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(HANSARD)

Thursday, June 3, 1999

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Thursday, June 3, 1999

The House met at 10 a.m.

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

Prayers

* * *

PETITIONS

TAXATION

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I have double delight in presenting a petition today because the very first name on it is the name of my daughter.

She is a parent who chooses to be a full time mom, who is discriminated against by our Income Tax Act. Her family has to pay more taxes because of the choice that she makes to stay at home with our two wonderful grandchildren.

I am pleased to present this petition on behalf of some 60 voters from Regina, Saskatchewan. She got all of those people to sign this petition and I am very pleased to present it today to call for fairness in taxation for those families who choose to have one parent stay at home.

Hon. Don Boudria: Mr. Speaker, I would like to indicate to the Chair that it is my belief that either reading the names into the record of those signing a petition or saying whether an MP agrees with the petition he is tabling have both been ruled out of order countless times by the Speaker in the past.

The Deputy Speaker: I was listening to the hon. member for Elk Island and, while he sounded sympathetic, I do not believe he expressed his support or otherwise for the petition. Had he done so he would have been properly admonished by the Chair as the government House leader knows because the Chair does tend to admonish members who do that.

On the other hand, I think the hon. member for Elk Island did slightly step over the line in saying who had signed the petition. Normally the names of the petitioners are not revealed. However, in the circumstances, since it was his daughter, the Chair overlooked it. The government House leader is quite correct in pointing out that it is not proper to read the names of the petitioners into the record. Had the member for Elk Island named anyone else, the Chair would have admonished him and rebuked him properly for this breach of the rules.

ROUTINE PROCEEDINGS

• (1005)

[*Translation*]

CANADIAN FORCES

Mr. Robert Bertrand (Parliamentary Secretary to Minister of National Defence, Lib.): Mr. Speaker, pursuant to Standing Order 32(2), I have the honour to table, in both official languages, the annual report of the provost marshal of the Canadian forces.

* * *

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

[*English*]

INCOME TAX ACT

Mr. Ken Epp (Elk Island, Ref.) moved for leave to introduce Bill C-518, an act to amend the Income Tax Act (deduction of property taxes paid in respect of a principal residence).

He said: Mr. Speaker, I am delighted to introduce this private member's bill today because it illustrates one of the greatest areas of double taxation in this country, where we pay taxes on taxes.

This particular bill will amend the Income Tax Act in such a way that property taxes can be deducted from taxable income so that we stop giving the federal government 66% of the amount of money we pay in municipal taxes.

Supply

• (1010)

IMPOVERISHED NATIONS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I rise to present another petition on behalf of citizens of Peterborough who are concerned about the debt of the world's poorest nations.

They believe it is time to cancel the backlog of unpayable debts by those nations. They urge the leaders of lending nations to write off those debts by the year 2000. They also urge that Canada promote sustainable, economic and social development instead of supporting measures demanded by international financial institutions.

Therefore, they urge the Parliament of Canada to support the cancellation of debt owed by the poorest countries and to take effective steps to prevent high levels of debt from building up again.

CANADA POST

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have another petition concerning rural mail couriers.

The petitioners call upon parliament to repeal section 13(5) of the Canada Post Corporation Act.

KOSOVO

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have a final petition and, again, I have presented a number of petitions on this subject.

It is from citizens concerned about Canada's involvement in the bombing campaign in Yugoslavia. They suggest that the bombing campaign is ineffective in its purpose of helping the people of Kosovo and that its impact is having the opposite effect.

They call upon parliament to immediately stop Canada's involvement in the bombing campaign and to work toward a diplomatic solution before any more lives are needlessly and tragically lost.

* * *

[Translation]

QUESTIONS ON THE ORDER PAPER

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

The Acting Speaker (Mr. McClelland): Is it agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

SUPPLY

ALLOTTED DAY—NISGA'A TREATY

Mr. Mike Scott (Skeena, Ref.) moved:

That this House recognize that there is significant public concern in British Columbia with respect to how modern treaties and Aboriginal self-government initiatives may affect individual rights, including Aboriginal people; and given the recent controversies, such as the Musqueam Leaseholders controversy and the Kamloops Indian Band's intention to ban trade unions, this House urge the Government of Canada to refer the Nisga'a Treaty Agreement to the Supreme Court of Canada and ask for a judicial ruling clarifying:

(a) whether the terms of the Nisga'a Final Agreement constitute an amendment to Canada's Constitution, and

(b) whether the self-government provisions of the agreement could be used to usurp, diminish or subrogate the individual rights of Nisga'a people as defined in the Canadian Charter of Rights and Freedoms;

And, further, that all activity leading to the introduction of legislation to ratify the Nisga'a Final Agreement in the House of Commons be held in abeyance pending judicial clarification.

Ms. Marlene Catterall: Mr. Speaker, I rise on a point of order. I think you would find consent for the following motion:

That at the conclusion of the present debate on today's Opposition Motion, all questions necessary to dispose of this motion be deemed put, a recorded division deemed requested and deferred until the expiry of time provided for Government Orders Tuesday, June 8, 1999.

The Deputy Speaker: Does the hon. deputy government whip have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

The Deputy Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

Mr. Chuck Strahl: Mr. Speaker, I rise on a point of order. I would like to inform the Chair that during today's debate the Reform members speaking to this motion will be dividing their time.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, it is an honour to rise to speak to this motion today and to apprise the House of the seriousness of the nature of this motion and why Reform has advanced it.

First, I would like to say that after 130 years of waiting this should be a great time of celebration for the Nisga'a people. It should be a time of putting history behind us, for the Nisga'a people to put their history behind them and to step forward with the

new arrangement with the Government of Canada and the province of British Columbia.

• (1015)

This treaty is also the source of much controversy in British Columbia because both the provincial government and the federal government have not bothered to listen to the people of British Columbia and the other people of Canada.

As a matter of fact there is another modern treaty in British Columbia known as the Sechelt agreement. It is very instructive to note that the Sechelt agreement does not generate nearly the same controversy as the Nisga'a agreement because of the self-government provisions in the Nisga'a treaty.

In 1987 the Sechelt people entered into a self-government arrangement with the province of British Columbia and the federal government. It was done through an act of legislation, but it is specifically not included as an aboriginal right within section 35 of the constitution. Therefore it is not protected by the constitution. It is not a constitutionalized third order of government.

The Nisga'a treaty, or the Nisga'a final agreement as it is known, is primarily a self-government deal. This is interesting when we take it against the backdrop of other treaties, the numbered treaties as they are called or the historical treaties, because those treaties are not about self-government at all. They are about the exchange of land, resources, cash consideration and other considerations in return for the surrender of lands for the benefit of all Canadians. That is the history of the numbered treaties in Canada.

The Nisga'a treaty is not about that. It is primarily a self-government arrangement. It is a relatively new initiative, this self-government initiative. The concept of it has been around for about two decades now. It came to flower in the Charlottetown accord in 1992. It was one of the five key components of the Charlottetown accord.

The people of Canada, and I might add the people of British Columbia, defeated the Charlottetown accord. In British Columbia, members might be interested to know, it was defeated by almost 70%. It is also instructive to note that aboriginal people in British Columbia defeated it at about the same percentage level. This was not an aboriginal-non-aboriginal divergence of views. This was a common view that was held in British Columbia.

One of Canada's most pre-eminent scholars or experts on the constitution, a man who was well known to this side of the House, had some very instructive points to make about the Charlottetown accord and about the aboriginal governance provisions in that accord in 1992 in a speech to Cité Libre in Montreal, and that man was Pierre Elliott Trudeau.

Supply

He warned of the dangers of unfettered aboriginal self-government where there was no provision for charter rights for aboriginal people and where there would be such a division of powers between governments and the creation of a new third order of government that we would eventually end up with a chaotic system of governance right across Canada.

This was a man who was leader of the Liberal Party for almost two decades. Whether or not people on this side of the House agreed with all of his policies, we certainly respected his ability to understand, discern and speak about the constitution. He made that his life's work. He was a professor of law and a constitutional expert before he ever became a parliamentarian and before he became prime minister.

After the defeat of the Charlottetown accord we would think that the Liberals and other political parties in Canada would have understood that Canadians did not agree with this concept because they specifically voted no.

The government does not get it. It immediately adopted an inherent right policy. It was in its red book. Everybody remembers the infamous red book in 1993: 200 pages of small print that very few Canadians actually ever read. The Liberals have used that red book to justify an inherent right policy. That inherent right policy means that it has adopted a policy of recognizing an aboriginal inherent right to self-government. Until Nisga'a came along we really did not know what it meant.

• (1020)

I recall writing letters to the Minister of Justice and the Minister of Indian Affairs and Northern Development back in 1993, 1994 and 1995 asking what was meant. We never got an answer. We got a bunch of mumbo-jumbo, airy-fairy, pie in the sky motherhood answers, but we did not get a specific answer as to what they had in mind. Now we see it in the Nisga'a agreement and what we see goes against the express wishes of Canadians including aboriginal people from coast to coast and for what they voted in 1992 on the Charlottetown accord.

I want to get into some of the specifics. The federal and provincial governments in the Nisga'a treaty have agreed to cede legislative authority in at least 14 specific areas for all times. I remind the House that the Supreme Court of Canada in 1950 in the Lord Nelson Hotel case had the following to say about the division of powers in Canada's constitution vis-à-vis legislative authority of the provincial and federal governments. I quote Chief Justice Rinfret:

The Parliament of Canada and the Legislatures of the several Provinces are sovereign within their sphere defined by the British North America Act, but none of them has the unlimited capacity of an individual. They can exercise only the legislative powers respectively given to them by sections 91 and 92 of the Act, and these powers must be found in either of these sections.

Supply

The constitution of Canada does not belong either to Parliament, or to the Legislatures; it belongs to the country and it is there that the citizens of the country will find the protection of the rights to which they are entitled.

Chief Justice Kerwin further wrote:

The British North America Act divides legislative jurisdiction between the Parliament of Canada and the Legislatures of the Provinces and there is no way in which these bodies may agree to a different division. . . . To permit such an agreement would be inserting into the Act a power that is certainly not stated and one that should not be inferred.

The Supreme Court of Canada's ruling, which was unanimous and unequivocal, says one order of government could neither give away to nor receive from another order of government its rights and jurisdictions as defined under sections 91 and 92 of the constitution.

The federal government did not consult Canadians on this matter. It did once in 1992 but it did not listen to the answer. British Columbia as a result of the federal government's unilateral decision has agreed to give up this legislative jurisdiction and authority, going precisely against what the Supreme Court of Canada said in 1950 in the Lord Nelson Hotel case that it was not permitted to do.

