provide these conditions is where the parties in this place disagree. That is why Canadians vote for different parties and hope for the best.

Canadians both aboriginal and non-aboriginal look at misguided legislation like Bill C-49 and they are still hoping for the best. It is more likely that very few Canadians, including those aboriginals

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who are directly affected by it, will get to see this legislation or to understand its implication. Again we have closure. We forget how little time ordinary citizens have to follow the deliberations that consume our time in this place. When we do hear from them we tend to pick and choose what we want to hear depending on whether they already agree with us or not.

We cannot forget that what comes out of here in terms of legislation has real consequences. While we are trying to appease one group we may end up victimizing another. I am sure everyone is familiar with the plight of the residents of Salish Park on the Musqueam reserve in B.C. Twenty or thirty years ago they signed 99 year leases with the federal government to build homes on the native land. We have to assume there were perfectly legitimate reasons for the arrangements made by the federal government then. But before a generation has passed a new ideology was loose in the halls of this government and all the promises and legal documents that once offered rights to one group were torn up in the interest of giving new rights to another group.

I am aware that native bands are familiar with this process. They have been fighting it for years. But to continuing to make and break deals with the victim group of the week is never right, no matter who is the victim and who is the beneficiary. The non-native residents of Musqueam lands now find themselves cut off from recourse to such basic rights as voting for local representation. They have no way to protect their property against expropriation by a band council that also has the right to raise their property taxes by any amount and then offer them arbitrary compensation after the value of their property has collapsed. As I said, some may defend this abuse of constitutional rights of one group by saying they had a sweetheart deal in the first place and now they must pay the piper. If I were a Musqueam band councillor or chief I would be nervous about this weak minded logic since it suggests that every agreement made by government can be tossed out at the discretion of a later government.

Let us not be mistaken that what we are talking about is a bunch of displaced white homeowners. The provisions of this bill that hand over open ended powers to almost unaccountable legislative structures fall heavily on natives as well. We as MPs should have all received an e-mail recently from Wendy Lockhart Lundberg who is described as a registered status native and a member of the Squamish nation. Ms. Lundberg describes Bill C-49 as a legislative end-run around treaties and as a little publicized government bill. She said that her band council has sent a member to Ottawa to support Bill C-49 while not informing the general band membership of the existence of the bill itself. That does not sound like the conditions for effective legislation are representative to me.

• (1635)

Ms. Lundberg complains that the all too common tragedy of divorce on reserves leaves women and children high and dry.

Frequently the male assumes ownership of the matrimonial home as dictated by their band council and there is nothing here to change this situation.

This government might be willing to leave these issues dangling in its legislation but the B.C. Native Women's Council is not and is taking this government to court.

The letter goes on to say that all band members, not just women, may be subject to the limitless powers being implied by this bill. Anyone who is not interested in toeing the band council line may find their property expropriated for vaguely defined community works or other first nations purposes.

I can only speak from my experiences dealing with the complaints of native constituents in my riding, but the instances of abuse of band funding and administration are so outrageous that they would not be tolerated in any other part of the country.

We do not have a system in this country for making sure that the benefits provided by all Canadians go to those less fortunate on reserves. I can hardly blame native administrators for the way they take advantage of government handouts. If somebody handed any one of us a cheque for millions of dollars and said that we could spend it however the receiver of the money saw fit, I do not doubt that we would all be tempted to dabble in a bit of mismanagement.

When it concerns the dispensation of taxpayer money to party favourites we are angered. But this concerns people's lives. The Minister of Health and his colleague, the Minister of Indian Affairs and Northern Development, got an earful last week when they tried to brag to natives about the pitiful new health programs they came up with. The natives were angered that \$190 million would not go far enough. But they would have been better off getting an answer to the question where has all the money gone.

This country spent billions of dollars to make things better on reserves and has far too little to show for it. Most people would like to see a better way of doing things.

I guess the government will finally see that it is a two edged sword to falsely accuse others of evil intentions while trying to address the problems of the day.

We have to assume that the government is counting on goodwill and good intentions for the future implementation of this badly written bill. The problem is no one can do a good job in a bad system. This does not apply to certain races and not others for any kind of cultural differences. We are people. We all desire similar things from life. But if we do not have accountable, open systems of government that apply equally to everybody, we will simply be exchanging one group of disgruntled citizens for another.

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There is a tremendous amount of people out there who say they have not been consulted on this bill, women's groups and rank and file natives. They are all concerned that this will be an entrenchment of existing disparities and problems that are systemic in all levels of government acting on behalf of rank and file aboriginals. Rank and file aboriginal peoples are crying for a voice, someone to carry their message to the House. There has been a number of petitions presented here with regard to that.

As my colleagues have said here today, parts of Bill C-49 are a step in the right direction but very tentative, small steps.

**The Deputy Speaker:** Before resuming debate it is my duty to inform the House, pursuant to Standing Order 38, that the questions to be raised tonight at the time of the adjournment are as follows: the hon. member for Winnipeg North Centre, Health Care; the hon. member for Prince Albert, Aboriginal Affairs.

**Mr. Robert D. Nault (Kenora—Rainy River, Lib.):** Mr. Speaker, it is an honour for me as a representative of the most first nations of any member of parliament, some 51 and 40% of Ontario's first nations, to speak to this bill.

The first nations land management act obviously is a very important piece of legislation, important because it begins the trend and the change in direction of many years of a paternalistic policy that the federal government has had toward the more partnership oriented piece of legislation, a way of doing business.

Why anyone would be opposed to this is beyond me. I will speak a little to the opposition and its problems with the legislation as I go.

This bill is about accountability and about fairness. Again, I do not understand why anybody would be opposed to this bill. This is about 14 first nations opting out of the Indian Act sections on land management. This is about allowing first nations to establish their own regimes to manage their reserve lands and resources.

• (1640)

I do not know why anyone would be opposed to this in the modern society we live in today.

It is important, if we want to speak to an amendment or to where we are headed as governments, that we ask ourselves what would flow from this new regime. For a first nation chief and council what would this do for the first nation or the first nations that will flow over the years? This is only a start.

We hope other first nations will take on the challenge of this land management act. What will come out of this is experience and expertise.

Experience and expertise are important if someone is to change the way we do business between first nations people, the Government of Canada and the provinces involved.

What this will do is generate revenue through economic development. I wish my colleague from Macleod were here because he represents a very large first nation that has the basic infrastructure in place. Once there is the basic infrastructure, the next issue is economic development.

Without the tools at someone's disposal locally, economic development does not occur. I have a number of first nations in Kenora—Rainy River that are at the level of wanting to create employment for their children.

The way the Indian Act reads and is set up, they cannot even divide land for industrial development within their own reserve. That is ridiculous in the world we live in today.

People opposite say why can first nations people not have more employment. Here is a reason why. We are now starting on a new regime in order to entice first nations to do just that, to have land management, to create industrial parks.

Certainly they may have golf courses and things like that. Would any other community trying to create economic development not do so? Economic development flows from land management regimes. No one should have a problem with that. We are trying to get unemployment down, are we not, in all different communities.

It also ensures community decision making. That is where I have a really difficult time with my friends opposite. I have sat here now for a number of years listening to the Reform Party almost suggest that every first nation leader and council is crooked.

I am getting tired of that. I am getting fed up with hearing people say those elected people are not capable of making local decisions. I can speak from authority on this subject.

There are many first nations people who are as qualified as we are to run their communities and more so. Yes, there are problems in the aboriginal world relating to politicians who do the wrong thing. I suggest it happens here. It happens in provincial legislatures. It happens in municipal legislatures with non-natives.

We cannot use this huge brush over people to make it seem like first nations people cannot run their affairs. Quite frankly, that is total nonsense.

To the amendment and the little spin the Reform Party put on consultation, there is no law in Canada that says that parliament has to consult. It does not exist. There is no law provincially that says consult. It does not exist.

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Ask Mike Harris. He does not consult very often. He did consult at election time. He won. I accept that. Now first nations people get elected. They have a chief and council. If they decide not to consult and they do the wrong thing, then people will make up their mind at election time whether they are the right people for the job. We will deal with that in a democratic process.

On the Reform Party position, it is very specific and very clear what its objective is. It looks at first nation communities as municipalities. A municipality is a creation of provincial legislation. This is not in the Constitution. It does not exist in the federal laws we have.

They can be changed by provincial governments whenever they so choose. I can say from experience in Ontario our friend Mike Harris has changed municipalities around so often we are not sure what we are any more. That is a scary sight.

I do not think it is necessary to consult all the time but I do think it is the neighbourly thing to do. We should consult because we live next door.

• (1645)

I do not think it is necessary to put that in the legislation. If I am to expropriate a particular piece of property on reserve because I am building a subdivision and I want to build a road where there are two houses, I do not believe I should have to talk to somebody in Vancouver about that if I am a thousand miles away. I think this is a frivolous and unnecessary amendment to the bill. As we know, if one wants to expropriate and some people do not agree they can go to the courts under this piece of legislation. They have rights just like we do. That is fair.

If members of the opposition really want to help first nations people out of poverty, they should think about this as far as accountability of fairness goes, stop playing politics with the issue, and stop believing that first nations are municipalities because they are not. They are more than that. They sign treaties.

If one wants to look at it from the perspective of the Liberals, first nations are more like provinces in jurisdiction. They are our partners and we will deal with it in that way. We cannot deal with it in the way we deal with municipalities because if we do we are destined to fail.

This is a great beginning but there is a long way to go. Only 14 first nations have taken the leap to look at the new opportunity to have direct land management on reserves. I wish all 51 first nations in my area, once they have had an opportunity to review this legislation, will make the decision to follow suit because what we are trying to do is create economic development.

I wanted to add my words today to those of the government side and tell the opposition members to get real. If they really want to

see unemployment go down, they should start allowing first nations to have some control over their own lives.

[Translation]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, right off, I want to congratulate the first nations on their patience. I am sure they are watching the debate this afternoon, because they have been in on the debate since the start. I remember even that the 14 first nations were here in the last Parliament when Bill C-75 was introduced. I know they have worked long and must be very impatient to have this bill passed.

I want to give some clarification on the course of this bill, because there have been all sorts of rumours. The first nations even thought at one point that the Bloc Québécois was intentionally holding up the process, which was entirely wrong.

I wish to note, and I hope to read it in *Hansard* tomorrow, that I myself asked my House leader to speed up the process, to ask the government to put it on the parliamentary agenda as soon as possible. I think we were initiators in this matter, the people who really supported the bill of the 14 first nations.

There was not even a request from the government before the recent recess. The Liberal Party should have sought unanimous consent to extend the debate, but it did not.

We are not in charge of the government's agenda. We can only follow. We are as anxious as the first nations to see this bill pass.

As for the Reform Party amendments, I have examined those that are grouped. There are three motions. I have a problem with the following wording in Motion No. 6:

—that the governing bodies of neighbouring jurisdictions have confirmed in writing that consultations respecting the land code have been completed—

In my view, this gives neighbouring jurisdictions a veto. Implementation of the land code and self-government for these first nations could be put off indefinitely, merely by claiming that consultations have not been completed and refusing to confirm in writing that they have been. There would then be an obligation to negotiate almost indefinitely, if that was what people wanted. There is a certain danger here.

I wish to develop the concept of consultation, which the Reform Party often tells us is important. And right they are. But to go from that to provisions that could paralyse a process, or postpone it indefinitely, is something else again. On the topic of consultation, I look at how the first nations have lived here in North America long before our arrival.

• (1650)

Were they consulted when we landed in North America, in Quebec, in Canada, and decided to take over their lands and gradually squeeze them out?

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Were they consulted when the decision was made to create residential schools and to break the aboriginal culture and language? The children were sought out systematically on the reserves and taken to the residential schools. Were the aboriginal people consulted properly? Of course not.