How does this affect real people on the ground in British Columbia and in the rest of Canada? This will have implications. This will reverberate back and forth across the country before all is said and done.

The charter rights of Nisga'a people have been put in peril as a result. Even though it says in the agreement that the charter applies, it also says in the charter when speaking about rights and freedom, that the guarantee shall not be construed as to abrogate or derogate from any aboriginal treaty or other rights or freedoms.

By constitutionalizing the self-government arrangements the government has made the Nisga'a treaty an aboriginal right. It has therefore put the aboriginal right ahead of the charter rights of Nisga'a individuals. There is no doubt about that whatsoever and there will be profound implications for Nisga'a people down the road.

We will be talking about this subject more today, but our concern is the unconstitutional initiative the government has taken against the Supreme Court of Canada ruling in 1950 and the diminishing of the charter rights of Nisga'a people.

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am pleased to ask the hon. member a question, particularly around his original assertion that we have not listened to or consulted people.

Has the hon. member talked to the Nisga'a who live in his riding of Skeena? How will he respond to their belief that this is a good treaty?

• (1025)

Has the hon. member talked to the mayor and the council of the city of Terrace who, I would note, made a particular week in April Nisga'a appreciation week in honour of the Nisga'a treaty?

Has he talked to the 133 businesses in his riding that support the Nisga'a treaty? In fact they made financial contributions to the latest general assembly of the Nisga'a. Has he listened to those people? If he has, how will he respond to them when they strongly support the Nisga'a treaty?

Mr. Mike Scott: Mr. Speaker, the minister asks if I have talked to the Nisga'a people. Yes, I have talked to the Nisga'a people on many occasions. It might interest the minister to know that Chief Joe Gosnell and I had a two hour televised debate on treaty making back in 1996, I believe it was. It was carried all across northern British Columbia. I have also talked to many small business people in my community. As a matter of fact I am talking to them all the time.

I would point something out for the minister's benefit. She seems to think that Nisga'a people are a homogeneous group who all think the same way and all want the same things. She should recognize that 40% of the Nisga'a people did not support this agreement. Sixty per cent is hardly a big mandate to proceed forward with this kind of treaty.

The minister also asked about the support of the mayor of Terrace. In our community we recognize that the mayor of Terrace is a good Liberal. We would expect that he would fall into line and support whatever the minister and the government come up with. That is hardly a surprise.

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, Alice was right: things get curiouser and curiouser here in Wonderland.

I look at the resolution introduced by the Reform Party and I must say it is a conversion of faith in the supreme court that is worthy of the conversion of Paul on the road to Damascus.

I have been in the House for two years. I have been on the justice committee for two years. Repeatedly members of the Reform Party have said that parliament is supreme. They have repeatedly criticized applications to the supreme court allowing the judiciary to interpret the charter of rights. Here they are today quoting the former prime minister and leader of the Liberal Party as a constitutional expert.

Does the resolution today signal a profound change of direction on the part of members of the Reform Party and indicate faith in the judiciary of the supreme court and its interpretation of proposed laws and laws that come before parliament, or have they abandoned their idea that parliament is supreme?

Mr. Mike Scott: Mr. Speaker, it is interesting to note that this government and the government before it deferred to the Supreme Court of Canada every time. When the Supreme Court of Canada comes out with a ruling we know that the government will not have the backbone to use the notwithstanding clause or to take firm action to protect individual rights.

In this instance we are not asking the Supreme Court of Canada to chart us into uncharted territory in terms of social policy or anything else, which is our primary concern with the courts. We are asking it for a judicial interpretation of the charter of rights vis-à-vis the collective aboriginal rights the Nisga'a people will have in advance of this treaty being implemented. Then the Nisga'a people and other Canadians will know how the Supreme Court of Canada views that potential conflict. No doubt there will be conflict. We would like to know now and we think it is the responsible thing to do.

We would also like to have the supreme court's interpretation of whether this is even a constitutional agreement. There are four separate legal challenges in British Columbia right now. Three of them speak to the very heart of the issue of whether or not this agreement is even constitutional. How can the government be responsible and proceed until it has the supreme court's ruling on that very critical issue?

• (1030)

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, my hon. colleague from Skeena just spoke quite eloquently about the history and the potential consequences of the Nisga'a treaty. I would like to take this opportunity to address how the government has shut Canadians out of the treaty process with the Nisga'a people.

The hon. minister just mentioned how she feels she has talked long and hard and consulted with everyone. I certainly beg to differ.

In my opinion the Nisga'a Treaty has been a disaster from the outset. The federal government, along with the Government of British Columbia, negotiated, signed and are now ratifying a treaty rife with controversy. I submit that the provincial government, by shutting down debate and ramming it through the legislature in Victoria, did nothing but add to the stigma already attached to this treaty.

There are hundreds of questions that politicians, scholars, journalists and citizens, both aboriginal and non-aboriginal alike, would like to ask and answers have always been in short supply.

Responsible government is a term that has been used throughout our nation's history. It has many connotations but boils down to

Supply

being accountable to the citizens for the administration of their country.

Responsibility and accountability have been absent in the Nisga'a treaty process from the outset. The treaty sets an enormous precedent for past and future treaty negotiations. It creates a third level of government that is outside the jurisdiction of the Constitution and the charter of rights. My hon. colleague just addressed that. It allows taxation without representation. It divides rights and freedoms based on ethnicity. It abandons the marital property rights of Nisga'a women residing on Nisga'a land.

These are very serious consequences that require explanation. When we ask the government to answer these questions we are called racists and fear-mongers. Tell us a name and the members across the way call us it. These diversion tactics are a disservice to the thousands of Canadians, both Nisga'a and non-Nisga'a, who are directly affected by the treaty.

It is the responsibility of the government to inform Canadians, in particular in northern British Columbia, of the details of the treaty and to allow them a say in how their land is to be used, not just for a year, not even for a decade or so but for all time.

Several bands surrounding the Nisga'a claim have overlapping claims which need to be settled before the treaty is ratified. The Indian affairs minister has been anything but accountable throughout the treaty process and has been irresponsible in her use of words like "self-government" and "aboriginal nations" in response to our questions.

Since the minister is in the House, I will draw to her attention an Ottawa *Citizen* article of May 31, 1999 by Dan Gardner where he wrote:

—the feds habitually describe aboriginal peoples as "nations". As Pierre Trudeau has warned, "nation" is a dangerous word because it has two meanings: a discrete ethnic group or a state. Politicians have the ethnic meaning in mind when they speak of aboriginal nations, but their audiences often hear aboriginal states. . . What is needed is frank public discussion of what is really on the self government table.

I have always refrained from using the term first nations for a couple of reasons. For one, it suggests that these bands are separate countries within Canada. If one listens to the president of the Nisga'a band, that is exactly what he is seeking. There are no mechanisms within the Constitution to create states within a state. In fact it has been the government's position for questioning Quebec's argument for its independence, and rightfully so.

The second reason I do not use the term first nations is that it suggests supremacy. As a member of the Reform Party, I adhere strongly to the principle that all Canadians are equal. Although I recognize that the term "first nations" refers to the fact that the aboriginal people were here first, the connotations can be used to argue supremacy over our constitutional and charter rights.

Supply

The Nisga'a treaty delves into areas where the Canadian people are unresolved. The Charlottetown accord addressed aboriginal self-government in the same obscure manner as this treaty and Canadians rejected it soundly. Rather than consulting Canadians on the issue, the Liberals do what they always do and either slip contentious issues in the back door or they ram them through regardless of the consequences. They feel they know better than the millions of Canadians who voted against Charlottetown. To the Liberals, government knows best and the simple-minded public should just fall in line with the changes that are made to their lives without their consent. Canadians are tired of it. If they were not, the Reform Party would never have been born.

We in the Reform Party undertook to consult and inform the people of British Columbia. We shared our concerns with them and in return received hundreds of questions and comments back. What we heard most often was that there was not enough information. Based on the information they have received, the majority are against the treaty.

In March of this year I commissioned a survey in my riding on a number of issues including the Nisga'a treaty. The respondents were asked: First, should the people of British Columbia have a voice on the principles of the Nisga'a treaty through a province-wide referendum? Of my constituents, 75% said yes, 14% said no and 11% were undecided.

• (1035)

The second question was: With the information you now have about the treaty, how should your federal MP vote when it comes before parliament in Ottawa? Of the respondents, 17% wanted me to vote for the treaty, 50% said they wanted me to vote against and 33% were uncertain.

These results tell me a few things: My constituents want to have a say in this treaty, they are opposed to the passage of the treaty and fully one-third of my constituents are uncertain because they have received nothing but whitewash and propaganda from both their governments in Victoria and Ottawa.

The B.C. legislature recently ratified the Nisga'a treaty. In one of the most anti-democratic manoeuvres outside of Ottawa, the NDP government shut down debate with over half the treaty left untouched. Fully 200 clauses were not even discussed in the B.C. legislature. We know all about shutting down debate in this place. The federal Liberals have shamefully used it 53 times since coming to power in 1993.

Why would any democratic government deny open discussion on a bill that changes forever the way land claims and treaties are negotiated in Canada? I cannot think of a legitimate answer that comes close to justifying it. Only that it is too politically sensitive to risk exposure. That must be what the New is all about in the New Democratic Party.

The negotiations were closed, the provincial ratification process was a disgusting farce and off to Ottawa comes the treaty for a rubber stamp and a photo op. The Indian affairs minister thought she could sweep the treaty under the carpet and have it through the House in no time flat. After all, it only affects British Columbia. Where have we heard that before? Oh yes, when the Liberals left B.C. children unprotected against child pornographers.

The Indian affairs minister's plans were spoiled when the members for Skeena and Delta—South Richmond started asking hard questions that were tugging at the cloak of secrecy around the Nisga'a treaty. What happened? The minister signed the treaty for her own vanity before being shuffled and has delayed the process until the fall.

That brings us to the debate today. The House is about to adjourn for the summer, along with the much rumoured prorogation of the House. While the House is in recess we want the government to refer the Nisga'a treaty to the Supreme Court of Canada for its interpretation on the constitutionality and application of the charter of rights and freedoms as they pertain to this treaty.

Just as the issue of the unilateral declaration of independence of Quebec was referred for interpretation, so to should the Nisga'a treaty. This interpretation would clarify most of the constitutional questions we have raised before debating the ratification of the bill hopefully when the House resumes in the fall. Is that not simply responsible? What could be more reasonable?