Were they consulted when the Indian Act was passed a hundred years ago or so, that obsolete piece of legislation that is still in force in Canada? It is close to being an embarrassment. There are clauses in this act which date back to the last century. At that time, the Indian agent had to be asked for permission to raise cattle on the reserve, to grow grain to feed the cattle. The act is full of incongruities such as these.

All this to say that we whites have never done much in the way of consulting the aboriginal people.

I referred to the aboriginal schools, but one could also refer to the treaties. Some of my colleagues have spoken of their ancestors saying "Sign no treaties". The royal commission has certainly demonstrated very clearly that there has been a kind of renegeing on signatures to treaties.

This has been seen recently with the social union. Sometimes agreements are short-lived. A document is signed, and then within two or three days, they are renegeing on their signature. As the Premier of Quebec has said, the ink was not even dry on the document and they were already renegeing on it.

That is how it was in the past with the aboriginal people. The treaties contained certain clauses. These were nation-to-nation treaties telling the people "We will put you on reserves. We will look after your health". Now, as soon as they set foot off the reserve, that is the end of it, the government no longer looks after them.

As for consultation, I believe that the concept ought perhaps to be pushed to the limit. It is true that the aboriginal people have not been consulted. Today, when the shoe is on the other foot and the aboriginal people want to assume responsibility for themselves, extreme consultation is going to be demanded, and we are going to protect ourselves in advance to the extreme against any potential aboriginal encroachment on our lands, our gardens, our pocket-books.

When people are told "We will give you the chance to fly on your own and to take control of your affairs", provisions must not be included preventing them from doing so.

I think it important to intervene with respect to the motions in Group No. 1, but I draw members' attention to the fact that there is a problem as well, and I hope we will have time today to speak to the motions in Group No. 2. Some people have touched on the problem. The Indian Act I mentioned earlier is so antiquated that it contains no provision on marriage breakdown. There are Bloc Quebecois amendments on this in the second group.

As for the motions in Group No. 1, I wanted to say that the Bloc cannot support the Reform Party amendments that require consultations be signed, written, notarized and the whole shebang. We cannot have that.

However, on the subject of marriage breakdown, I think my colleagues should listen carefully. Aboriginal women in Canada and many Canadian women's groups have asked us to intervene on this, because no provision in the law covers these women currently.

They are the victims of a legal void that must be filled. I am not sure that we can fill it with our amendments, because we will be filling it for 14 first nations, when there are 625 in Canada. But it is a start, and the aboriginal women have asked us to do this.

I will be speaking again when the House considers the motions in Group No. 2, to shore up my argument in favour of these women a little more.

[English]

**Mr. Monte Solberg (Medicine Hat, Ref.):** Mr. Speaker, it is a pleasure to speak to the amendments on Bill C-49. Let me say at the outset how disappointed I am that the government chose to invoke closure once again. I believe it is the 48th time the government has done so since it came to power, setting an all time record and thereby cutting off debate on an extraordinarily important issue.

This issue is of fundamental importance especially to many aboriginal women and children who are uncomfortable with some of the provisions of Bill C-49. It does not give the public the ability to find out as much as it should possibly know about a measure which will effectively establish a third level of government in Canada.

• (1655)

We condemn the government for what it has done and for its anti-democratic stance which reared its ugly head too often in the six years since it has been in power.

Let me speak specifically to some of the provisions in the legislation. Although the Reform Party is sympathetic to parts of Bill C-49, we do have grave concerns about other aspects of it. I just mentioned one of those things a minute ago.

The Reform Party has sought amendments to Bill C-49 to ensure that property division laws are put in place, to ensure that aboriginal women and children are properly treated on reserves after the legislation is in effect. Many people have made the argument—and we have heard it from grassroots aboriginal women—that in the past sometimes on reserves they do not get proper treatment when it comes to the division of property in the case of a divorce, for instance.

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The Liberal government claims to have a social conscience. I would think it would be very concerned about this aspect or this vacuum in the legislation. It opens the door for abuse and I am very concerned about it.

I condemn the government for not being more sensitive to the needs of aboriginal women and children. It is unconscionable that the government would leave this to chance. Many right thinking Canadians would be alarmed to find out that a Liberal government would sit idly by and allow this legislation to be pushed through when it could be amended to ensure that women and children on reserves are protected. Sadly the government sits there and does nothing. It sits on its moral high ground, pretending and mouthing words that it cares, but when it comes to action it does absolutely nothing. That is unconscionable.

The second point I want to make concerns the arbitrary ability of the third level of government of reserves to essentially go ahead and make changes to leases, to expropriate property with 30 days notice. In many cases people have invested hundreds of thousands of dollars in this land. Now they will be subject to what amounts to a very arbitrary process which would imperil their investments. It is ridiculous that the government would allow it to go ahead without proper protection for investment.

My colleague a moment ago was arguing how it would do so much for investment on reserves. They have this arbitrary power and have exercised it already in other examples. I know my colleague from Abbotsford will be speaking to this point in a moment. I think it will completely negate any positive outcome that we might see by the implementation of Bill C-49. That type of uncertainty will act as a disincentive to people to invest on Indian reserves.

I encourage my friends across the way after they invoked closure and before they plough it through to listen to what the Reform Party is suggesting, which is that there be some amendment to ensure that people's properties are protected when they sign leases with the bands that will be affected by the legislation.

My final point with respect to the amendments is on consultation. I do not understand why the government is so opposed to the principle of consultation with municipalities that will be very dramatically affected by the legislation.

My friend from Kenora—Rainy River said we do not really need to have it in there because we do it as a matter of course. I am afraid that does not sit very well with municipalities that will be at the mercy of the reserve, the band next door, and with absolutely no guarantees. They will have millions of dollars of investments in infrastructure of various kinds and absolutely no consultations with the reserve next door. I think that should be in the legislation. I think the government should be chastised for not putting it in there.

Those are three of our concerns with respect to Bill C-49: no protection when it comes to property division laws, the arbitrary power to change leases, and no consultation with municipalities.

• (1700 )

However, it does raise the larger question of how to ensure that native people in Canada do come to enjoy the prosperity that many Canadians take for granted, which they have been left out of for a long time.

I point out to my friend across the way, who is trying to enter the debate, that for the last 130 years we have had mostly Liberal governments in Canada and they have not served natives well. In fact natives have seen their standard of living fall. We have seen unbelievable levels of alcoholism on reserve. We have seen absolutely shameful treatment of natives by this government. It should hang its head in shame instead of pretending that a band-aid bill like Bill C-49 is somehow going to help them.

I urge my friends across the way, if they really care about natives, to do the things that would really help natives. My friend from Peace River had an excellent suggestion. What about adopting the idea of allowing natives to have title to fee simple property? Every country in the world believes in private property, but this government is not prepared to give natives the ability to have private property on reserve.

We then end up in the situation where, although people can strive and work off reserve to build up their land and their assets, that is simply not possible if they want to stay on reserve.

Why is this government cutting off every chance that native people have to better themselves by not allowing that? I think it is unbelievable that the government clings to this vestige of community property which simply does not work. It does not work anywhere in the world, but the government seems to think it is the solution. It is backwards and it is behind the times, but the government continues to hang on to it.

This government should do a better job of listening to grassroot natives. We had an example not long ago where we had grassroot natives who were asked to write the minister so they could tell her about some of the abuses that occur on reserves across Canada. What happened when they wrote to the minister in confidence? Someone in the minister's department sent the letter back to the band council, which ended up suing the person who sent the letter in confidence. That is unbelievable but that is how this government treats natives in Canada today. I think it is ridiculous.

We could point to a hundred other examples of how grassroot natives are treated disdainfully by this government. Grassroot Reformers and Reform MPs have talked to hundreds of natives across Canada who have nothing but disdain for the way this

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government allows some of the abuses to continue on native reserves in Canada.

While my friends across the way can talk in that high moral tone about how they care and how compassionate they are, in the end their actions simply do not match their words. We see natives in terrible trouble in Canada today. Those members should hang their heads in shame.

**Mr. Chuck Strahl (Fraser Valley, Ref.):** Madam Speaker, it is a pleasure to address this bill today.

As other people have said before me, I too am very disappointed that the government has chosen for the 48th time to use time allocation to shut down debate on this bill. I hope, as it says, it is trying to give power to the aboriginal people at whatever level of government it thinks this is going to slot into. I hope the government is not suggesting to those aboriginal people, who are hopefully going to form some sort of new and improved democratic system amongst their own people, that they follow the Liberal example of shutting down debate in an open forum. I certainly hope that is not their hope and dream.

Someone recently explained to me what the definition of insanity is. Insanity is explained as doing the same thing over and over again and expecting a different result every time. If that is the case, then I think the Liberal government is pushing the very levels of insanity. It thinks that by tinkering with the way it treats aboriginal people, by tinkering with something like this land management bill, that somehow prosperity will spring from the ground and aboriginal people will suddenly be much better off because of it. But such is not the case.

• (1705)

The government is again treating aboriginal people not the same as all other Canadians, but in a special category, a separate category. It is not like a municipal government. It is not really like a provincial government. It is some other sort of government that will get different treatment, like the aboriginals have had for far too long in this country. Instead of having full and equal access to all parts of the Canadian mosaic they are shuffled off into a special category, with a special set rules, a special set of tax laws, special land use contracts and all that stuff. Suddenly they expect that they will become as prosperous as other Canadians. It is not going to happen.

I have 15 reserves in my riding. I am quite familiar with the issues. I met last week with realtors in my riding who sell both titled land, fee simple land, as well as land and houses that are leased from aboriginal groups and sold as condominium developments and so on in the local area. These realtors, which represent some of the finest developers and realtors in our area, are more than willing to sell this product. They know about the bill. Their question is: What are we to tell our clients about the certainty of the

land we are selling to them? They are selling land based on a 99 year lease. They say that there is a 99 year lease so it is okay. They say that may well be, but look at what has happened with the Musqueam Band. Instead of helping the aboriginal people to develop their land with surety and certainty, they are pulling away and backing off. Instead of the much needed funds that aboriginal people need to develop their land and their opportunities, that money is drying up because people are saying they cannot be sure of the system.

It is not just the Reform Party that is saying this. I would like to quote from a letter that was sent by the leader of the Liberal Party of British Columbia. When it comes to land use and assurances about expropriation and so on, Gordon Campbell writes in his letter:

I was given similar assurances by former Minister Tom Siddon that Musqueam leaseholders' rights and interests would be fully protected before he would sign off on the transfer of authority over these leases to the band.

That was a promise made by a minister of the government to Gordon Campbell when he was the mayor of Vancouver. The minister promised him that the rights and interests would be fully protected. That commitment was not honoured.

He further wrote:

The Musqueam Band is now using their unchecked authority to extract unconscionable lease and tax hikes from those residents, while your government has sat idly by and done nothing.

When we have to live with this sort of bill it does not become a theoretical exercise. It does not become an esoteric discussion of the pros and cons of clauses 4, 5 and 6 and the rest of it. It becomes an absolute economic life and death issue to the people who are concerned. They do not say whatever and take their chances. The proof is in the pudding. The proof is that we cannot trust the government if it is not in the bill.

One minister may have good intentions. I never doubt the Minister of Indian Affairs and Northern Development. She says whatever she says in the House and I take it at face value until proven otherwise. The problem is that if it is not in the bill we cannot trust the word of anyone in this place. We cannot trust it because that minister may be gone tomorrow. There may be somebody else in her place. That minister could conveniently forget. There could be a challenge to the constitutionality of it or the finality of it by an Indian band. There could be a regular court challenge. Who knows where it might end up.

By not explicitly covering the concerns that we have brought forward in amendment, then I believe the government is ensuring that because of that uncertainty we will doom aboriginal people again not to be treated like others, but to be treated differently.

That is a shame. As I discussed with the realtors the other day, we can show example after example around the world where the

creation of wealth, the creation of prosperity, is contingent on the right to own, possess and enjoy property.

• (1710)

There are some things we might want to do as a collectivity. We might want to have the local arena owned as a collectivity. But when everything we touch is owned as a collectivity, then how are we ever going to have prosperity? It cannot work.

I shake my head over a similar kind of philosophy which exists in the Nisga'a agreement. In my province there are particular types of industries that are in decline. I can name them. I used to be in one of them. I was a logging contractor. The future for logging is not what it once was in our province. It is a declining industry. It certainly is very important, but for a variety of reasons, including the actions of this government, it is in decline.

What about the fishing industry? It is not the industry it once was. It is a very important industry, it is still a key industry, but it is not, as a percentage of our provincial output, what it once was. I could give other examples.

What are they doing with the Nisga'a agreement? They are making a deal with this group of people to ensure that they are stuck in industries which are doomed not to grow. They will make sure they stay in those industries which are in decline. They will make them hewers of wood, carriers of water and fishermen. That will suddenly spring great prosperity upon these people.

The government has basically told these people that it is going to give them the industries that are in decline and it will take all the rest of it. It will create the wealth and enjoy the prosperity, and they can stay on their land out there and be tied to the industries that are in decline. The government will take the cream of the crop.

Again aboriginal people are going to be shuffled off to the side and told to take what they are given. The government will take the prosperous, the growing, the innovative industries for itself. What a shame.

In addition to the concerns I mentioned about private property being treated differently and the fact that without certainty we are not going to get development, and without assurances on consultation with local municipalities we are not going to get good, harmonious working relationships, besides the obvious, I would like to mention another part of this letter that is very alarming. It is the same letter from the Liberal leader of the opposition in British Columbia who writes about why this bill scares aboriginal women living on reserve.

When this bill passes there will be no assurances on the breakup of a marriage that the woman will have any access to what we

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would say is rightfully hers, half of the property the couple has built together. The reason we have so many signatures from so many aboriginal women's groups saying "Please do not pass this bill" is because they are afraid for their financial well-being in the case of marital breakdown.

When this government pays lip service both to aboriginal people and to women, saying that it is concerned about both, and in this case proves that it is not concerned about either, then I share the concern of those women who have come to us. All I can do is empathize with them, tell them that we do not agree with the bill and that we are doing everything we can to put amendments in place to protect them. We will continue to work on their behalf.

**The Acting Speaker (Ms. Thibeault):** Is the House ready for the question?

**Some hon. members:** Question.

**The Acting Speaker (Ms. Thibeault):** The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Thibeault):** All those in favour of the motion will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Thibeault):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Thibeault):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Ms. Thibeault):** Pursuant to Standing Order 76(8), a recorded division on the proposed Motion No. 1 stands deferred.

• (1715)

The recorded division will also apply to Motions Nos. 6 and 7.

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ)** moved:

Motion No. 2

That Bill C-49, in Clause 6, be amended by replacing line 14 on page 5 with the following:

"(d) any other relevant matter set out in section 17(2.1)."

Motion No. 3

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That Bill C-49, in Clause 17, be amended by adding after line 43 on page 9 the following:

“(1.1) The general rules and procedures must provide for benefits, rights and privileges of the parties in cases of breakdown of marriage, that are at least equivalent to those set out in subsection 17(2.1).”

Motion No. 4

That Bill C-49, in Clause 17, be amended by adding after line 5 on page 10 the following:

“(2.1) Until the general rules and procedures are incorporated into the land code or a first nation law containing the general rules and procedures is enacted under subsection (2) the following provisions applies:

(a) Each spouse in a marriage is entitled to an undivided one half interest in the matrimonial home and the certificate of possession, notice of entitlement, notice of entitlement issued, or such other evidence of entitlement to possession of the land upon which sits the matrimonial home as may exist from time to time when

(i) a separation agreement;

(ii) a declaration by the court on the application of either party that the parties have separated and there is no possibility of reconciliation

(iii) an order for dissolution of marriage or judicial separation; or

(iv) an order declaring the marriage null and void respecting the marriage is first made.

(b) An interest under paragraph (a) is subject to a marriage agreement or a separation agreement.

(c) This section applies to a marriage entered into before or after this section comes into force.

(d) A “matrimonial home” is a home on reserve and the land on which it sits, in which one or both spouses has an interest and which has been ordinarily used by a spouse or a minor child of either spouse as a home within the two years before the date of an application under this section.

(e) For the purpose of this Act, a “marriage agreement” is a written agreement made before a marriage between two people which deals with real or personal property and/or maintenance between them during and on breakup of their marriage. The separation agreement must be signed by each party and witnessed by an adult person who is not related to either party.

(f) For the purpose of this Act, a “separation agreement” is a written agreement made between two spouses who have separated from each other, which deals with real or personal property and/or maintenance between them during and on breakup of their marriage, and in particular which deals with the right to occupy or to divide the matrimonial home. The separation agreement must be signed by each spouse and witnessed by an adult person who is not related to either spouse.

(g) An order under this section is for may be for interim relief pending determination of the rights to the property of the spouses by agreement or by a court having jurisdiction in those matters; or the order may be a final order.

(h) On application, the court may order that one spouse for a stated period be given exclusive occupancy of the matrimonial home.

(i) An order under paragraph (g) does not authorize the spouse to materially alter the substance of the matrimonial home unless it is a final order which gives the spouse exclusive sole ownership of the matrimonial home;

(j) Subject to paragraph (i) a right of a spouse to exclusive occupancy or use ordered under this section shall not continue after the rights of the other spouse or of both spouses, as owner or lessee are terminated.

(k) Where an order for exclusive occupancy or use has been made under this section, the Court, on application, may order that the rights of a spouse to apply for partition and sale or to sell or otherwise dispose of or encumber the property be postponed and be subject to the right of exclusive occupancy or use and may, in its order, vary the order made under this section.

(l) The Court may, on application, make an order for partition and sale of the interest of the spouses in the matrimonial home. Any such order for sale is subject to the limitations on ownership of the reserve land established from time to time by the band council.

(m) A band council shall issue a band council resolution entitling a spouse to exclusive occupancy of the matrimonial home upon presentation of a copy of an order under this section or a validity executed marriage or separation agreement.

(n) A band council shall issue a band council resolution transferring an interest in the matrimonial home to a spouse in accordance with an order under this section or a marriage or separation agreement upon presentation of a copy of the order or a validity executed marriage or separation agreement.

(o) A band council shall take all necessary steps to facilitate the sale of the spouses' interest or interests in the matrimonial home, and shall issue any band council resolution required to give effect to a sale completed after an order for partition and sale under this section.

(p) A court may, on application, order that while the spouses continue to live separate and apart, one spouse shall not enter premises while the premises are occupied by the other spouse or a child in the custody of the other spouse, whether or not the spouse against whom the order is made owns or has a right to possession of the premises.”

Motion No. 5

That Bill C-49, in Clause 20, be amended by replacing line 39 on page 11 with the following:

“land; and

(f) the general rules and procedures, in cases of breakdown of marriage, respecting the use, occupation and possession of first nation land and the division of interests in first nation land.”

He said: Madam Speaker, I was a bit worried that this group of motions could not be considered today, because they have been the focus of many representations from native women's groups.

Representations were also made to the parliamentary committee. The British Columbia Native Women's Society met with us, as did the National Native Women's Conference, of which Marilyn Buffalo, to whom I pay tribute, is a member.

At the time, the view was that, in a first nation, it was the band council's right to decide. Those who came to testify during consideration of the bill by the committee seemed to say that their respective communities had been fully consulted. There were even

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petitions from women's groups saying that the bill was excellent and should be passed as written.

However, following consideration of the bill by the committee, many other representations were made, in particular by Quebec's native women. Finally, the Bloc Quebecois decided to intervene.

There is an important point, I believe. I mentioned it earlier. The Indian Act, which is over a hundred years old, contains no provision for marriage breakdown. This means that, when a marriage breaks down on a reserve, the man can often order the woman out of the family home. The woman is simply kicked out and obliged to find shelter elsewhere.

Contrary to provincial legislation, there is no provision for the protection of matrimonial property or its division. There is absolutely nothing. It is a complete legal vacuum.

• (1720)

So the women started to show an interest in this issue. They came to meet us, telling us that perhaps some amendments ought to be moved.

The 14 first nations are the pioneers as far as settling this issue is concerned. As the act states, the 14 first nations are to prepare a property code, but where marriage breakdown is concerned, they have 12 months to include arrangements for settling this matter in their respective codes.

Our problem, however, is that during those 12 months no application will be possible, that is to say the legal vacuum will continue. Hence the importance of our introducing an amendment which will cover that 12 month period.

Looked at overall, this is a major problem for Canada. There are no provisions at the moment, and if the proposed amendments are accepted, they will settle the matter for 14 first nations in Canada, whereas there are 600 in all. The underlying issue must therefore be settled. Will there be an amendment to the Indian Act? Will there be special legislation? This could always be looked into.

The minister had clearly understood the dynamics and knows there is a legal vacuum. In June of last year, she decided to set up a focus group. In June 1998, she told a group of British Columbia native women "I am going to set up a focus group so that you can cast some light on the issue for me". To our great surprise, confusion and disappointment, not one thing has been done to date. No one has been appointed. The matter has not been given the importance it deserves.

The Bloc Quebecois is therefore obliged today to introduce amendments today to include provisions in the bill so that, in these 14 first nations, when a couple faces problems and the marriage breaks down, various questions can be answered, including: What

will happen exactly to the family home? What happens to the family heritage? How will the basic question be resolved, as the provincial laws provide?

That is where the problem lies. That is related to the decision in the Derrickson case. I cannot remember the year, but it is fairly recent. This lady went to the supreme court to have the matter decided, and the court said simply "Madam, there is no provision in the Indian Act to protect you".

Therefore the legal void has existed since then, and the government has, unfortunately, not corrected the situation. There is also some danger if this problem is not solved in general terms. This is what native women have said. They have said "Every time a bill on economic matters or management matters comes before the House of Commons, we are going to ask you to introduce amendments". I think it is important therefore to resolve the matter in its entirety and not piecemeal.

Every time a native bill comes before the House, there will likely be serious representation from native women. They will say "You will introduce amendments to the bill to remedy this legal void that has existed now for 100 years".

The Bloc Quebecois said "We will introduce amendments, even though we know the basic issue is not settled". We have already questioned the minister on the issue generally. We will also continue to ask the minister what is going to be done about this problem, which may well get worse over time. There will soon be legislation with respect to the Nisga'a, to water management in Nunavut, to a host of problems that could end up with native women demanding amendments because they have been overlooked.

The situation could get very difficult in the weeks, months and years to come, unless the underlying issue is resolved.

I also wish to pay tribute to the 14 first nations who were the groundbreakers, as it were. It was they who pointed out that there was a problem, even though they were going to be allowed to govern themselves. They pointed out that the Indian Act would no longer apply, that they would be responsible for land management. But they realized that there would be a problem, that women were not protected. These people had therefore already done a very good study by the time they appeared before the committee.

• (1725)

However, there are still at least eight or nine first nations that have not finished examining the issue and have undertaken to do so in the next 12 months. We will have to take our lead from the work these people have done, because they are the first to look at the problem. One day, this will have to take in more than the 14 first nations. Otherwise, every time a native bill is introduced in the

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House, it will be held up by those who want amendments introduced to deal with the issue of women's rights.

The situation is clear, and I would like to draw it to the attention of members opposite. They could perhaps test the feasibility by starting with this bill. Once again, the provisions before us today cover only the 12 months in which women are still in a legal vacuum. After that, there is a mechanism in the bill providing for mandatory arbitration in the event agreement is not reached.

This means that the issue will go to arbitration and be resolved, but only for the 14 first nations, not for the 600 others, hence the importance of dealing with the problem today. I urge members to support these amendments and give these people another 12 months in which to give some thought to their land code and include provisions for marriage breakdown.

So as to avoid a 12-month legal vacuum, we will implement the provisions before us today, the amendments moved by my colleague, the member for Laval East, and myself.