Lastly, I would like to move an amendment to our motion. I move:

That the motion be amended by inserting before the word "urges", the word "strongly".

The Deputy Speaker: The amendment is in order. Debate is on the amendment.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I have listened carefully to what my colleague from the Reform Party has had to say.

He has quoted some interesting statistics, including the fact that public opinion in British Columbia seemed to be against it.

I have two questions for my colleague. Are the Reform MPs not acting somewhat as agitators, conditioning public opinion in their respective ridings to believe that the treaty and coming legislation on the Nisga'a are terrible things?

In the many press clippings from British Columbia I have read, I have not seen one single positive comment from a Reform member on the Nisga'a treaty.

I also heard my colleague say that the people of British Columbia had objections, that the Reform Party represented these people very well and that he was very representative.

• (1040)

Can he draw a parallel with Canadians' voting intentions concerning the Reform Party, with only 9% of people now indicating that they would vote for his party? Is this not proof that the Reform Party is quite simply barking up the wrong tree as far as aboriginal issues go?

[English]

Mr. Jay Hill: Mr. Speaker, I do not believe we have been filling the role of agitators, as the member put it. I would challenge the hon. NDP member from Kamloops to talk to the people in his riding about this particular treaty.

It is pretty universal throughout British Columbia, and especially strong in rural British Columbia, where people understand the issue of land claims, native self-government and all the problems inherent with the existing reserve system in Canada. People have some very strong opinions on this matter. They certainly do not take a back seat to anyone when it comes to expressing those opinions. All we have to do is tune in to some of the radio talk shows in British Columbia to hear those opinions expressed very strongly.

These opinions were certainly expressed strongly by the Liberal opposition in Victoria in the short amount of time they had to debate this legislation before the NDP government shut it down. The Liberal opposition, headed by Gordon Campbell, were very strong in denouncing the treaty and the way it had gone through the process.

There were a number of mini referendums conducted in different municipalities. I do not have all the details nor the time, but an overwhelming number of people in British Columbia are opposed to the treaty at this time.

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I will be brief because I know my colleague from Manitoba would like to ask a question as well.

During the Charlottetown accord and the five point plan that the member for Skeena properly referred to, he is wrong again in his numbers. The Angus Reid polling throughout 1992 during the Charlottetown accord showed that the component of aboriginal peoples, that particular component of the Charlottetown accord, received the strongest support across Canada.

An hon. member: Wrong.

Mr. David Iftody: Mr. Speaker, that is the truth.

Supply

If the member had 2,500 members in his riding, which he of course does, and in any particular town, would he, being a Reform Party member who has pledged and vowed publicly before the Canadian people to support them, oppose 2,500 of his own people under those circumstances as the member for Skeena now does?

Mr. Jay Hill: Mr. Speaker, the hon. member should know that it is often difficult to represent all the people in our ridings, especially on contentious issues. What we endeavour to do is identify the majority point of view, something that the Liberals never care to do.

I have always been appreciative of the fact that I was elected by two-thirds of the people who took the time to go and cast a ballot. That is the level of support I had in the last election when I came to the House. Very clearly the majority of those constituents are opposed to this treaty as it is presently put together. That is why I stand here and speak out against it.

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, after having the responsibility over the last two years of being Minister of Indian Affairs and Northern Development, I have spent considerable time talking to British Columbians about the Nisga'a treaty. This is an extraordinarily important undertaking, not just for the Nisga'a, not just for the people of British Columbia, but indeed for all of Canada. It is critical. As the Reform Party points out, it is critical that we talk about the legitimate concerns and issues, the challenges and the support that exists for the Nisga'a treaty.

• (1045)

Typically as we have conversations about the treaty itself, the questions revolve around three particular areas. People ask why treaties. They want to understand the treaty process and why we are engaged in that. They ask why self-government and what particularly is in the Nisga'a treaty. I would like to briefly make comments on those three questions.

Why treaties? Let me say that it was not I as the minister of Indian affairs who came up with the notion of treaty writing. It was not the province of British Columbia, nor was it Joe Gosnell, the president of the Nisga'a council.

Treaties have long been part of the history of Canada. In fact they date back to 1763 when in the royal proclamation King George said that we had to find a fair and practical way of working with indigenous people in the colonies, in the Canadas. Fortunately chiefs and aboriginal people felt the same way. They wanted a fair and practical way of working together in the lands we now know to be Canada. Rather than conquests through war, they chose compromise through negotiation. Treaties have been written in Canada since that time.

History has continued. Indeed the obligations and responsibilities that have been set out in certain treaties across the country now find protection in our constitution. In section 35 of the Constitution

Supply

Act, 1982 those treaty obligations and rights are protected. The constitution also protects future treaty rights that would be written, as anticipated, with first nations individually or severally over the course of time.

In writing treaties we are not changing the constitution. We are giving modern life to section 35 of the constitution. We are providing an opportunity for first nations who have not had that opportunity to be welcomed into Canada as citizens in the fullest sense under our laws.

When we talk about laws, that takes us to the second issue. Why self-government? Why are we taking this approach? What is it all about? Very clearly in those early days when Europeans sat at the negotiating table with first nations, with chiefs, they knew they were dealing with legitimate governance. George Vancouver when he entered Nisga'a lands was surprised to see Nisga'a living in two storey dwellings in a very complex society. There was governance and quite effective governance in first nations communities long before we ever arrived.

Over the course of time, I guess as we became the majority, we started to think differently. We started to think that we knew best. We started to take the approach that Ottawa should be making the decisions on behalf of first nations people. We started recognizing that decisions on behalf of aboriginal people should be made by the minister of Indian affairs.

Now we have the Indian Act. Surely to goodness the Reform Party does not agree that the Indian Act is the way we should build and can build a positive future for aboriginal people. It is not and it needs to be changed.

An hon. member: We should get rid of it.

Hon. Jane Stewart: Right, let us get rid of it. How do we do that? We can do it by moving back to an original relationship based on the understanding that there should be community government for first nations people as there is for other Canadians. This is tremendously important to us. It gives us an opportunity to move forward together.

To talk about governance, Canadians understand governance. They want clarity of jurisdictions and authorities. They want to set tables where they can come together to resolve problems. Believe me, no one understands the Indian Act. No one accepts that the minister of Indian affairs should be approving the wills of aboriginal people and should be telling them how to use their lands. That is antiquated. It is wrong and we can do better. The Nisga'a treaty gives us an opportunity to do just that.

Let us turn to the Nisga'a treaty. What is in the treaty? It sets out very particular obligations and responsibilities that we have to the Nisga'a people and in turn that they will provide to us.

We will be providing them with 2,000 square kilometres of land which they will own not as reserves—and members want to change the reserve system—but as fee simple. As such on those lands the exemption from taxation will not apply. The Nisga'a will be paying provincial sales tax, provincial income tax, federal sales tax and federal income tax. Their corporations will be paying corporate tax. We are moving away from the old reserve system and modernizing our relationship in a very positive way.

• (1050)

There are other aspects, obligations and responsibilities that will be returned to the Nisga'a. They will have authority to manage their resources such as timber, fisheries and wildlife. They will be able to make decisions about those resources and use them more effectively than they have ever been able to before. This makes sense. It is set out in the treaty clearly. People can read it and understand the relationship.

When we talk about governance, it is set out in the treaty. It is complex, perhaps too complex for the Reform Party, but it is set out there and it is explained. Fundamentally there are three categories of jurisdiction. Let us understand them.

First and foremost, federal laws will continue to apply, such as the constitution, the charter of rights and freedoms and the Criminal Code. In our enabling legislation be assured that we will confirm that the charter does apply to Nisga'a people. Those will exist.

Second, there is another category of legislation on province-like jurisdictions such as education and health that the Nisga'a will take jurisdiction for. Let me be clear that when that occurs, the Nisga'a must meet or beat provincial legislation, meet or beat. There is nothing to worry about. People will understand it. It will be clear.

Those citizens who are not Nisga'a members who live in the Nisga'a territory and receive services from the Nisga'a for education and health will have the right to stand for election to the education boards and the health boards. There is an appeal process that will allow them to fully participate in those areas. This is tremendously important to understand. The treaty sets that out. It makes it clear and it moves us ahead.

The third area of jurisdiction is associated with aspects fundamental to the Nisga'a themselves, their heritage, culture and language. There are no provincial or federal laws dealing with that and why would there be? We do not know how to protect their language, what the history and culture is, certainly not better than the Nisga'a. These are the areas where the Nisga'a will have jurisdiction to ensure that their history is strong and that it continues to vibrantly develop today and tomorrow.

Supply

We have worked very hard to negotiate this agreement. We have talked to the citizens of British Columbia about it. The AIP has been available for a number of years. Public meetings have been held. The communities in the Nass Valley are supportive and view this to be an important step in the modernization of our relationship.

We will have the opportunity to continue the debate here in this House, in parliament, where it should be, to discuss the details. I will continue to talk to British Columbians about their legitimate concerns and issues because they can be answered. The treaty provides those responses.

I want to say in conclusion that as we settle these outstanding obligations we do a number of things. We bring certainty to the lands. We bring an opportunity for communities to work more strongly together, for first nations to have the opportunity to build their own relationship with the private sector, with surrounding municipalities and to fully engage in this great country of ours.

We bring economic development into the province, into the Nass Valley and provide new opportunities for prosperity and development. Finally what we do is say to some first peoples in this country that Canada welcomes them. They want to be part of Canada. This is not about leaving our great country. This is about being part of it.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I do not know where to begin. The minister makes a very nice emotional appeal. This is what the minister always does when she is answering questions about the Nisga'a treaty. It is the emotional appeal. Is it not time that we resolved this? Is it not time that we formed a new relationship with aboriginal people? Is it not time that we put the dark history of our country behind us and got on with a new relationship?

• (1055)

Obviously everybody agrees with that but she is not answering the questions. She is not answering the constitutional questions. She is not answering the charter questions. She is not responding to our question with respect to section 25 of the charter being able to trump the individual rights of Nisga'a people. She is not responding to the challenge that has been raised in British Columbia that the government has violated sections 91 and 92 of the constitution.

I cannot for the life of me understand why the minister does not respond to the specifics. She only deals in the emotional appeal. That is all she is interested in.

I ask the minister why would this government be opposed to sending the agreement to the Supreme Court of Canada for a clarification on the constitutionality and the charter of rights?