I therefore urge my colleague to support these amendments. I am anxious to hear from them, even if time is running out, as the vote is at 6.15 p.m. I hope they will vote in favour so as to cover this legal vacuum for once and for all for these 14 first nations. For its part, the Bloc Québécois undertakes to pressure the government to come up with a comprehensive solution to the problem.

[*English*]

**Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.):** Madam Speaker, I would like to speak in support of Bill C-49 and address a number of important questions that have arisen as a result of the question of matrimonial property, an important and legitimate question.

As members are aware, the bill ratifies a framework agreement that will provide 14 first nations with authority to manage their lands at the community level and to pass laws for the development, conservation, protection, management, use and possession of their land.

The bill is a good bill, one which gives first nation communities control over their future, provides new opportunities to work with neighbouring communities, and creates jobs and growth both on and off reserve. It is above all a bill that arises from the desire and the will of the 14 nations participating in this process.

As hon. members know, matters involving changes to the Indian Act and the provisions of new powers and responsibilities for first nations can be very complicated and, as we have seen here today, complex. The complexity has become more apparent in the past couple of years as the framework agreement took shape and began to elicit discussions among first nations. What is inspiring about

this process is the capacity for first nations communities to find ways to resolve issues that have arisen.

No one is suggesting that the federal government step in and resolve issues on their behalf. We seek instead to provide a legislative framework in which the communities can get on with the task of running their own lives.

A good example concerns how matrimonial property will be dealt with in the case of matrimonial breakdown. The signatory first nations will be at the forefront of this issue. They have agreed to tackle an issue that today the government is grappling with: how to address the legislative gap respecting matrimonial real property on an Indian reserve. This is a complex legal issue that must be resolved in the interest of fairness and equity. I am glad to see that the first nations agreed to this process.

Let me outline for the House the nature of this issue and the steps that are proposed to be taken to resolve these important questions. In the *Derrickson v Derrickson* case the Supreme Court of Canada highlighted this issue very succinctly for us. Here was a case where matters respecting matrimonial property were challenged before the courts. This case provided clear direction respecting reserve lands and access to marital real property rights.

• (1730)

The supreme court ruled that provincial laws respecting the division of matrimonial property assets in cases of matrimonial breakdown applied except to interests in reserve land. Reserve land being within federal jurisdiction, provincial laws respecting use, occupation, possession and division of an interest in cases of matrimonial breakdown are not applicable to interests in reserve land.

In March 1997 the British Columbia Native Women's Society and two individual plaintiffs mentioned the framework agreement in a suit launched against the government in the Federal Court of Canada. The plaintiffs claimed that the federal government failed to fulfill its fiduciary obligations to married Indian women with respect to the division of matrimonial real property upon the breakdown of marriage.

As hon. members are aware, division of matrimonial property, and I know that some across the way do not know this because they argued contrary to that only a few moments ago, falls within provincial jurisdiction. The provinces apply the principle of division of matrimonial assets on an equal basis. However, reserve lands are held by Her Majesty in trust of the crown for the use and benefit of the band. Provincial laws therefore cannot be replicated in their entirety on the reserve lands.

At the federal level there is no provision in the Indian Act regarding the division of matrimonial property in the event of a marital breakdown. Non-band members and non-aboriginal people cannot hold an interest in first nations land, nor can they reside

there without the permission of the first nation council or the community. That has been in the Indian Act and understood.

Where a lawful interest has been granted to an Indian member of the band, this interest cannot be reassigned unless the individual agrees to the transfer. In addition the transfer cannot be made to the band or another Indian member of the band.

In the case of *Derrickson v Derrickson* at the supreme court, the courts provided that compensation can be provided for the reserve assets which cannot be divided. The end result is that the assets are still divided equally between spouses. However, there is no access to an order transferring the matrimonial home or interest in reserve land, the same order that would be available outside a reserve to a woman or a man going through a marriage breakdown.

Hon. members will appreciate the problem. The 14 first nations want to get out from under the land management provisions of the Indian Act. Provincial laws respecting property cannot be applied. There must be a solution to resolving how to divide the matrimonial property that both will be equitable and respectful of the capacity of first nations to come up with a system that is in keeping with the values of their own community.

First nations are seeking the authority to develop solutions that fulfill the needs of their communities and the interests of equity. The 14 first nations and Canada have amended the framework agreement and the bill before us to address the issue of matrimonial property on first nations land.

The signatories have agreed to address these issues of property rights in the framework agreement and the bill before us today. Under Bill C-49 and the framework agreement the signatory first nation must, not should, shall or may, but must establish a community process that will develop rules and procedures within 12 months from the date the land code takes effect.

The rules and procedures cannot discriminate on the basis of sex and include a process of arbitration should the first nations not meet those criteria. That would provide sufficient, broad based and complementary protections to those offered in the charter that of course apply in this particular piece of legislation. It has to be done in 12 months. It cannot discriminate. More importantly in that process, even if the women in a particular community vote in a way that makes others unhappy, there is an appeal process that is allowed both in the framework agreement and the bill. That allows those who are grieved to seek redress properly if they so choose within the context of that agreement.

• (1735)

According to the bill before us, extensive consultations must be undertaken during the development of the land code to inform and seek the opinions of the community membership. First nations

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have given strong assurances that as part of their first nations community process they will solicit the input of all on and off reserve members of their community, including aboriginal women. Nothing precludes a community from addressing the issue at the beginning of the process. The important point is that the community decides when and how it will address these issues.

A dispute resolution mechanism will be available to both Canada and the individual first nation members. I repeat that individual members can also challenge the rules before a court. Yes, before a court.

There is a larger issue at stake here, one that goes beyond the 14 first nations that have ratified the agreement. What can be done to resolve the current vacuum concerning the division of matrimonial property in the Indian Act?

Last June the Minister of Indian Affairs and Northern Development announced that she was prepared to work in partnership with these groups in establishing a fact finding process with respect to the Indian Act. This process will examine the effects upon breakdown of a marriage on first nations members' rights to real property such as land and homes. Federal officials are now working toward the conclusion of this process.

The government is committed with those member bands who have agreed to sign on to this process to work with them fairly and equitably with redress to the courts, the normal appeal processes, the provisions of the charter, all of which will apply to protect the legitimate rights of aboriginal women in Canada today.

**Mr. Mike Scott (Skeena, Ref.):** Mr. Speaker, before I get into my remarks I would like to rebut a couple of things the parliamentary secretary had to say. I am pleased to see him here but it is unfortunate he has not yet seen fit to apologize to the Musqueam residents about whom he said some erroneous things. I have to be careful about the words I use here. Many of them have written to him and have asked for an apology for statements he made in this House but he has not seen fit yet to do that.

Part of what he said was that band members on reserve who do not like what is going on can go to court. The answer the government comes up with all the time is that they can litigate. What kind of an answer is that? Go out and litigate. If they do choose to litigate, Bill C-49 is the guideline the courts will be compelled to use when adjudicating any actions that are brought. It is obvious that if there is no specific guideline in Bill C-49 with respect to the disposition of marital property, the courts will be at a loss to determine how they will resolve that issue, as they are now.

The parliamentary secretary is wrong. This failure to include these protections is very simple. These amendments go a long way toward putting those kinds of protections into the act.

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I will read something into the record. Some of my colleagues spoke earlier about a letter written by Gordon Campbell, the leader of the official opposition in British Columbia. He makes a number of observations about Bill C-49 and he makes some recommendations about how it can be fixed. He says:

First, there appears to be no guarantee that women will have equal protection of property rights as men under the rules governing the breakdown of marriages.

As you know, some aboriginal women have alleged that women living on reserve have not always been treated fairly by band councils when marriages fail. They maintain that men have sometimes been granted preferential treatment with regard to housing issues, because property division laws that protect other Canadians do not apply on reserve.

• (1740)

All aboriginal women are asking for are the same rights that all other Canadian women have from coast to coast in this country. Why is this government refusing to give them that kind of protection in Bill C-49?

I will go on to quote Mr. Campbell, the Liberal leader of the official opposition in British Columbia:

—the act must be amended to ensure that the expropriation powers granted to first nations under section 28 cannot be abused. In view of the recent controversy on the Musqueam reserve, it is understandable that some non-native leaseholders are very worried about how first nations might be able to use their expropriation powers.

Again, a very simple amendment would provide the protection that non-native leaseholders are looking for, and indeed native leaseholders because we know that those circumstances exist as well. Again we have the government turning tail and refusing to listen to ordinary Canadians and grassroots aboriginal people about real concerns.

I am going to read into the record a letter that was written by Wendy Lockhart Lundberg who is a Squamish band member. This letter was written to the hon. minister of Indian affairs on January 31:

Dear Minister,

I am a Canadian citizen and status member of the Squamish Nation. I urge you to stop Bill C-49 from becoming legislation.

I did not know that the band council that I elected to represent me signed an agreement regarding land management. I did not know that the Squamish Nation sat before a Senate committee in Ottawa in December, 1998 and made representations on my behalf. I was informed by band council about treaty negotiations which would allow me to participate in an open and democratic process in determining the future of the Squamish Nation.

I am concerned that legislated council power will supersede the band's own land code.

I am concerned that the minimum participation of eligible members required to vote on the land code and process is only 25% which, for the Squamish Nation, currently represents, approximately, the number of members employed by the band.

I am concerned about the consequences of legislation that will not protect women upon marriage breakdown. I am concerned that if Bill C-49 is passed that native women will not have the protection of property division laws equal to all other Canadian women.

I am concerned about the content of Bill C-49, which legislates council power in their opinion to expropriate land. I am concerned that the claim made by my mother, Nona Lockhart, to her father, Henry Baker's property, will never be realized and could be permanently lost through expropriation.

I am concerned that even though my mother was reinstated, pursuant to Bill C-31, that council will continue to exclude her from her property rights. I do not hold hope that if in 14 years they have not returned her property to her that her plight and situation will improve if Bill C-49 is passed. I do not hold hope that if in 14 years they have not welcomed her to return to live among her family and friends on reserve where she was born and raised, that power legislated to council pursuant to Bill C-49 will end the discrimination she has suffered and endured ever since she married a non-native in 1947.

I also want to read into the record a letter from Marcella Baker, also a Squamish Band member, written to Senator Ray Perrault:

Dear Senator Perrault,

This letter comes to you in a state of dismay and disbelief. I have just received a copy of—press release “Liberals Ready to Invoke Closure to Pass Bill C-49” dated February 23, 1999, regarding the above-mentioned proposed legislation.

As a member of the Squamish Nation, I cannot believe that the Government of Canada is going to literally push this piece of discriminating legislation down our throats, without regard to the opposition we have presented to our members of Parliament and yourself.

She wrote to Jane Stewart, the Minister of Indian Affairs and Northern Development on January 21, 1999—

**The Deputy Speaker:** The hon. member for Skeena knows that he cannot refer to a minister or a member of the House by his or her name. I would urge him to be careful. He cannot do it even under the guise of reading from another document. He has to be very careful. I know he knows the rule in that regard and just forgot. Perhaps he will be careful.

**Mr. Mike Scott:** I take your point, Mr. Speaker.

She wrote to the Minister of Indian Affairs and Northern Development on January 21, 1999. The letter goes on:

In this letter, I asked her a set of questions that I thought were legitimate. Yet, with no response from her, it makes me wonder if she operates her department like our elected council operates our affairs, on our behalf.

Isn't that a scary thought? I am hoping that you, as Senator, do not condone the actions of either of these parties.

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We have presented our case of non-communication, non-democracy and total opposition to this proposed legislation and we have nowhere else to turn. We will be saddled with legislation that will once again, make native women fight for their rights with their elected chiefs and councils. I am sure that this is not the intention of the Senate Committee on Aboriginal Affairs. I urge you to please consider stopping this proposed legislation at your level.