These are two very important issues. Why is she opposed to referring this to the supreme court in advance of ratification? What is another few months after 130 years to make sure that we have it right, to make sure that the charter rights of the Nisga'a people are not diminished and to make sure that this agreement actually conforms to the constitution? What is she afraid of?

Hon. Jane Stewart: Mr. Speaker, on this side we believe we have an obligation to fulfill the statements in our constitution. The constitution protects treaty rights as they have been negotiated for first nations in the past and it protects the treaty rights that will be negotiated with first nations or groups of first nations into the future.

We have been to the courts on a number of occasions. They have said to us "Would you please take the responsibility and negotiate. You can keep coming back to us and we will tell you, yes, there are aboriginal rights in Canada, but it is only you that can sit at the table with first nations and exhaustively set those rights out, put them in a treaty and move on".

That is exactly what we are doing. There is no constitutional issue here. What there is is an obligation on the part of Canada to fulfill the protection and identification of aboriginal rights as set out in section 35 of the constitution.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, would the minister agree that what we are seeing here today is the last death rattle of what boils down to a two year campaign on behalf of the Reform Party to try to discredit aboriginal leadership and on a much broader issue than just the Nisga'a deal to try to speak against the whole idea of self-government?

I have sat here and listened for almost two years to a day where time after time Reform members have tried to thread together isolated incidences of mismanagement on various reserves. They have tried to paint a broader picture that aboriginal people are neither able nor capable or should have any control over self-governance.

Some people think that by broadening rights to a larger group of people somehow diminishes their own rights. They have this concept of human rights as one finite pie and if one group takes too big a slice that somehow there is less of it to go around. This is the message we have been hearing over and over again.

Is the minister aware that the Reform Party has really been the spokesperson for the whole anti-Indian movement in western Canada where I live, the architects of the anti-Indian movement of western Canada, with connections that I would love to point out if I had more time?

Hon. Jane Stewart: Mr. Speaker, there are a couple of things I would like to say in response.

Supply

First and foremost, without question there are legitimate questions that people have about the Nisga'a treaty. Those questions need to be identified and responded to. We will continue to do that I know with the help of all other parties in the House with the exception of the Reform Party.

The other thing I would like to point out is that very often the Reform Party takes the approach in fact in everything it does, of identifying issues and problems. However it seems to be absolutely impossible for it to present alternatives, united or otherwise.

• (1100)

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I would like to begin by saluting the Nisga'a who are listening to today's debate in the House, particularly Grand Chief Gosnell, to whom I spoke yesterday.

I will not dwell too long on the content of the agreement, because next fall we will have time to take an indepth look at it.

In today's debate on a motion on which we will be voting, it is important to focus instead on the democratic process. Was the democratic process legal and legitimate? My comments will primarily focus on that.

This process, which probably began in 1880, has been a long one. In 1996, I heard Mr. Gosnell say that the canoe had finally arrived, when the agreement in principle was signed. I think a few strokes of the paddle were still necessary.

Today, we also have to do some paddling with the Nisga'a, precisely to allow them to reach the land that they have been trying to take possession of for over 100 years.

This was a courageous democratic course. These people have also been very peaceful. They have always wanted to reach that land through negotiation. They have been very courageous and persevering and, today, they need a helping hand. Naturally, we in the Bloc Quebecois are fully prepared to give them such a hand.

In 1880, the chiefs began to say "We have been living on these lands forever". For almost a century, they made representations to assume ownership of these lands. The Calder decision, in 1973, brought about many changes. It was agreed that there were probably some aboriginal titles that should be recognized.

I had the great privilege of meeting Mr. Calder here, a few years ago. I was able to see what an extraordinary person he is. He is a Nisga'a and he has done a lot to further the cause of his people.

Finally, in 1976, the federal government began the negotiation process. It was only in 1990 that the government of British

Columbia got involved in the negotiations. The agreement in principle was finally reached in 1996. At this point Joe Gosnell said "Finally, the canoe has come in". However, he did not count on the Reform Party, which, in my opinion, is blasting the Nisga'a canoe with cannon fire. They really do not want this canoe to reach its destination.

Looking at the procedure to be followed with this treaty before us, which was definitively signed in August 1998, in order for it to be enforceable, the three parties must follow very specific steps. A referendum is to be held among the Nisga'a. The treaty must be signed by a member of the provincial cabinet and be ratified by the British Columbia legislature. It must then be signed by a member of the federal cabinet and ratified by the House of Commons.

I would like to take a moment to look at the result of the referendum the Nisga'a held on November 10, 1998: 1,451 Nisga'a voted in support of this definitive agreement; 558 voted against; 356 did not vote, and 11 ballots were spoiled. That means 61% of the eligible voters supported the treaty, and 23% did not. I would remind the hon. members that, as in any good democracy, the rule was 50% plus one.

For the Nisga'a, the job is over. Seventy per cent of those who voted supported it. It is important to know that not only was the action quite legal, but it was also quite legitimate.

British Columbia's requirement has also been fulfilled. A member of Cabinet signed the agreement on behalf of the provincial government of British Columbia. The British Columbia legislature voted in favour of it. At the federal level as well, a member of cabinet signed the treaty, as we will recall, last week. The Reformers made a big issue over of it.

• (1105)

I note that, in legal terms, so long as the bill has not been passed, the treaty cannot come into force. So even though a minister has signed it, the treaty cannot come into force until the underlying issue has been resolved in this House.

As regards the Reform Party's motion, no one will be surprised when I say that the Bloc Quebecois will oppose it. Referring a matter to the supreme court involves one in it. Not too long ago, the Minister of Justice made a reference to the supreme court in order to prevent the democratic, legal and legitimate action of the people of Quebec. The Minister of Justice did the same thing in a reference to the Supreme Court of Canada, asking for guidelines as to whether 50% plus one would be enough, for instance. There were several issues.

We see exactly the same attitude in this motion to refer the matter to the supreme court in order to foil a democratic action by the Nisga'a people. Naturally, we cannot agree with such a motion.

Supply

The motion also refers to delaying tactics. They want another postponement in order to stir things up even more in British Columbia and attempt to sink the famous Nisga'a canoe.

We are also opposed because we think this is a red herring. The motion refers to the Musqueam and Kamloops bands, but these bands do not come under the treaty signed with the Nisga'a. The Reform Party undoubtedly wants to use these examples to derail the treaty, but I think they are separate issues.

I urge the Reform Party to follow my lead. I am going to visit British Columbia this summer and check out the Musqueam band. My colleague tells me to come. I do not know whether it is in his riding, but I would be delighted to meet not only the band council but also the people who are facing substantial tax hikes.

But this is not a good enough reason to scrap the treaty signed with the Nisga'a. It is not fair to use examples of things that are not working well in certain places, in British Columbia or elsewhere in Canada, as an excuse for now scrapping the treaty with the Nisga'a. This is another reason the Bloc Quebecois cannot support the motion.

Nor do we agree that a constitutional amendment is required. A number of legal experts have commented on this. There is one I would like to cite, for the record. I am referring to Mr. Hogg, of York University, who says, and I quote:

[English]

As a matter of policy, in my opinion, it would be undesirable to hold a referendum every time a treaty is entered into with aboriginal people. These treaties are intended to provide clarity and certainty to aboriginal rights that have been held by aboriginal people since before European settlement. The treaties are long complicated documents reflecting years of negotiation and much compromise on both sides. It would be very difficult to communicate all the issues in a balanced way in a province-wide referendum campaign.

If a referendum were held and the treaty was defeated, the problem of achieving clarity and certainty would not go away. The aboriginal people would have to use the courts to vindicate their rights to land, resources and self-government. The Supreme Court of Canada said in the Delgamuukw case that it was willing to do that, but that it was better for governments to reach negotiated agreements with aboriginal people. I agree with the Court.

[Translation]

It is therefore very clear. Once the court route is taken, there will be no end to the appeals to postpone this type of treaty. The democratic progress of the Nisga'a can no more be thwarted than can the democratic progress of the people of Quebec.

Democratic action to liberate peoples cannot be blocked by the courts, any more than by armies or, I would even argue, by parliaments.

To achieve greater autonomy is a basic desire of any people, and I find that the Quebec people and the Nisga'a people are very similar in this.

I wish to tell the Nisga'a, and those who are watching us today, that the Bloc Quebecois is going to support this undertaking for complete freedom of this people, so that they may in future be masters of their own destiny and no longer have to depend on legislatures and courts to settle their fundamental issues.

• (1110)

I wish to tell Joe Gosnell and the Nisga'a people that they must continue their demands to paddle their own canoe, and that the Bloc Quebecois intends to give them a hand in this, so that they may, once and for all, take possession of the lands that have always been theirs.

[English]

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.): Mr. Speaker, I am not surprised that the Bloquistes are speaking against this motion. They at least are being consistent and true to their beliefs, unlike certain members opposite.

I wonder what the hon. member's comment would be with respect to the creation of a mini-state within our state or what he feels Mr. Bouchard would say if he were to be accorded, on a silver platter, all of the possibilities of government, all of the areas of overriding power which are going to be granted to the Nisga'a in this treaty, such as fisheries, wildlife, the adoption of children, citizenship, culture and language, expropriation of lands, health services, family services and education.

Does the hon. member believe that if the province of Quebec were handed the same deal which this government is proposing to hand to the Nisga'a it would not only be happy but absolutely overjoyed?

[Translation]

Mr. Claude Bachand: Mr. Speaker, that is a very good question and I am glad it has been raised.

The Nisga'a treaty is a modern treaty. The James Bay agreement paved the way for it. All that the hon. colleague has just said about the powers to be given to the aboriginal people, we already handed over in 1975, and then a few years later again with the Naskapi.

Of course, there are certain areas of jurisdiction which passed from a provincial or federal level to the aboriginal level. But it is all done through agreements, like the agreements that now exist between the three levels of government, the aboriginal government, the provincial government and the federal government.

The federal or provincial government decides what it will give to aboriginals and this is simply a recognition of their distinct approach or culture. Pan-Canadian or pan-provincial programs are

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not the way to satisfy these people, with their own particular approach to their culture, their health and their education.

For the information of my hon. colleague, we have already done this, and we see many similarities with the Nisga'a situation today. As I see it, the James Bay agreement was a groundbreaking model that people rely on today when drawing up modern treaties, which resemble it in many ways.

[*English*]

Mr. John Bryden (Wentworth—Burlington, Lib.): Mr. Speaker, there must have been an error in translation because I kept hearing the member opposite use the word liberate, as though the Nisga'a want to be liberated in the same sense that some sovereigntists want to separate from the rest of Canada.