• (1745)

I have one more letter to read into the record. This has to do with the expropriation of provisions of this bill. It is written by a real estate agent in Vancouver, Dexter Associates Realty, to a Mr. Less Cosman who is a former resident of the Musqueam reserve:

Dear Les,

Re: 4314 Staulo Crescent, Vancouver, B.C.

Further to our conversation regarding the MLS listing on the above noted property, enclosed please find a copy of the information I have obtained on Bill C-49 and the framework agreement on first nation land management. It is my understanding that Bill C-49 has gone through two readings in the House of Commons; once it has passed a third reading through the Senate, it becomes in full force and effect.

The impact of draft Bill C-49 will have a devastating effect on the value and the marketability of your home. In Section 28.1 of Bill C-49 the Musqueam Band will have the authority to expropriate your home for any band use they may decide upon. In Section 28.5 and 6, which refers to compensation for expropriation, the band would be required to pay fair compensation and of course if you do not feel that it is satisfactory, you may appeal to the band itself, as set out in the framework agreement. Your recourse may have little or no concrete effect. Also the maximum notice for expropriation is 30 days.

Regrettably, I recommend we immediately cease any and all attempts to market your home at this time. In my professional opinion, there will not be any buyer prepared to purchase a property with this type of encumbrance.

There are literally tens of thousands of leaseholders across Canada with leasehold interests on native reserves. Think how they will feel when they wake up and realize that their leasehold interests on reserve lands across Canada have no market value whatsoever; 60,000 in Ontario, 20,000 in British Columbia, tens of thousands across the country and these people here are willing to sell them out. They are not willing to consider the amendments to protect those leaseholders. I say shame on this government.

**Mr. Gerald Keddy (South Shore, PC):** Mr. Speaker, it is my pleasure to speak on Bill C-49 today and specifically on Bloc Motions Nos. 2, 3, 4 and 5.

These amendments make provisions within the legislation regarding matrimonial property. This was discussed at committee and the B.C. Native Women's Society requested a number of amendments to ensure that provincial standards are met until the land codes, developed by the individual first nations, are established.

Allowing provincial standards to set the minimum standards for dealing with matrimonial property would be welcome if there were

not already provisions within the framework agreement to ensure protection in the event of matrimonial breakdowns.

The legislation as it stands allows the first nations to develop their own requirements and standards with regard to matrimonial breakdowns within broad guidelines. If provincial laws are imposed on the first nations, it impedes the objective of this legislation, namely to allow first nations to have greater control over management of their land.

It is important to note that this legislation deals specifically with resources so when discussing matrimonial property, it only includes the land but has no jurisdiction regarding children or financial assets other than property.

While it is important to ensure that matrimonial property is handled fairly for all parties involved should a marriage break down, the land codes developed with community consultation and approval should be enough to ensure that this occurs. A dispute resolution process is also in place should the need for it arise.

These amendments therefore question the objective of this legislation without being necessary to ensure adequate protection for the participants involved in a matrimonial breakdown.

This bill speaks to much more than just matrimonial division of assets in the event of a possible matrimonial breakdown for first nations that have signed this land code. This land code is a far too important piece of legislation to be lost by some of the amendments that have been introduced to it.

• (1750)

I was at an event in Nova Scotia this morning. It was the unveiling of the newest quarter from the Canadian mint. It is a logging coin. The reason I bring this up is that since 1749 my family has been involved in the logging business and the sawmill industry in Nova Scotia. In the 1940s my grandfather ran the last steam mill that was located in New Ross, Nova Scotia where I grew up. In nearly 250 years never once as a landowner in Nova Scotia did we ask anybody if we could cut timber on our own land. Never once beyond the modern environmental guidelines did we ever ask somebody if we had the right to pursue an industry on our own property.

My sons are sixth generation on the small farm I live on. If we want to cut pulp wood, if we want to cut logs, if we want to build a fence, if we want to put in a pasture, if we want to build a road not once have we asked anybody if we could. That is what this deal is about, the ability of first nations to get out from under the umbrella of the Indian Act and to decide for themselves what they want to do on their own property. It is to make sure that they have the ability to do that. Prior to this piece of legislation they did not.

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It is a fact the House has to look at. It is high time that we dealt with the subject. We have ignored it for far too long. It is a good piece of legislation and I support it.

**Ms. Beth Phinney (Parliamentary Secretary to Minister of National Revenue, Lib.):** Mr. Speaker, I would like to speak in support of Bill C-49, the first nations land management act, and in opposition to Motion No. 2 in which the hon. member for Saint-Jean wishes to provide an interim matrimonial real property regime.

As this House is aware, the 14 first nations that signed the framework agreement have agreed to spell out rules on matrimonial real property rights that were not included when the agreement was drafted. The bill before us and the agreement spell out that the signatory first nations must establish a community process that will develop rules and procedures for a matrimonial property regime within 12 months from the date the land code takes effect. The rules and procedures cannot discriminate on the basis of sex. In the case where a first nation has not addressed the matter the crown may invoke an arbitrary clause to seek closure from the first nation on its rules and procedures.

According to the bill before us extensive consultations must be taken during the development of the land code to inform and seek the opinions of the community membership. First nations have given strong assurances that as part of their first nations community process they will solicit the input of all on and off reserve members of their community, including aboriginal women. I point out that nothing precludes the community from addressing this issue at the beginning of the land code process. The important point is that the community decides how it will address the issue.

Under the new regime first nations will be able to develop their own rules and procedures on the use and occupancy of their lands by band members, non-band members and non-aboriginal people. As well, a dispute resolution mechanism will be available to both Canada and individual first nation members. Individuals can also challenge the rules before a court.

We should leave it to the first nations, using this process, to develop an appropriate regime to deal with matrimonial property in the case of marital breakdown. The hon. member for Saint-Jean, however, would like to provide for an interim solution while the first nations come to grips with the issue. He would amend the bill to provide an interim matrimonial real property regime until such time as the first nations themselves establish a regime within their land codes.

His motion would remove a basket clause respecting individual agreements that have been negotiated by the parties to cover any other elements to which the first nations and the federal government agreed. That clause is important as it would allow the first

nations and Canada the opportunity to adjust for unforeseen circumstances that could arise during the negotiations of individual agreements.

• (1755)

However, the effect of the motion would be to make it mandatory for the first nations and the Government of Canada to include in the individual agreements elements contained in the new amendment. The effect of the amendment is to restrict the elements that would be included in the individual agreement. Therefore we cannot support this amendment.

The issue of the division of matrimonial property in the event of marital breakdown will be resolved by the first nations. The communities themselves will decide. But there is a larger issue at stake here, one that goes beyond the 14 first nations that have ratified the framework agreement and affects all first nations: what can be done to resolve the current vacuum concerning the division of matrimonial property in the Indian Act?

Last June the Minister of Indian Affairs and Northern Development announced that she was prepared to work in partnership with the aboriginal organizations to assess this issue and to establish a fact finding process with respect to the Indian Act. This process will examine the effects upon breakdown of a marriage on first nations members' rights to real property such as land and homes. Federal officials are now working to establish the fact finding process. Letters of invitation have been sent to the aboriginal partners to participate in a meeting where the terms of reference for the fact finding process will be discussed. The minister will make further announcements on this initiative in the near future.

Clearly then in Bill C-49 we have 14 first nations that will address the issue of real matrimonial property through a community process. Supporting this community process is the right thing to do, rather than having some imposed solution as proposed by these amendments.

**Mr. Ted White (North Vancouver, Ref.):** Mr. Speaker, in listening to the debate we cannot correct wrongs against one set of people by implementing rules or bills which work against another group. With all due respect to those members who are from the Ontario area, I do not think for a moment that they understand the impact this bill will have on our province of British Columbia where about 90% of all of the Indian bands are located. I just do not believe that they understand. Even if they do not understand, can they not look at all the letters of protest from the people who are supposed to be their friends? The Liberal Party of B.C. is opposed to this legislation. Two hundred and sixty Squamish band members in my riding have signed petitions, sent me letters or phoned my office in opposition to this bill. Can these members not at least ask themselves the question that perhaps there is something wrong with this bill?

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Three mayors in north and west Vancouver and the union of B.C. municipalities are now opposed to it, contrary to what was said by a member earlier this afternoon who was reading historical material. It was because the union of B.C. municipalities did not understand the implications of the bill.

When some of the mayors started to talk to the UBCM and said what about this and what about that, suddenly they became aware of the implications.

I read from the *Vancouver Sun* of Saturday. There was a major article about this bill in which band members were quoted. Squamish band member Wendy Lockart Lundberg says federal Reform members are the only elected officials who have helped her and other native women concerned about this bill.

Reformers are also the only members who have taken seriously the concerns of the mayors of the municipalities in our region. I have spoken to Liberal members on the other side, a few of them from the Vancouver region. They know the problems with this bill. They have spoken also with the mayors in their areas. Some of them have even been to the meetings of the Musqueam leaseholders. They know this bill is defective. They would like to see it changed and they have told me that they have tried to get that message through to the minister.

• (1800)

It is a shame that the minister is being so obstinate about the bill. I just do not understand why they will not make a few simple amendments to the bill that would make it possible for us to support it. The basic idea of the bill is excellent. Everybody agrees this is the right thing to do, but we cannot have expropriations that do not have to comply with the Expropriation Act.

Elders on the Squamish reserve are afraid that their own chiefs will expropriate their certificates of possession, their right to live in the homes on the reserve. We cannot pass a bill that allows that to happen.

The municipalities are concerned that the land code can be developed in complete isolation of the surrounding communities. That just does not happen at a provincial level. The municipalities of West Vancouver, the district of North Vancouver and the city of North Vancouver must consult with one another. There is no veto power, but when there is a new development they must consult. That is what should be happening in the bill.

I would like to read from a piece which appeared in the *North Shore News* this last Wednesday because it involves the Minister of National Revenue. We just saw the Parliamentary Secretary to the Minister of National Revenue stand to support the bill. Yet her boss knows nothing about the bill. He does not understand it.

He met with the three North Shore mayors in North Vancouver just prior to last Wednesday and told them they could appear as witnesses at the committee. The hearings are already done. It is all finished. Here is the minister, from a Vancouver area riding right in the middle of the problems, and he does not know which way is up.

The mayor of West Vancouver, Pat Boname, whose husband ran against the member for West Vancouver—Sunshine Coast as a Liberal, a self-confessed Liberal, a card carrying Liberal, said, as quoted in the *Vancouver Sun* on Saturday, that it was a genuine concern, not a Reform ploy. That is what West Vancouver Mayor Pat Boname said of the mayor's request that the bill be amended to require bands to consult with neighbouring communities before undertaking major development.

The member for West Vancouver—Sunshine Coast and I organized a meeting in late January with great difficulty. We managed to get Chief Bill Williams to come along and we met with the three mayors. At that meeting the chief indicated that we would be entering a new era of consultation and co-operation.

A week and a half later the chief is on the front page of the *North Vancouver* newspaper turning sod on a new housing area, 380 housing units. He had not mentioned it a week and a half earlier to the mayor of West Vancouver who has to provide all the policing, ambulance, sewer and water services, all the services that have to be provided. After he said that there would be a new era of consultation he did not even mention it to her when he had the opportunity.

That is why the bill needs a requirement for consultation. It is not a veto. It is just so people know what is going on. The difference between the Burrard band and the Squamish band in my riding disappoints me greatly. The Burrard band has good relationships with the chief. He is very progressive. I have had lunch with him. We get on well. We can talk. We do not agree on anything but we can talk, and that is what it is all about. It is a completely different attitude from that of the Squamish band.

I am terribly disappointed the chief cannot see that the best way to achieve his goals would be to sit down with people and talk about them. The Squamish reserve is probably the most valuable piece of land in the entire country with beautiful views of downtown Vancouver, spectacular views of downtown Vancouver. There is nothing wrong with developing and earning a living from that land and doing what the Squamish band wants to do, but it cannot be done in isolation from the rest of the community.