What the Nisga'a want in this treaty is to join. The treaty is all about giving the Nisga'a a sense of cultural unity with the rest of Canada at the same time as their culture is respected. This country is the creation of three great founding peoples: those who speak English, those who speak French and those who are of the aboriginal heritage who speak many languages. They were the ones who welcomed us and made it possible for the English and French speaking people to survive in the wilderness.

I suggest to the member opposite that he consider the Nisga'a in the sense of belonging to this country. I reject his premise that the Nisga'a need to be liberated. That is not the point at all.

[*Translation*]

Mr. Claude Bachand: Mr. Speaker, I want to tell my colleague that there has been no interpretation error. I maintain that the Nisga'a, through their government—because there will be a Nisga'a government—are now going to be liberated from their previous great dependence on the federal government.

• (1115)

I urge the hon. member to read the report of the Royal Commission on Aboriginal Peoples. Aboriginal peoples everywhere are seeking liberation and self-government. They want to get off the reserves. They want control over their lives, and an end to Ottawa taking decisions on their behalf.

For me, and for Quebec, this is also a step towards liberation.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, in reading the Reform motion before us today, the first thing that

struck me in reading it was that the Reform Party is pursuing the exact same agenda as the B.C. Liberals.

What is that agenda? It is an agenda about dividing people. It is an agenda about creating fear and uncertainty. It is an agenda that actually sabotages the progress that is being made in bringing about an historic agreement with the Nisga'a people. It is an agenda that creates red herrings and smoke screens.

Let us be very clear. The Reform Party does not want clarification of this treaty by the supreme court. Reformers have the same access to legal opinions as any other member or political party. They do not want clarification. They want to destroy the democratic process that has been in place, to bring about a 111-year struggle, to finally have a modern day treaty with the Nisga'a people.

If Reform members are surprised by the strong response which all members of this House, other than themselves, have to this motion, it is not just because of the motion that is before us today, as my NDP colleague pointed out earlier, it is because day after day, week after week, month after month we have heard members of the Reform Party stand in this House and in public to undermine, attack and reinforce any negative examples they can find.

Is there any doubt that we would come to the conclusion that they have a political agenda? It is not about clarification or doing the right thing, but about undermining a democratic process and creating fear among people. I find that appalling. I have watched it in B.C. with the B.C. Liberals and now we are seeing it with the Reform Party, whose agenda is identical.

We are told that this is about clarification of legal questions, a very thoughtful approach. There are ample legal opinions available which tell us that section 35 of the constitution states that the treaty rights of aboriginal people have to be respected. We know that section 35 covers previous treaties and we know that it has provision and room to cover treaties in the future. It is very clear that the Nisga'a treaty is not something that constitutes a constitutional amendment. Legal opinions, including that of the dean of Osgoode Hall and many others, have very clearly outlined this, and the Reform Party knows this full well.

It is interesting to note the following in today's debate in looking at other positions the Reform Party has taken. Why is it that in this particular instance Reformers want to go to the supreme court, but in other instances, for example the child pornography issue, they were jumping up and down, saying that we could not go to the supreme court, that it was the powers of parliament and the action of parliament that counted? All of a sudden we have a double standard.

Why is it that members of the Reform Party challenge this, a domestic treaty which is clearly within the context and the legal confines of our constitution, the charter of rights and all of our laws, but when we have international treaties like the MAI or

NAFTA, which do constitute a massive transfer of power from democratically elected governments to multinational corporations, there is silence? There is not a word. They are out there campaigning and upholding that kind of direction. It is no wonder there is a very strong response to this motion. This is an issue of credibility on which the Reform Party has no leg to stand on.

• (1120)

I listened to the debate earlier today and I heard the member for Skeena say that the charter of rights of Nisga'a people have been put in peril. I thought, what does that mean?

First, the member never spelled it out, so I do not know what he meant, but I thought it was quite a patronizing comment. We have the Nisga'a people who, through their duly elected representatives, have been full partners in a democratic process to bring together this treaty and we have a Reform Party member saying that it is the charter of rights of the Nisga'a people themselves that is in peril.

I think the hypocrisy and the patronizing attitude that has come forward from the Reform Party after so many months and years of campaigning against rights and self-government for aboriginal people is really something that is quite appalling.

Let us be very clear. The Nisga'a treaty does not create new constitutional rights for the Nisga'a or anyone else. No one's rights are affected. I would challenge the Reform Party to dispute that.

What will this treaty do? For the very first time important provincial laws will now apply to people who used to be exempt from them because they were governed by the federal Indian Act. This treaty does not create a racially based order of government. On the contrary, it moves us away from what has been a very dependent relationship.

The treaty provides powers within the constitution similar to the powers that a municipality may have. It is very clear that Nisga'a laws must conform to the charter of rights and freedoms and to federal and provincial standards.

Contrary again to what members of the Reform Party and the B.C. Liberals have been saying, non-Nisga'a who own land on Nisga'a territory will pay property taxes to the province and the Nisga'a can only tax their own people living on Nisga'a lands. The Nisga'a will pay federal and provincial income taxes and sales taxes. Let us get the record straight.

We also see in the motion that there is a reference made to labour standards and that somehow these are undermined. I thought that was a curious thing to be coming from the Reform Party. I did a little research. I have a letter from the B.C. Federation of Labour, dated April 21, 1999, from the then president, Kenneth Georgetti, who stated:

Supply

The Labour movement in B.C. endorses wholeheartedly the provisions respecting labour relations in the Nisga'a Agreement. All labour rights under federal and provincial law are maintained. This means that trade unions will continue to be able to organize on treaty settlement land.

More than that, D.C. Haggard, President of I.W.A. Canada, stated:

Members of Parliament, and the general public, should be aware that the B.C. Federation of Labour met frequently with the Nisga'a during the period of intense negotiations. I attended many of those meetings.

He went on to state:

Since the laws and precedents under which those tribunals will make decisions remain unchanged, the B.C. labour movement, and I.W.A. Canada in particular, support those provisions and the proposed Treaty.

That comes from the labour movement itself.

We have to be very clear about this motion today. It is members of the Reform Party and the B.C. Liberals who are in cahoots on this, and on many other things I might add. If they get their way, what would happen? This is what we would have if we followed their agenda. We would have more economic uncertainty. We would be leaving land claim costs unresolved that amount to billions of dollars in investment and development. We would also have a situation where important land claims issues would be settled by the courts, with all kinds of wrangling, instead of through democratic, open, above-board negotiations where third party interests are recognized and where public hearings are held.

Again I refer to what Reform members said earlier today, that no one bothered to listen, that there was no consultation. They have to be joking. They should look at the record in B.C. There were thousands of public hearings, there was public debate, and committees of the legislature travelled around the province.

Let us be very clear. The Reform Party knows full well that the Nisga'a agreement is not a constitutional amendment. I urge the House to soundly reject this motion. Let us move forward on human rights, on reconciliation with first nations people and on settling land claims through goodwill, through negotiation; not through court battles, not through roadblocks. Let us move forward and let us reject this motion.

• (1125)

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, it takes some constraint to be able to express oneself after a speech like that, in the face of the attitude from the Liberals as well.

The member might be interested to know that later today I will be delivering a speech to show exactly how the labour movement in British Columbia, and indeed Bob White when he was retiring from the Canadian Labour Congress, completely, totally, utterly fouled up because they did not understand the implications of this act with respect to the whole issue of the union movement.

Supply

However, I want to ask one specific question. The member has chosen to continue to extend the myth that was created by the NDP in Victoria that this act is nothing more than extending powers similar to those of a municipality. If we were talking about the Sechelt agreement, that statement would be true.

Could the hon. member tell me which other municipality, if indeed that were true, has the ability to establish citizenship? Which other municipality has the ability to extend taxation without representation?

Ms. Libby Davies: Mr. Speaker, I am glad that the member was restrained. I think that is something that the Reform Party is well known for, being restrained. Reform members are full of restraint.

It surprises me that the line that is being pedalled is that it is only members of the Reform Party who understand this agreement. It is not the Nisga'a people, it is not the NDP, it is not the Liberals, it is not the labour movement, it is not Bob White, it is only members of the Reform Party who have seen the problems, the alleged problems, of this agreement. We are all intelligent people. We can read these agreements. We can come to our own conclusions. I would again assert that the Reform Party has a different agenda.

In terms of myths being perpetuated, I would suggest that it is the Reform Party which is perpetuating myths about this agreement. The fact is that the laws that would be conferred under this agreement in no way violate the constitution, in no way violate provincial law. They have been agreed to through due process. They are within the context of the constitution. In fact the myth that there is taxation without representation is also false and totally incorrect. It is very clear that there will be taxes paid and, if it is non-Nisga'a on Nisga'a land, those taxes will go to the provincial government and the Nisga'a laws will apply to Nisga'a people.

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I want to thank the member from British Columbia for that speech. I note how refreshing it is in this House of Commons to see somebody from British Columbia speaking clearly on this issue, as is my colleague from British Columbia who is sitting beside me now.

The people of British Columbia and those Canadians who have watched this debate over the last number of months have constantly heard members of the Reform Party referring to themselves as speaking for the people of British Columbia, which is absolutely false and untrue.

I know that the member has spoken well. There are many members of parliament from British Columbia who support this deal.

The hon. member began her statements by making some pre-suppositions as to why the Reform Party is doing this. We have

listened to this for some time. The member from Winnipeg made that point. What are the motivations behind the Reform Party in British Columbia in opposing this deal?

Ms. Libby Davies: Mr. Speaker, I think the agenda of the Reform Party is not really about dealing with substantive issues around self-government and modern day treaties. I think the Reform Party has an opportunity to play a very positive role in that regard. Reform members have an opportunity to be at the table.

However, as the member has suggested, I think there is a different agenda.

• (1130)

They understand there is uncertainty in what they do with many other issues, whether taxation, social programs or the income tax system. They play on that uncertainty and fear which divides people. They play on peoples' emotions and set people against each other. We have to stand up and say that we will not tolerate it.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, I welcome the opportunity to discuss the Nisga'a treaty and to address the motion before us today.

I will make one prefacing remark on what the minister said, and I think we should all remember it. All debate is legitimate. All of us may not agree on debate in that we may have different points of view coming from different areas of the country, but all debate is legitimate. I welcome this debate even though I do not agree with everything that has been said today.

The motion deals with a number of issues affecting not only the Nisga'a treaty but also other tangential aspects that have been discussed in relation to the treaty, issues such as the Musqueam first nation in British Columbia, a subject I want to touch upon later.