West Vancouver does not go ahead and build roads and high-rises without talking to neighbouring districts. We do not want that to happen here. We want harmony in the community and the harmony comes from talking together, not from acting as if it is a

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separate nation. Unfortunately that is the kind of attitude that we are getting.

• (1805)

I would certainly be remiss if I did not recognize people like Marcie Baker from the Squamish reserve and one of the elders, Maizie, who has worked so hard with the people on the reserve. When they first came to my office in December to ask me how parliament worked and about the bill, we provided them with copies and helped them get information about it. How they have worked on that reserve to build the support levels, the understanding, and how they have pleaded with their chief to at least call a meeting to explain the bill. It has never happened. I offered to go down and be part of that meeting. I never had an invitation.

Why is it that we only have letters opposed to the bill? Where are all the letters of government members that are in favour of the bill? Where are their petitions in favour of the bill? How come there are only letters against it? Does that not ask a question? Could there be something wrong here? That comes back to the beginning when I stood.

Supposed friends of the government, the Liberal Party of B.C., oppose the bill. The municipalities of the greater Vancouver area are opposed to it. The leaseholders on the Musqueam reserve and native band members themselves are opposed to the bill. There is something dreadfully wrong with that scenario, especially when the government side cannot produce a single letter or a single petition to support their side, other than from chiefs, often unelected chiefs. They are bulldozing ahead with it.

I will say in closing that I was very impressed with the land code that was produced by the Muskoday, the first exposure that I had to the type of land code that there could be. I would sincerely hope that such a good land code could be adopted in the Vancouver area for the bands that are affected. Unfortunately the present climate is not conducive to the development of that sort of land code. The band members themselves are expressing concern that they will not have the input that they should have.

I would like to ask the government one more time to please slow down, stop for a little while, have some more committee hearings and get some more input before we proceed with what is basically an excellent idea. It just needs a few amendments.

**Mr. Derrek Konrad (Prince Albert, Ref.):** Mr. Speaker, it seems like the Liberals do not want to hear it out in the field and they do not want to hear it in the House so we have closure everywhere on Bill C-49.

The member for Saint-Jean, our colleague, has shown more concern and more initiative in looking after the needs and concerns of native women than all members opposite. It puts the government to shame.

Members opposite have said that the current climate easily divides the assets of a family breaking up on a reserve. That is just great, except that the assets do not include the family home. I ask which is more important: a car, a few pieces of furniture, or a home where people can live and where children can be raised. That is entirely important.

We took a long second look at the legislation and saw that we would have a patchwork of rights. There will be no legal standard applied from reserve to reserve. That might be okay if there were no movement from reserve to reserve. I have talked to native women who have grown up on one reserve, married someone from another reserve and found out that they did not have the rights they thought they would have as married women. We do not think that is right.

We see the results of family breakdown in cities across the country. My own offices are in the downtown cores of two of the major towns in my constituency, right across from a bar in one case, and I see what homelessness does to people. The need is really extreme. People need to have a home. This legislation could be improved. Nobody would lose by adopting an amendment like this one. The Reform Party will be supporting the amendments. They will do the work for the bands that needs to be done.

• (1810)

The parliamentary secretary has indicated that the minister is willing to work on this problem. That is good, but for a year or two or three nothing will be done. If the legislation was 10 years in the works, how long will it be before we get legislation from the minister? In the meantime we have this patchwork legislation. Provincial laws cannot be adopted by the bands, but if they were made into federal laws that could be done.

They talk about the values of a community as if the values of a community were paramount, over and above the need of children to have hope. What are the values of a community that does not involve children? We cannot talk about one without the other.

They talk about discrimination on the basis of sex, that it does not happen. They should not talk to me about that. How many native women have I had in my office who have talked about losing their rights because they married outside the band? That has been partially given back, not fully. Land is given to the bands in their name and they are not even living on the reserve. Or, if they want the benefits, they have to move to some remote reserve. Is that equality? Give us all a break.

I want to raise another issue. We can talk about giving them freedom, which is good, but let me point out that government members interfere all the time in the affairs of the provinces as has been recently brought out. They defer to individual bands of 200 or 300 people or 1,000 people because they cannot be a threat to the authority of the Liberal government, but when it comes to the provinces there can be interference with all kinds of different

rulings. They have to make sure the authority of the Liberal government is paramount when it comes to the provinces.

I would like to read something said by the Prime Minister when he was minister of aboriginal affairs in 1969. He indicated that Indian relations with other Canadian peoples began as special treatment by government and society and special treatment had been the rule since Europeans first settled in Canada. He said that special treatment had made of the Indians a community disadvantaged and apart and that obviously the course of history must be changed.

Further he stated that the Government of Canada believed its policies must lead to full, free and non-discriminatory participation of Indian people in Canadian society. Such a goal, he indicated, required a break with the past and that the Indian people's role as dependants be replaced by a role of equal status, opportunity and responsibility, a role they could share with all other Canadians.

With these few amendments we are looking for some equality and responsibility, the responsibility to consult and equality in the breakup of a marriage. These are good things. These are not bad or difficult things. They should be accepted by people of good will.

I would also quote an elder from the Saskatchewan Indian Federated College talking about the problem of entrusting band councils to develop divorce laws. He said that the problem with entrusting band councils to develop divorce laws was that traditional customs were vague.

If the customs are vague and it is acknowledged by one of their leaders in the federated college, why in the world is it not seen as problematic by the federal Liberal Party? It should allow the new amendments to go through which will protect and enhance not only the bill but people which the bill purports to benefit.

• (1815)

[Translation]

**The Deputy Speaker:** It being 6.15 p.m., pursuant to the order made earlier this day, it is my duty to interrupt the proceedings and put forthwith all questions necessary to dispose of report stage of the bill now before the House.

The question is on Motion No. 2. 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.

### Government Orders

**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:** The recorded division on Motion No. 2 stands deferred.

[English]

The recorded division will also apply to Motions Nos. 3 and 4.

[Translation]

The next question is on Motion No. 5. 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 nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on Motion No. 5 stands deferred.

[English]

The House will now proceed to the taking of the deferred recorded divisions at the report stage of the bill. Call in the members.

• (1835 )

*And the bells having rung:*

**The Speaker:** The question is on Motion No. 1. A vote on this motion also applies to Motions Nos. 6 and 7.

• (1845 )

(The House divided on Motion No. 1, which was negatived on the following division:)

(Division No. 320)

### YEAS

#### Members

Abbott  
Bailey  
Cadman  
Cummins  
Epp  
Gilmour  
Grewal  
Hill (MacLeod)  
Hoepfner  
Kenney (Calgary Southeast)  
Konrad  
Mayfield  
Mills (Red Deer)  
Penson  
Ramsay

Anders  
Benoit  
Casson  
Duncan  
Forseth  
Goldring  
Hart  
Hill (Prince George—Peace River)  
Johnston  
Kerpan  
Mark  
Meredith  
Nunziata  
Pickard (Chatham—Kent Essex)  
Ritz

*Government Orders*

Scott (Skeena)  
Strahl  
White (North Vancouver)—35

Solberg  
White (Langley—Abbotsford)

Speller  
Stewart (Brant)  
St-Jacques  
Telegdi  
Torsney  
Valeri  
Vautour  
Wasylcia-Leis  
Wilfert

St. Denis  
Stewart (Northumberland)  
Szabo  
Thibeault  
Ur  
Vanclief  
Volpe  
Whelan  
Wood—170

## NAYS

## Members

Adams  
Assad  
Augustine  
Bachand (Richmond—Arthabaska)  
Baker  
Barnes  
Bellemare  
Bergeron  
Bertrand  
Bigras  
Blondin-Andrew  
Bonwick  
Boudria  
Brien  
Brown  
Calder  
Carroll  
Cauchon  
Chan  
Chrétien (Frontenac—Mégantic)  
Coderre  
Coppes  
Cullen  
Debien  
Dhaliwal  
Discepola  
Dromisky  
Duceppe  
Dumas  
Easter  
Finestone  
Folco  
Gagliano  
Gauthier  
Goodale  
Gray (Windsor West)  
Guay  
Harb  
Harvey  
Ianno  
Jackson  
Jones  
Karetak-Lindell  
Keys  
Kilgour (Edmonton Southeast)  
Kraft Sloan  
Lastewka  
Lebel  
Leung  
MacAulay  
Mahoney  
Maloney  
Marchand  
Marleau  
Massé  
McCormick  
McKay (Scarborough East)  
McWhinney  
Mifflin  
Minna  
Murray  
Nault  
O'Brien (London—Fanshawe)  
Pagtakhan  
Parrish  
Peric  
Pettigrew  
Picard (Drummond)  
Power  
Price  
Proud  
Redman  
Richardson  
Rocheleau  
Saada  
Serré

Alcock  
Assadourian  
Axworthy (Winnipeg South Centre)  
Bachand (Saint-Jean)  
Bakopanos  
Bélanger  
Bennett  
Bernier (Tobique—Mactaquac)  
Bevilacqua  
Blaikie  
Bonin  
Borotsik  
Bradshaw  
Brisson  
Caccia  
Caplan  
Catterall  
Chamberlain  
Charbonneau  
Clouthier  
Collenette  
Crête  
de Savoye  
Desjarlais  
Dion  
Doyle  
Drouin  
Duhamel  
Earle  
Eggleton  
Finlay  
Fontana  
Galloway  
Godfrey  
Graham  
Guarnieri  
Guimond  
Harvard  
Hubbard  
Htody  
Jennings  
Jordan  
Keddy (South Shore)  
Kilger (Stormont—Dundas)  
Knutson  
Lalonde  
Lavigne  
Lee  
Lincoln  
MacKay (Pictou—Antigonish—Guysborough)  
Malhi  
Manley  
Marchi  
Martin (Winnipeg Centre)  
Matthews  
McDonough  
McTeague  
Ménard  
Mills (Broadview—Greenwood)  
Mitchell  
Myers  
Nystrom  
O'Reilly  
Paradis  
Patry  
Peterson  
Phinney  
Plamondon  
Pratt  
Proctor  
Provenzano  
Reed  
Robillard  
Rock  
Scott (Fredericton)  
Shepherd

## PAIRED MEMBERS

Alarie	Anderson
Asselin	Bélaire
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Canuel
Byrne	Dalphonso-Guiral
Cardin	DeVillers
Desrochers	Fournier
Dubé (Lévis-et-Chutes-de-la-Chaudière)	Girard-Bujold
Fry	Grose
Godin (Châteauguay)	Laurin
Karygiannis	Marceau
Longfield	McLellan (Edmonton West)
Martin (LaSalle—Émard)	Normand
Mercier	Perron
O'Brien (Labrador)	Steckle
Sekora	St-Julien
St-Hilaire	
Wappel	

**The Speaker:** I declare Motion No. 1 defeated. I therefore declare Motions Nos. 6 and 7 defeated.

The next question is on Motion No. 2. A vote on this motion also applies to Motions Nos. 3 and 4.

[Translation]

**Mr. Bob Kilger:** Mr. Speaker, I think you will find unanimous consent that those members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberal members voting nay.

[English]

**The Speaker:** Is there agreement to proceed in such a fashion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

• (1850)

(The House divided on Motion No. 2, which was negated on the following division:)

(Division No. 321)

## YEAS

## Members

Abbott	Anders
Bachand (Saint-Jean)	Bailey
Benoit	Bergeron
Bigras	Brien
Cadman	Casson
Chrétien (Frontenac—Mégantic)	Crête
Cummins	de Savoye
Debien	Duceppe
Dumas	Duncan
Epp	Forseth
Gauthier	Gilmour
Goldring	Grewal
Guay	Guimond

Hart  
Hill (Prince George—Peace River)  
Johnston  
Kerpan  
Lalonde  
Marchand  
Mayfield  
Meredith  
Nunziata  
Picard (Drummond)  
Plamondon  
Ritz  
Scott (Skeena)  
Strahl  
White (North Vancouver)—55

Hill (Macleod)  
Hoepfner  
Kenney (Calgary Southeast)  
Konrad  
Lebel  
Mark  
Ménard  
Mills (Red Deer)  
Penson  
Pickard (Chatham—Kent Essex)  
Ramsay  
Rocheleau  
Solberg  
White (Langley—Abbotsford)

Robillard  
Saada  
Serré  
Speller  
Stewart (Brant)  
St-Jacques  
Telegdi  
Torsney  
Valeri  
Vautour  
Wasylcia-Leis  
Wilfert

Rock  
Scott (Fredericton)  
Shepherd  
St. Denis  
Stewart (Northumberland)  
Szabo  
Thibeault  
Ur  
Vanclief  
Volpe  
Whelan  
Wood—150

### Government Orders

### PAIRED MEMBERS

### NAYS

#### Members

Adams  
Assad  
Augustine  
Bachand (Richmond—Arthabaska)  
Bakopanos  
Bélangier  
Bennett  
Bertrand  
Blaikie  
Bonin  
Borotsik  
Bradshaw  
Brown  
Calder  
Carroll  
Cauchon  
Chan  
Clouthier  
Collenette  
Cullen  
Dhaliwal  
Discepola  
Dromisky  
Duhamel  
Easter  
Finestone  
Folco  
Gagliano  
Godfrey  
Graham  
Guarnieri  
Harvard  
Hubbard  
Iftody  
Jennings  
Jordan  
Keddy (South Shore)  
Kilger (Stormont—Dundas)  
Knutson  
Lastewka  
Lee  
Lincoln  
MacKay (Pictou—Antigonish—Guysborough)  
Malhi  
Manley  
Marleau  
Massé  
McCormick  
McKay (Scarborough East)  
McWhinney  
Mills (Broadview—Greenwood)  
Mitchell  
Myers  
Nystrom  
O'Reilly  
Paradis  
Patry  
Peterson  
Phinney  
Pratt  
Proctor  
Provenzano  
Reed

Alcock  
Assadourian  
Axworthy (Winnipeg South Centre)  
Baker  
Barnes  
Bellemare  
Bernier (Tobique—Mactaquac)  
Bevilacqua  
Blondin-Andrew  
Bonwick  
Boudria  
Brisson  
Caccia  
Caplan  
Catterall  
Chamberlain  
Charbonneau  
Coderre  
Coppes  
Desjarlais  
Dion  
Doyle  
Drouin  
Earle  
Eggleton  
Finlay  
Fontana  
Galloway  
Goodale  
Gray (Windsor West)  
Harb  
Harvey  
Ianno  
Jackson  
Jones  
Karetak-Lindell  
Keyes  
Kilgour (Edmonton Southeast)  
Kraft Sloan  
Lavigne  
Leung  
MacAulay  
Mahoney  
Maloney  
Marchi  
Martin (Winnipeg Centre)  
Matthews  
McDonough  
McTeague  
Mifflin  
Minna  
Murray  
Nault  
O'Brien (London—Fanshawe)  
Pagtakhan  
Parrish  
Peric  
Pettigrew  
Power  
Price  
Proud  
Redman  
Richardson

Alarie  
Assefin  
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)  
Byrne  
Cardin  
Desrochers  
Dubé (Lévis-et-Chutes-de-la-Chaudière)  
Fry  
Godin (Châteauguay)  
Karygiannis  
Longfield  
Martin (LaSalle—Émard)  
Mercier  
O'Brien (Labrador)  
Sekora  
St-Hilaire  
Wappel

Anderson  
Belair  
Canuel  
Dalphond-Guiral  
DeVillers  
Fournier  
Girard-Bujold  
Grose  
Laurin  
Marceau  
McLellan (Edmonton West)  
Normand  
Perron  
Steckle  
St-Julien

**The Speaker:** I declare Motion No. 2 defeated. I therefore declare Motions Nos. 3 and 4 defeated.

The next question is on Motion No. 5.

• (1900 )

(The House divided on Motion No. 5, which was negated on the following division:)

(Division No. 322)

### YEAS

#### Members

Abbott  
Bachand (Saint-Jean)  
Benoit  
Bigras  
Brien  
Casson  
Crête  
de Savoye  
Desjarlais  
Dumas  
Earle  
Forseth  
Gilmour  
Grewal  
Guimond  
Hill (Macleod)  
Hoepfner  
Kenney (Calgary Southeast)  
Konrad  
Lebel  
Mark  
Mayfield

Anders  
Bailey  
Bergeron  
Blaikie  
Cadman  
Chrétien (Frontenac—Mégantic)  
Cummins  
Debien  
Duceppe  
Duncan  
Epp  
Gauthier  
Golding  
Guay  
Hart  
Hill (Prince George—Peace River)  
Johnston  
Kerpan  
Lalonde  
Marchand  
Martin (Winnipeg Centre)  
McDonough

*Government Orders*

Ménard  
Mills (Red Deer)  
Nystrom  
Picard (Drummond)  
Plamondon  
Ramsay  
Rocheleau  
Solberg  
Vautour  
White (Langley—Abbotsford)

Meredith  
Nunziata  
Penson  
Pickard (Chatham—Kent Essex)  
Proctor  
Ritz  
Scott (Skeena)  
Strahl  
Wasylycia-Leis  
White (North Vancouver) —64

## NAYS

## Members

Adams  
Assad  
Augustine  
Bachand (Richmond—Arthabaska)  
Bakopanos  
Bélanger  
Bennett  
Bertrand  
Blondin-Andrew  
Bonwick  
Boudria  
Brisson  
Caccia  
Caplan  
Catterall  
Chamberlain  
Charbonneau  
Coderre  
Copp  
Dhaliwal  
Discepola  
Dromisky  
Duhamel  
Eggleton  
Finlay  
Fontana  
Galloway  
Goodale  
Gray (Windsor West)  
Harb  
Harvey  
Ianno  
Jackson  
Jones  
Karetak-Lindell  
Keyes  
Kilgour (Edmonton Southeast)  
Kraft Sloan  
Lavigne  
Leung  
MacAulay  
Mahoney  
Maloney  
Marchi  
Massé  
McCormick  
McTeague  
Mifflin  
Minna  
Murray  
Nault  
O'Reilly  
Paradis  
Patri  
Peterson  
Phinney  
Pratt  
Proud  
Redman  
Richardson  
Rock  
Scott (Fredericton)  
Shepherd  
St. Denis  
Stewart (Northumberland)  
Szabo  
Thibeault  
Ur  
Vanclief  
Whelan  
Wood—141

Alcock  
Assadourian  
Axworthy (Winnipeg South Centre)  
Baker  
Barnes  
Bellemare  
Bernier (Tobique—Mactaquac)  
Bevilacqua  
Bonin  
Borotsik  
Bradshaw  
Brown  
Calder  
Carroll  
Cauchon  
Chan  
Clouthier  
Collenette  
Cullen  
Dion  
Doyle  
Drouin  
Easter  
Finestone  
Folco  
Gagliano  
Godfrey  
Graham  
Guarnieri  
Harvard  
Hubbard  
Iftody  
Jennings  
Jordan  
Keddy (South Shore)  
Kilger (Stormont—Dundas)  
Knutson  
Lastewka  
Lee  
Lincoln  
MacKay (Pictou—Antigonish—Guysborough)  
Malhi  
Manley  
Marleau  
Matthews  
McKay (Scarborough East)  
McWhinney  
Mills (Broadview—Greenwood)  
Mitchell  
Myers  
O'Brien (London—Fanshawe)  
Pagtakhan  
Parrish  
Peric  
Pettigrew  
Power  
Price  
Provenzano  
Reed  
Robillard  
Saada  
Serré  
Speller  
Stewart (Brant)  
St-Jacques  
Telegdi  
Torsney  
Valeri  
Volpe  
Wilfert

## PAIRED MEMBERS

Alarie	Anderson
Asselin	Bélair
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Canuel
Byrne	Dalphon-Duval
Cardin	DeVillers
Desrochers	Fournier
Dubé (Lévis-et-Chutes-de-la-Chaudière)	Girard-Bujold
Fry	Grose
Godin (Châteauguay)	Laurin
Karygiannis	Marceau
Longfield	McLellan (Edmonton West)
Martin (LaSalle—Émard)	Normand
Mercier	Perron
O'Brien (Labrador)	Steckle
Sekora	St-Julien
St-Hilaire	
Wappel	

**The Speaker:** I declare Motion No. 5 defeated.

**Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.)** moved that the bill be concurred in.

**The Speaker:** 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 will please say ye.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

• (1910 )

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

(Division No. 323)

## YEAS

## Members

Adams	Alcock
Assad	Assadourian
Augustine	Axworthy (Winnipeg South Centre)
Bachand (Richmond—Arthabaska)	Bachand (Saint-Jean)
Baker	Bakopanos
Barnes	Bélanger
Bellemare	Bennett
Bergeron	Bernier (Tobique—Mactaquac)
Bertrand	Bevilacqua
Bigras	Blaikie
Blondin-Andrew	Bonin
Bonwick	Borotsik
Boudria	Bradshaw
Brien	Brisson
Brown	Caccia
Calder	Caplan
Carroll	Catterall
Cauchon	Chamberlain
Chan	Charbonneau
Chrétien (Frontenac—Mégantic)	Clouthier
Coderre	Collenette
Copp	Crête
Cullen	de Savoye
Debien	Desjarlais
Dhaliwal	Dion

Discepolo  
Dromisky  
Duceppe  
Dumas  
Easter  
Finestone  
Folco  
Gagliano  
Gauthier  
Goodale  
Gray (Windsor West)  
Guay  
Harb  
Harvey  
Ianno  
Jackson  
Jones  
Karetak-Lindell  
Keys  
Kilgour (Edmonton Southeast)  
Kraft Sloan  
Lastewka  
Lebel  
Leung  
MacAulay  
Mahoney  
Maloney  
Marchand  
Marleau  
Massé  
McCormick  
McKay (Scarborough East)  
McWhinney  
Mifflin  
Minna  
Murray  
Nault  
O'Brien (London—Fanshawe)  
Pagtakhan  
Parrish  
Peric  
Pettigrew  
Picard (Drummond)  
Power  
Price  
Proud  
Redman  
Richardson  
Rocheleau  
Saada  
Serré  
Speller  
Stewart (Brant)  
St-Jacques  
Telegdi  
Torsney  
Valeri  
Vautour  
Wasylycia-Leis  
Wilfert

Doyle  
Drouin  
Duhamel  
Earle  
Eggleton  
Finlay  
Fontana  
Galloway  
Godfrey  
Graham  
Guarnieri  
Guimond  
Harvard  
Hubbard  
Iftody  
Jennings  
Jordan  
Keddy (South Shore)  
Kilger (Stormont—Dundas)  
Knutson  
Lalonde  
Lavigne  
Lee  
Lincoln  
MacKay (Pictou—Antigonish—Guysborough)  
Malhi  
Manley  
Marchi  
Martin (Winnipeg Centre)  
Matthews  
McDonough  
McTeague  
Ménard  
Mills (Broadview—Greenwood)  
Mitchell  
Myers  
Nystrom  
O'Reilly  
Paradis  
Patry  
Peterson  
Phinney  
Plamondon  
Pratt  
Proctor  
Provenzano  
Reed  
Robillard  
Rock  
Scott (Fredericton)  
Shepherd  
St. Denis  
Stewart (Northumberland)  
Szabo  
Thibeault  
Ur  
Vanclief  
Volpe  
Whelan  
Wood—170

Mayfield  
Mills (Red Deer)  
Penson  
Ramsay  
Scott (Skeena)  
Strahl  
White (North Vancouver)—35

Meredith  
Nunziata  
Pickard (Chatham—Kent Essex)  
Ritz  
Solberg  
White (Langley—Abbotsford)

*Government Orders*

PAIRED MEMBERS

Alarie	Anderson
Asselin	Bélaïr
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Canuel
Byrne	Dalphond-Guiral
Cardin	DeVillers
Desrochers	Fournier
Dubé (Lévis-et-Chutes-de-la-Chaudière)	Girard-Bujold
Fry	Grose
Godin (Châteauguay)	Laurin
Karygiannis	Marceau
Longfield	McLellan (Edmonton West)
Martin (LaSalle—Émard)	Normand
Mercier	Perron
O'Brien (Labrador)	Steckle
Sekora	St-Julien
St-Hilaire	
Wappel	

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

\* \* \*

**CITIZENSHIP OF CANADA ACT**

The House resumed from February 19 consideration of the motion that Bill C-63, an act respecting Canadian citizenship, be read the second time and referred to a committee.