I have had the opportunity to meet with members of the Nisga'a first nation on two occasions to discuss this treaty. It is my intention to travel to British Columbia this summer to look at the situation on the ground in B.C. and to speak not only to members of the Nisga'a Tribal Council but to Nisga'a members themselves and to the non-native population in and around the Nass Valley. I am hoping to have the opportunity to meet with all members in the area.

The Nisga'a treaty is the first modern day treaty to be signed in British Columbia and represents the end of a long process by which the Nisga'a people want to have their own land claim recognized. The treaty will provide the Nisga'a people with an opportunity to gain greater self-reliance and self-sufficiency. Moreover, it recognizes their inherent right to self-government.

The PC Party supports initiatives that advance these objectives. That is why we have supported legislation like Bill C-49, the First

Supply

Nations Land Management Act. That bill will allow 14 first nations to take control over the management of resources on reserves. It removes them from the overbearing and restrictive requirements of the Indian Act, something that is taken even further in the Nisga'a treaty.

The Nisga'a treaty covers a wide range of issues since it will provide the Nisga'a people with not only 2,000 square kilometres of land but a Nisga'a only commercial fishery and salmon allocation, jurisdiction over the judicial system, a police force, and an environmental assessment and protection authority. At the same time the Nisga'a people will begin to pay taxes on a phased in approach over eight and twelve years.

The motion before us today specifically mentions the Musqueam first nation and the problem which has erupted between the tenants and the first nation regarding third party leases. This problem is obviously contentious and has been generating significant amounts of attention.

As a member of the Standing Committee on Aboriginal Affairs and Northern Development I have had the opportunity to listen to the concerns of representatives of the Musqueam park tenants. Their problems are to a great extent due to the lease rates established in their lease agreement. This is the kind of problem that could occur anywhere in Canada and is not restricted to first nation agreements.

Anytime someone enters into a lease agreement it is important to understand the implications of the terms of that agreement. On the other hand, the Musqueam park tenants are now faced with significant financial obligations. Obviously no one wants to see the same situation repeated on Nisga'a land.

A dispute like the Musqueam one hurts all parties involved since the negative publicity decreases the value of the land. This is a problem for both the tenants and the landlord because it is a source of revenue for first nations to be able to lease land to third party members.

With the Nisga'a people facing unemployment levels of around 60%, I assume all options for revenue generation will be considered. In fact that is one of the advantages of the treaty not only for the Nisga'a people but for the surrounding communities. With a compensation package of \$190 million there should be economic spinoffs for neighbouring communities as well as for the Nisga'a people.

Looking at specific aspects of the Nisga'a treaty, I have some concerns about things like the salmon allocation and the commercial fishery for the Nisga'a people. This was something I raised at the meeting with the Nisga'a people. I understand that they have a vested interest in ensuring that a sustainable and a healthy fishery exists. At the same time, however, I question the impact it will have on future treaties which will be negotiated in British Columbia and on the commercial fishing industry in general.

• (1135)

The Nisga'a treaty may not be a template for future treaties but it will nevertheless set a benchmark against which to compare agreements. The Sechelt first nation has recently reached another step toward its own final agreement and it is different in many aspects from the Nisga'a treaty.

There will be future treaties that will look at what the Nisga'a treaty has and has not accomplished and be negotiated based on that information. The impact this will have on the commercial fishery in British Columbia is something that will be determined some time in the future but should be considered now.

The motion suggests that the question of the Nisga'a treaty changing the constitution and therefore requiring a referendum in British Columbia should be addressed by the supreme court. While I do not have the legal background to address this issue and do it justice, I suggest that past events would point to other avenues.

Parliament has been criticized for giving greater power to the judiciary. It is interesting that the Reform Party in particular has been quick to state on a number of occasions that the judiciary is too involved in the shaping of public policy in the country. It has stated that judges should not legislate yet the motion today calls for a reference to the supreme court. Is this a double standard? It criticizes using the supreme court on issues of public policy yet when it is something it does not like it is quick to propose using the courts.

I conclude by saying that the Nisga'a treaty is a step in the right direction. The supreme court made it clear in the Delgamuukw decision that negotiated settlement is the way to proceed with land claims. This is an example of such a process, one that the Conservative government recognized in the 1980s when the process was ongoing.

It will be an interesting debate when the legislation for this treaty is introduced to parliament. I look forward to addressing it at that time.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, if my hon. colleague believes that the pursuit of the current treaty negotiations is a good thing, how does he account for the fact that treaties have been negotiated in hundreds and hundreds of reserves for people east of the Rockies?

When one compares the situation of reserves east of the Rockies with the reserves in British Columbia, one finds little or no difference between the condition of the people in both those reserves. Therefore one can assume that the negotiation of treaties in and of themselves is not a way toward political and economic emancipation for these people.

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Mr. Clark, the Premier of British Columbia, mentioned before enacting closure in the legislature that indeed a new third level of government was being created and that this level of government would be required to negotiate the treaties with the new levels of government? This new third level of government and the ensuing increase of bureaucracy in the provincial government will swallow up a lot of money that could better be used to help the aboriginal people on the ground. Does the hon. member agree with those comments?

Mr. Gerald Keddy: Mr. Speaker, I will answer the second question first. Both questions of the hon. member are excellent questions. They are exactly the types of questions we need to ask in this debate.

On the third level of government, I agree we are establishing a third level of government. It is something beyond what has been discussed in the Parliament of Canada or in the treaty process previously. It is not a municipal style of government similar to what the Sechelt agreement or the Musqueam agreement brought in. It is a step further that we all need to look at very carefully and cautiously. We must all recognize exactly what it is.

On the first question, I do not think we can judge the treaties signed or not signed in eastern Canada. All of eastern Canada does not have a treaty process in place. We cannot judge treaty 8, treaty 6, treaty 4 or treaty 2, but we can look at first nations communities across the country.

• (1140)

I ask the hon. member whether the problem is the treaty process or the lack of some type of completion in the treaty process. Has it been the restrictions of the Indian Act, which at best has been a piece of prejudiced legislation and at worst probably supported an apartheid type of regime?

I would tend to put more blame on the Indian Act and less on the treaty process. If we bring in treaties that have some finality to them and we give some empowerment to first nations that allows them to carry on in some economic regime and build some power base for themselves to benefit from the fruits of their labour, as all Canadians benefit from the fruits of their labour, then I think we have done something.

I would agree that both questions are good questions. I am not answering completely the first one because I think it is a part of future debate.

Mr. Keith Martin: Mr. Speaker, I thank my hon. colleague for his concise answer. Does the hon. member feel that we can scrap the Indian Act and pursue a process of economic emancipation and independence without necessarily pursuing political independence?

Mr. Gerald Keddy: Mr. Speaker, I am not sure we can scrap the Indian Act by snapping our fingers. I think it is much more

complicated than that. The exact reason the P.C. Party supported Bill C-49 is that it takes first nations out from under the Indian Act and allows them to have control of their own resources on their own reserves without going to the minister and without going through the Indian Act.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, I am very pleased to speak to the motion. It affects the people in my province of British Columbia, but the fact is that it will affect Canadians from coast to coast. This is the template that will be used to negotiate more than 120 agreements within my province and to negotiate agreements across the country as treaties will be renegotiated as a result of the Nisga'a agreement.

I congratulate the member for Skeena, the member for Wild Rose and other colleagues who have done much to bring the plight of aboriginal people to the forefront.

We have been engaging in a situation that has kept the political foot on the necks of the most impoverished people in the country. Through political manoeuvring for 140 years the Indian Act has kept a political foot on the necks of aboriginal people.

Our common objective is to change the egregious situation which affects aboriginal people from coast to coast on and off reserve. They suffer from the highest rates of suicide, murder, tuberculosis, diabetes, social impoverishment and child abuse in the country. These terrible situations are symptoms of a much larger problem.

The problem is that aboriginal people have been made wards of the government and the country. We have pursued a course of segregation and separation which has kept aboriginal people separate and apart from the rest of society. We are very happy that within the constitution there are requirements to ensure aboriginal people have their culture, language and lives in the traditional ways expressed and entrenched within that document.

We cannot, nor should we, ever go back to the situation that existed years ago when the culture, language and basic rights of these people were trampled upon. However, what we are doing right now through the Nisga'a agreement will not make things better. It will make things worse. For that reason the Reform Party is opposing the Nisga'a deal.

At the end of the day our common objective is to improve the terrible situation which exists on aboriginal reserves. However, how we will do it is where we differ, and I will get into that a bit later.

• (1145)

I have seen people who have been raped, abused, murdered. Children have been abused, shot, knifed. People are impoverished and live in terrible conditions and circumstances which I have not seen since I worked in Africa. These circumstances exist in our country, a country that we believe and are told by the United

Nations is the best country in the world. That may be so for a part of our population, but clearly it is not so for aboriginal people.

We want to engage in a process of economic and political emancipation and political integration for aboriginal people. Economic emancipation is not conditional upon political independence. That is what the Nisga'a agreement puts together. It is political independence to a degree because it creates a new level of government. One of the primary proponents of the Nisga'a deal, Mr. Glen Clark, premier of British Columbia, said in the legislature that the Nisga'a deal is going to entrench a third level of government.

We also oppose this because the deal entrenches political and economic power in the hands of a few. It entrenches it in the hands of the leadership of the Nisga'a people. It does not entrench it in the hands of the rank and file people. What we have seen in our country for 140 years, and what we see today and will see tomorrow if the deal goes through, is that the rank and file aboriginal people are excluded from the power and the wealth that has accrued to them.

There are examples of aboriginal reserves that operate very well because they have a very powerful, strong and fair leadership that works for the people. Unfortunately that is not so in many cases across the country. The auditor general has repeatedly mentioned the plight of grassroots aboriginal people, their suffering and the abuses in some cases by aboriginal leaderships. The aboriginal leaderships in too many communities are taking the resources and the wealth that have accrued to them through our system and are not sharing them properly with their people.

If we are going to change and improve the health and welfare of aboriginal people, rather than pursue a Nisga'a deal, let us work with them and give them the tools to take care of themselves. It does not matter whether we are aboriginal or non-aboriginal, we have to be able to contribute to our families, to ourselves and to our society if we are going to have the pride and self-respect necessary to carry on.

If we were wards of the federal government, the provincial government and the aboriginal leaderships and resources were given to us by virtue of who we were without working for them, we would not have the pride and self-respect which is necessary to change the terrible dislocates within these communities. Pride and self-respect come from being able to contribute to ourselves, to our families and to our communities. Rank and file aboriginal people have not had that opportunity.

Rather than pursue the Nisga'a deal that is going to cost the taxpayers more than \$500 million and which will drain limited resources to develop a bureaucracy within provincial governments and within an aboriginal structure, would it not make more sense to use that money for health care for these people and to give these people skills training to become productive employable members in their society?

We are not just talking about the people on reserve. We cannot forget the large numbers of aboriginal people who flocked to the

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city to look for hope. They fled the reserves where they had no hope yet in the cities and without the skills and tools to survive they find themselves in the same situation they were in or worse.

• (1150)

I have pleaded with the Minister of Indian Affairs and Northern Development to please look into the situation occurring on the reserves today. Please act on behalf of these people. Do not ignore their pleas for help. Do not continually tell the grassroots aboriginal people to go to the police or their leadership, who in many cases are strangling their own people. She must help them.

Over \$7 billion is poured into aboriginal affairs, yet what do these people have to show for it? In many cases their situation now is more pitiful than it was five, ten or twenty years ago. Money is not the cure. Political independence is not the cure. The Nisga'a deal is not the cure. It is in ensuring that aboriginal people have the power and the responsibility to take care of themselves and their families in their communities. Therein lies the opportunity, the hope and the chance for them to end a situation that is an embarrassment for everybody in the House, but more important is a terrible tragedy and a pain for the people who endure it.

The Nisga'a deal fails on many counts, as my hon. colleague from Skeena and others have mentioned. It fails to provide for the people. It fails to ensure that the people have the power. It fails to ensure that we have a workable situation for both aboriginals and non-aboriginals.

At the end of the day, we must work together to build a stronger society. Separated we will sink; together we will survive and do well. The Nisga'a deal unfortunately segregates aboriginals and non-aboriginals. It moves them apart. It will only further the prejudice aboriginal people endure. That is not good and it needs to change.

We hope that the government looks at this deal again. We hope it does not pass the Nisga'a deal. We hope it invests in aboriginal people. We hope it listens to the grassroots aboriginal people and not necessarily to their leadership. We hope it puts the obligation, responsibility and accountability on the leadership to make sure the resources for the people are going to be used for the betterment of them and not merely put into a huge sinkhole that is not going to benefit the aboriginal people at all.

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I want to thank the hon. member for his comments. I know he has spoken on these issues before.

I would like to take note of his broad sweeping approach to the discussions. He talked about economic emancipation for aboriginal people and said that if they are just given resources it is not helpful to them, that it creates poor character, as it were. He also mentioned

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that as a result of all this the aboriginal people flock to the cities as economic refugees, as it were.

I would like some clarification. Could the hon. member tell the House precisely what he meant when he said that just giving resources to the reserves somehow diminishes the character of the aboriginal people, that something happens to them and they become lazy and so on and so forth? Could he perhaps clarify for the House precisely what he meant by that?

The hon. member is a physician and one who has spent time working with aboriginal people. If he could quickly outline just two points on that second matter, what would his plans be for economic development for some of our first nations communities? What would he advise the Canadian people to do?

Mr. Keith Martin: Mr. Speaker, I thank the hon. parliamentary secretary for his questions. Unfortunately, he misinterpreted my statements but I will be happy to correct that.

Regardless of a person's race, giving things to people creates an economic welfare state. We have created an institutionalized welfare state for aboriginal people by giving them things. We need to give people, aboriginal or non-aboriginal, the power to provide for themselves.

• (1155)

I suggest we ensure that aboriginal people have the skills and the technology to provide for themselves, that we make a huge investment in health care and education for the people and that there be an obligation to move forward from that. I suggest also that we scrap the racist Indian Act, that we treat aboriginal people and non-aboriginal with the same rights and responsibilities.

I have addressed the two points. Scrap the Indian Act. Invest in economic opportunities. Also we must ensure that there are political opportunities along the lines of the municipal powers that non-aboriginals have.

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, my understanding is that in the fresh start booklet the Reform Party advocates that aboriginal communities should resemble or be structured more or less in the same way as a municipality. My understanding at least in my reading of the Nisga'a deal is that is exactly the goal the negotiators of the Nisga'a deal set out to achieve. The Nisga'a will have a government comparable to a municipality and subject to the Canadian constitution.

Can the member point out where the Nisga'a deal fails to set out a structure like a municipality which would be in keeping with Reform's fresh start manual?

Mr. Keith Martin: Madam Speaker, the powers in the words of the premier of British Columbia create a new third level of government. Clearly this is not a municipal government. Municipal governments are given powers by the province. The province has the right to take the powers away. This is not the case in this situation.

The powers the Nisga'a government would have would fall under provincial and federal levels. Furthermore, where there is a conflict between federal, provincial and Nisga'a powers, the Nisga'a powers would supersede the federal and provincial powers. Those are the two clearest examples.

The bottom line is not the pursuit of political independence. The pursuit should be to create economic independence for aboriginal people by aboriginal people, political emancipation not political independence, but political integration with non-aboriginal people. Only if we engage in political and economic integration while ensuring that aboriginal people have their traditional rights preserved as is done under section 35 of the constitution, will we be able to move forward with a liveable and effective society for everybody in the future.

Mr. John Duncan (Vancouver Island North, Ref.): Madam Speaker, the challenge for me in speaking to the official opposition motion on the Nisga'a agreement is how I address something in 10 minutes that I have been talking about since 1995.

I believe that both levels of government in their eagerness to embrace the Nisga'a agreement have manipulated the facts and misrepresented the public interest. The federal government is imposing on British Columbia a deal it was not prepared to impose on itself in the Yukon or the Northwest Territories. The federal government is imposing on Canadians a deal with the Nisga'a that the separatists in Quebec would welcome with open arms. Contrast this with the federal posture toward Toronto, a city state that Ottawa refuses to recognize.

The B.C. government through its eagerness is leaving hundreds of millions of dollars worth of federal transfers on the table by virtue of a poorly configured, poorly negotiated and one-sided federal-provincial cost sharing memorandum for treaties. The B.C. government is a willing participant in an agreement that threatens the fiscal integrity of its citizens. The official opposition, federally and provincially, oppose the current configuration of the agreement.

The great irony is that upon either party forming a government, their hands are tied. The final agreement states that no party, federal, provincial or Nisga'a, may challenge any provisions of the agreement and any amendments require the consent of all three parties. That is a veto. The Nisga'a agreement is to prevail over federal or provincial law in the event of inconsistency or conflict. We must remember Meech Lake and Charlottetown.

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• (1200)

In March 1995, I presented my analysis of the Nisga'a deal at that time largely from an evaluation of the forest resource. I projected the costs of settling land claims in British Columbia at \$8.5 billion. The provincial aboriginal affairs minister said that I was extrapolating figures from various sources in order to scare people. Just seven months later the same minister stated that the total B.C. compensation package would exceed \$10 billion. Let us remember that I said \$8.5 billion just months earlier. It was a very puzzling admission given his earlier statement and not a statement to inspire confidence in the negotiators. Now some analysts are forecasting costs to exceed \$20 billion.

The department of Indian affairs bureaucracy has used treaty making as an excuse to avoid responsibility and to cover its total failure at representing the interests of rank and file band members. It has had a fixation on chiefs and high visibility events and politics has continued to take precedence over competent management.

Native Indians have the worst statistics in the country. They deserve better. Canadians in general and the rank and file native population clearly place priority on solving social problems. Instead, the agenda has been hijacked by academics, lawyers, advisers, consultants and self-serving interests in large part so that the focus has been on seeking unconstrained self-government.

At the end of 1996, the negotiators for the Nisga'a stated that their negotiation costs to date were \$31 million. Many people will say that would have been better spent in giving several aboriginal communities clean drinking water.

In the past, I offered some specific recommendations to both senior governments. Contrary to statements by the minister, Reform is in the business of offering constructive alternatives. Federal and provincial negotiators are non-stakeholders in the results of the local negotiations in rural British Columbia because they are from Ottawa, Saskatchewan, Vancouver or Victoria. They should be at least regionally based individuals with some connection to the area under consideration.

The second point is finality. Contrary to public expectations, the arrangement entrenches special aboriginal interests on crown lands outside the Nisga'a settlement lands. The public expectation is that aboriginals would have equal rights with other Canadians outside the settlement lands.

The third point is that the agreement should clearly state that Nisga'a members will be covered by the Canadian Human Rights Act. Although this may follow from removing most provisions of the Indian Act, a clear statement that the Canadian Human Rights Act applies would be helpful. Currently, Indians living under the Indian Act cannot pursue a case of discrimination through the provisions of the Canadian Human Rights Act. They are excluded.

I will now talk about some specifics regarding the Nisga'a government. The agreement authorizes the Nisga'a to formulate and adopt their own constitution, which is exactly what Lucien Bouchard wants to do and this government rejects, at least for Quebec.

The lawmaking powers of the Nisga'a legislator are extensive and include: to decide Nisga'a citizenship, Nisga'a culture, environmental assessment projects on Nisga'a lands and assets; to protect public order, peace and safety; the administration of justice; taxation; forest, lands and resources; fisheries and wildlife; subsurface rights; provision of social services to Nisga'a citizens; health services on Nisga'a lands; adoption of Nisga'a children; child and family services; preschool to grade 12 education of Nisga'a citizens on Nisga'a lands; post-secondary education within Nisga'a lands; controlled possession, sale or consumption of intoxicants on Nisga'a lands; Nisga'a police services, including a Nisga'a police board; a Nisga'a court to administer Nisga'a laws and corrections centres.

• (1205)

If Lucien Bouchard was offered all this, would he say, "No thanks?" This list represents a major divestiture of legislative power from the Parliament of Canada to what is to be in effect the parliament of the Nisga'a central government.

Apart from the Nisga'a legislature, there will be a bureaucracy to administer Nisga'a laws, programs and institutions. The agreement calls for a number of boards to oversee a host of matters. With an adult Nisga'a population of about 1,200 residents in the area, one wonders who will not be working for the new government.

The new Nisga'a government is to be given the power to impose taxes on persons or businesses that own and have interest in land within the area. If such persons are non-Nisga'a, they cannot vote in Nisga'a government elections but they would pay taxes. This is a classic case of taxation without representation. It is racially based taxation.

Evelyn Gillespie, the NDP MLA for the Comox Valley, recently wrote that the Nisga'a final agreement provides the Nisga'a with a municipal style government. She said this knowing that the people fully support municipal powers, as do I. The reality is that no municipal government has any status under the constitution while the Nisga'a will. This is the third order of government sought by former Assembly of First Nations leader, Ovide Mercredi, and rejected by his own people and by a majority of Canadians in the referendum on the Charlottetown accord.