**The Speaker:** The next recorded division is on the motion at the second reading stage of Bill C-63.

**Mr. Bob Kilger:** Mr. Speaker, if the House would agree, I propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberal members voting yes.

**The Speaker:** Is there agreement to proceed in such a fashion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

● (1915)

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

(Division No. 324)

**NAYS**

Members

Abbott	Anders
Bailey	Benoit
Cadman	Casson
Cummins	Duncan
Epp	Forsyth
Gilmour	Goldring
Grewal	Hart
Hill (Macleod)	Hill (Prince George—Peace River)
Hoeppner	Johnston
Kenny (Calgary Southeast)	Kerpan
Konrad	Mark

**YEAS**

Members

Adams	Alcock
Assad	Assadourian
Augustine	Axworthy (Winnipeg South Centre)
Bachand (Richmond—Arthabaska)	Bachand (Saint-Jean)
Baker	Bakopanos

*Adjournment Debate*

Barnes	Bélangier
Bellemare	Bennett
Bergeron	Bernier (Tobique—Mactaquac)
Bertrand	Bevilacqua
Bigras	Blondin-Andrew
Bonin	Bonwick
Borotsik	Boudria
Bradshaw	Brien
Brison	Brown
Caccia	Calder
Caplan	Carroll
Catterall	Cauchon
Chamberlain	Chan
Charbonneau	Chrétien (Frontenac—Mégantic)
Clouthier	Coderre
Collenette	Copps
Crête	Cullen
de Savoye	Debien
Dhaliwal	Dion
Discepola	Doyle
Dromisky	Drouin
Duceppe	Duhamel
Dumas	Easter
Eggleton	Finestone
Finlay	Folco
Fontana	Gagliano
Galloway	Gauthier
Godfrey	Goodale
Graham	Gray (Windsor West)
Guarnieri	Guay
Guimond	Harb
Harvard	Harvey
Hubbard	Ianno
Iftody	Jackson
Jennings	Jones
Jordan	Karetak-Lindell
Keddy (South Shore)	Keys
Kilger (Stormont—Dundas)	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Lalonde	Lastewka
Lavigne	Lee
Leung	Lincoln
MacAulay	MacKay (Pictou—Antigonish—Guysborough)
Mahoney	Malhi
Maloney	Manley
Marchand	Marchi
Marleau	Massé
Matthews	McCormick
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McWhinney	Ménard
Mifflin	Mills (Broadview—Greenwood)
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Murray	Myers
Nault	Nunziata
O'Brien (London—Fanshawe)	O'Reilly
Pagtakhan	Paradis
Parrish	Patry
Peric	Peterson
Pettigrew	Phinney
Picard (Drummond)	Pickard (Chatham—Kent Essex)
Plamondon	Power
Pratt	Price
Proud	Provenzano
Redman	Reed
Richardson	Robillard
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Saada	Scott (Fredericton)
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Bailey	Benoit
Blaikie	Cadman
Casson	Cummins
Desjarlais	Duncan
Earle	Epp
Forseth	Gilmour
Goldring	Grewal
Hart	Hill (Macleod)
Hill (Prince George—Peace River)	Hoeppner
Johnston	Kenney (Calgary Southeast)
Kerpan	Konrad
Mark	Martin (Winnipeg Centre)
Mayfield	McDonough
Meredith	Mills (Red Deer)
Nystrom	Penson
Proctor	Ramsay
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Asselin	Bélar
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Canuel
Byrne	Dalphonso-Guiral
Cardin	DeVillers
Desrochers	Fournier
Dubé (Lévis-et-Chutes-de-la-Chaudière)	Girard-Bujold
Fry	Grose
Godin (Châteauguay)	Laurin
Karygiannis	Marceau
Longfield	McLellan (Edmonton West)
Martin (LaSalle—Émard)	Normand
Mercier	Perron
O'Brien (Labrador)	Steckle
Sekora	St-Julien
St-Hilaire	
Wappel	

**The Speaker:** I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Citizenship and Immigration.

(Bill read the second time and referred to a committee)

## ADJOURNMENT PROCEEDINGS

● (1920)

[English]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

## HEALTH CARE

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, I am pleased to have this opportunity to elaborate on a question I raised with the Minister of Health on February 17.

*Adjournment Debate*

In that question I raised the serious problem of the growing privatization of our health care system and an ever increasing slide into an Americanized two tier health care system. As part of that concern, I also raised the apparent tendency on the part of this government to stand by and let it happen.

This is an opportunity for the federal government to explain its position on the privatization of health care.

On February 17 I asked the government about the deplorable situation in Ontario where the entire health care program, specifically the home care program, has been opened up for competitive bidding.

I raised with this government the matter of federal public dollars going into private, for profit companies. I asked the government to ensure that not one penny of the new health care dollars in the so-called health care budget would go to line the pockets of for profit, and in many cases American owned corporations.

The parliamentary secretary's position in my view was quite shocking, quite deplorable. On behalf of the government she said to all of us that the federal government cannot and will not interfere with issues of delivery. She used jurisdictional arguments to avoid the issue and excuse the lack of leadership on the part of the federal government.

I ask for the federal government's policies on the matter of privatizing our health care system, notwithstanding the jurisdictional issues. We would like to know from the government what its position is on the matter of public dollars going to for profit, private health care companies.

Where does the government stand? How does it feel about this issue? What kind of leadership is it offering Canadians on this matter? Where is the vision of this government in terms of whether or not we will be able to uphold a publicly administered, universally accessible health care system? Does this government agree or disagree with Mike Harris, and for that matter any provincial government that is using federal public dollars to put into private, for profit health care delivery of our system today?

This is an opportunity for the government to clarify. We did not get much clarification from the parliamentary secretary in question period. We did not get much clarification throughout the budgetary process about where this government stands on the erosion of medicare and on the growth in the private sector ownership of our health care system.

We are now in a situation with well over 30% of health care spending being held in the hands of private sector companies. That is an amazing shift from years gone by. We also know that with this federal budget we will only achieve in five years time a federal share of up to 12.5%. That means very little will be done on the part of this government through this budget or any other subsequent measures to reverse this trend and to ensure that we have some ability to preserve medicare and to take this medicare model and apply it to the whole continuum of care.

• (1925 )

**Ms. Elinor Caplan (Parliamentary Secretary to Minister of Health, Lib.):** Mr. Speaker, I am pleased to rise once again to try to clarify the issue for the member opposite. At first I thought that she did not understand. Now I am not sure that it is that she does not understand. I do believe that she is mixing, and perhaps deliberately, different concepts.

**The Speaker:** Please stay away from deliberating mixing.

**Ms. Elinor Caplan:** Mr. Speaker, inadvertently. How is that?

The federal government, working in collaboration with the provinces and territories, achieved a historic national commitment on the future of publicly funded medicare. We have a written commitment from every premier and government leader from every province and territory in Canada, including Quebec, to uphold the principles of the Canada Health Act: universality, comprehensiveness, accessibility, portability and public administration.

They also committed that every penny of new dollars in the 1999 budget transferred from the federal government to the other jurisdictions would be used for health services. That guarantees the continued viability of a quality public, not private, health care system.

I spoke about provincial jurisdiction and I want to explain to the member what that means. The provincial government has the responsibility to see how its services are delivered. For example, doctors do not work for provincial governments. They are not provincial civil servants. Across the country lab services are provided sometimes by the ministry of health, sometimes by private sector corporations, sometimes by a municipality.

For many years in different parts of the country home care services are provided sometimes by not for profit corporations, sometimes by corporate entities. Nursing homes are sometimes private, sometimes are not for profit. The same is true for ambulance services.

This is called a mixed economy. It is up to the provinces to decide how those services will be delivered. We do not tell them how. Even if we do not like it, there is nothing we can do or say about it.

## ABORIGINAL AFFAIRS

**Mr. Derrek Konrad (Prince Albert, Ref.):** Mr. Speaker, I rise today to see if I can get some answers to a couple of questions I asked on October 26.

I called on the government to initiate a forensic audit into the finances of the Hobbema reserve in Alberta which has been requested by rank and file members. The conditions those people

*Adjournment Debate*

live in were reported in the *Globe and Mail*. About 80% of the people on that reserve are living on welfare. Children are sleeping on mattresses in the basement of burned out houses. How does their leadership live?

I will quote a couple of instances. In the Saulteaux band in Saskatchewan the chief's salary and benefits for 1997 were some \$200,000 tax free. He had a brother who was a band councillor and pulled out a salary of \$149,000. We would think that this would be the head of a very large city.

The mayor of Prince Albert probably makes a quarter of that amount of money to manage 35,000 people. There are 1,050 people living on that reserve and they have an accumulated deficit of \$1.8 million. I could go on to talk about the Stoney band and the Samson Cree band and others. That is the financial picture of the leaders of those bands and the Hobbema band is no different.

Living conditions on reserves have been historically unacceptable. We agree with that. If nothing changes, living conditions will continue to be unacceptable. In addition to the living conditions that are terrible, the so-called democracy is terrible. It does not exist.

Last year I travelled to four or five different meetings where I listened to rank and file members of different reserves talking about the democratic and living conditions on reserves. What has our government's approach been? It has transferred power to the local band councils without ensuring that local accountability measures are in place to safeguard the interest of grassroots band members. Historically Ottawa has intervened to protect its own interests but who has intervened to protect the rank and file band members?

● (1930)

Band members exercise their authority with little input, direction or support from Ottawa, so what did we ask for? We asked on behalf of band members that the government would conduct a forensic audit, not simply that it would do some different accounting but that it would find out if money was being well spent or poorly spent. That is one of the purposes of a forensic audit. You can find out if all the cheques add up but so what? That does not tell you how the money was spent and that is what we want to know. When we look at the kinds of salaries paid out to the leadership we

think there could be a lot of money left over for houses if it were not so much.

These people are making serious charges. I think the money is there. The children are suffering. The need is urgent. My question concerns why the minister will not initiate the forensic audits that the people she is responsible for are calling for.

**Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, before I begin my formal response to the member's intervention, I listened very carefully to his words and I noticed he mentioned he is very concerned about aboriginal children suffering on reserve and that he is concerned about an apparent 80% rate of unemployment for some reserves which he quoted from the *Globe and Mail*.

Only a few moments ago he voted against Bill C-49 on land management which would allow first nations even in his own riding to provide access to resources and land and to bring investment into the community. This was in defiance even of the chief who was here today in the House observing these debates. So I question the legitimacy of these interventions in light of his comments on Bill C-49.

I will address in a more particular form some of his concerns with respect to audits. First nations prepare annual financial statements and have them audited by an independent and qualified auditor. Those are independent audits. Over the past 10 years we have made considerable progress in this whole process meeting auditing standards that are acceptable to associations of accountants across Canada. We abide by their accepted standards for auditing and we are addressing those problems on reserve.

I am pleased to report that those who are meeting the standards have risen recently from 57% to 82%. We have marginally around 16% to 18% of bands where there are some difficulties in the auditing practices. It is not, as the Reform Party would have the House and Canadians believe, a generalized problem sweeping the nation of Indian members misusing the money. In those cases where it does occur it is properly investigated.

**The Speaker:** The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 7.33 p.m.)





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