Nisga'a citizenship and not residency determines who votes. Would Jacques Parizeau not love to have that? The Nisga'a agreement retains one part only of the Indian Act. This is the very worst part, that which defines who is an Indian. The tragedy of the

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Indian Act is that registered Indians are treated differently by government than other Canadians, usually to their detriment. Why would anyone want to perpetuate this difference constitutionally? A Nisga'a committee will review bloodlines to protect prospective citizens. Incredibly this is what we are entrenching in our constitution.

Registered Indians are 2.5% of the B.C. population of whom half live on reserves or pursue what can be remotely considered to be a traditional native lifestyle. There must be a better way.

What would I do? I will summarize it this way. I would make the negotiating mandate public; compensate aboriginals for what the courts recognize as their modest aboriginal entitlement; establish aboriginal governments consistent with municipal style governments, similar to the Sechelt Indian government; subject the Nisga'a and all other native persons to the same tax system as other Canadians; ensure finality and certainty; and, keep it simple.

New Zealand eventually tired of a never-ending agenda and did just that.

Hon. Raymond Chan (Secretary of State (Asia-Pacific), Lib.): Madam Speaker, I have one question for the Reform Party. If they are such believers in the rule of law and in the authority of the Supreme Court of Canada, then they have to accept all decisions by the Supreme Court of Canada and not choose between what things they like and what things they do not like.

The Supreme Court has said the constitution is legal and aboriginal rights are provided for in the constitution. This Nisga'a treaty is based on aboriginal rights that the courts continue to say that we have to negotiate what these aboriginal rights are. This is what this Nisga'a treaty is all about.

Does the Reform Party not know that there has already been a constitutional challenge in the B.C. court and the court has said that it would be more appropriate for the courts to consider questions related to the constitutionality of the treaty when the full legislative record is available to the courts for consideration.

• (1210)

Why do members of the Reform Party want to now, before passing legislation recognizing the treaty, refer it to the law courts? If they believe in the rule of law, and if our constitution gives aboriginal rights to natives, why would they say that those are not the rights they want? They do not want to give them any rights. They just want to abolish the Indian Act and treat everybody the same, denying aboriginals their legal rights? They are not such a big defender of rights for all as far as I can see.

Mr. John Duncan: Madam Speaker, that question was not to the Reform Party, it was to the member for Vancouver Island North. We recognize existing aboriginal rights as defined by section 35 of the constitution. We are quite aware of that. No one would argue the case.

We are aware of the judgments that have occurred in the supreme court. We are also aware of the myths that are propagated by the federal and provincial governments as to what constitutes the decision making by those courts and the spin that is put on those decision. The aboriginal entitlement, the modest compensation that has been put forward consistently by the Supreme Court of Canada, is far different from what is reflected in agreements such as the Nisga'a agreement.

I will point out to the member who posed the question that his very own government has supported a variety of agreements. In British Columbia we have, for example, the Sechelt Indian government, which has been in effect since 1985 or 1986. It is a municipal style government. I have no difficulty at all in endorsing the Sechelt agreement. It very much represents the rank and file members of that band, with all of the accountability and democracy very much in evidence.

Only the Liberal Party in this place would suggest, as the member did, that we can achieve equality by not treating everyone equally. I find this to be something I philosophically cannot buy into. We should in every way be attempting to move people together not split them farther apart. I think that is what divides the official opposition from the government on this issue.

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Madam Speaker, I should give the House due notice that I am splitting my time with the member for Vancouver Quadra, who I know will be eager to speak to these issues and speak to them well and competently.

I am pleased to rise in my place to respond to the motion by the member for Skeena. Before I go into my written notes, I did not have an opportunity to ask the member for Vancouver Island North a question, but perhaps I can make a comment. He can respond privately to me later if he likes.

The point I want to make about the legislation we are contemplating here in the House and as part of the motion, is that it is not race based government at all. It is based on citizenry. Anyone can become a citizen of the Nisga'a place.

If the member for Skeena or the member for Vancouver Island North would like to undertake the process of becoming Nisga'a citizens, I could meet with the Nisga'a people. Being non-aboriginal persons themselves, I would like to inform the House that I would be more than willing to undertake that if they are willing.

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This would clearly and categorically demonstrate to them both that it is not race based government at all. If the member for Skeena would like to become a Nisga'a citizen, I would make that application for him beginning today.

The hon. member for Skeena, who put the motion for the opposition, has asked that the House recognize public concern in British Columbia over the Nisga'a treaty and self-government.

• (1215)

I say respectfully to my good friend that we on this side of the House fully acknowledge that Canadians in all parts of this country recognize the significance of the Nisga'a final agreement. We know that the Nisga'a treaty will bring us into a new chapter in Canadian history. Unlike the members opposite, we will not try to hold on to the ragged script that has governed our past.

Three of the members opposite used the words racist Indian Act. Perhaps they are correct.

Unlike the members opposite we will not try to hold on to these old ways of the past which they seem to fight against in their Reform Party rhetoric. We will not enter into this new chapter of Canada's story without due regard for what has come before.

We will respect the rights of individuals and minorities and will pay heed to the independence of the legislative and judicial branches of government. That is why the government could not in good faith accept the premise on which the opposition's motion is based, that we as legislators should abrogate our duty to address those matters of policy which shape Canada's history, its identity and its future.

It would be irresponsible for the government to take debate about the Nisga'a treaty from the hands of Canada's elected representatives and place it in the lap of the judiciary, a judiciary I might add that has encouraged this most recently in the Delgamuukw case. I ask the member to read the words of the supreme court justice and others who wrote that opinion to negotiate rather than litigate land claims.

The member spoke about the \$31 million that was used, for example, for sewer and water projects. I absolutely agree. If the member honestly believes that, would he then oppose his own party and help me here today in voting against this motion to stop what it wants to do with this motion which is to go back to court? It is preposterous. Let us recognize the opposition motion for what it really is, a failure to respect Canada's constitutional values which the Reform Party cannot, will not and has not embraced.

I remind members opposite of the decision of Mr. Justice Williamson of the Supreme Court of British Columbia in the recent Campbell case. In his reasons his lordship reviewed the basis on

which a court might consider questions about the constitutionality of the Nisga'a treaty. Paragraph 11 of his lordship's decision affirms "the constitutional validity of the legislation"—and he is referring here to the Nisga'a final agreement—"arises only after the bill has been passed by both houses of parliament, received royal assent and become law".

In other words his lordship is saying to this House that he respects the rule of law and parliament. He is giving us in deference to that, proper authority that parliament would debate this and pass this and the courts would then make their judgement on it. Why does the Reform Party want to usurp that proper jurisdictional ruling by the B.C. court?

Mr. Lou Sekora: Because they are racist.

Mr. David Iftody: Madam Speaker, paragraph 11 of his lordship's decision affirms that the constitutional—

Mr. Mike Scott: Madam Speaker, I rise on a point of order. Clearly the member from Coquitlam, in speaking out of turn was—

Mr. Lou Sekora: You are racist. You know you are.

Mr. Mike Scott: Madam Speaker, that language is clearly unparliamentary. I would ask the Chair to ask the member to apologize.

The Acting Speaker (Ms. Thibeault): Yes, you are quite right. I ask the member to withdraw his remarks.

Mr. Randy White: Madam Speaker, I rise on a question of privilege. It is not enough for a member to stand up twice in this House and call another individual a racist; he does it and gets away with it. This kind of attitude and this kind of comment from the member for Port Moody—Coquitlam—Port Coquitlam is absolutely unacceptable. I ask that you turf him out of here for a day.

• (1220)

Mr. Pat Martin: Madam Speaker, I rise on the same question of privilege.

The debate has been heated throughout the day. When other speakers were in the Chair, there were remarks made from this side of the House toward NDP speakers, swear words, a common vulgar word starting with *a* that I will not repeat. We did not bother raising a question of privilege or point of order because we recognize that in the passion of the debate things are said. They were not said into the record. They were said during the debate and not on any formal record.

Seeing as these issues were not dealt with I would ask that the same latitude—

The Acting Speaker (Ms. Thibeault): This is the last point of order on this. The hon. member for Langley—Abbotsford.

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Mr. Randy White: Madam Speaker, let me put this into perspective.

I think one of the ministers just said we say it. The fact is we do not say it. I refer you, Madam Speaker, to rules of debate in Beauchesne's sixth edition. In citation 492 the word racist is one of the prohibited words.

The NDP member who just spoke is talking about something else that is quite irrelevant to the discussion we will be having here for a little bit.

The individual opposite, the member for Port Moody—Coquitlam—Port Coquitlam not only said it once but he said it twice knowing full well that when he uttered unparliamentary language in the House he could get away with it and all that was going to happen was that he would be asked to withdraw the comment.

Madam Speaker, I submit to you that it is not acceptable for an individual to keep repeating words and you asking for their withdrawal—

The Acting Speaker (Ms. Thibeault): The Chair has already ruled on that. The member opposite has withdrawn his remark and we will leave it at that.

Mr. Richard M. Harris: Madam Speaker, I rise on a point of order. It is my understanding that when members rise in the House in order to be recognized for anything they may say they must be in their place.

The member from Port Coquitlam was not in his place. Therefore I believe that the Speaker is in order to request a withdrawal, at the very least, while the member is seated in his place. He uttered the word racist on two occasions and continues to.

The Acting Speaker (Ms. Thibeault): At this point I would like to ask the hon. member for Port Moody—Coquitlam—Port Coquitlam now that he is sitting at his desk to officially withdraw his remarks.

Mr. Lou Sekora: Madam Speaker, I withdraw my comments.

The Acting Speaker (Ms. Thibeault): Now we can proceed.

Mr. David Iftody: Madam Speaker, thank you for your ruling. I do appreciate it. I believe my colleague from Winnipeg North was engaged in a similar problem with the Reform Party this morning.

The word racist was used a number of times in the House by Reform Party members in terms of referring to the Indian Act.

Mr. Richard M. Harris: Madam Speaker, I rise on a point of order.

During the debate there is no member of the Reform Party, the official opposition, since we came to this place in 1989, who has ever had the disrespect to call anybody in the House a racist. That is

the lowest form of insult in my opinion. For the member to suggest in any way—

The Acting Speaker (Ms. Thibeault): I am afraid that we are now entering debate, so we will resume debate with the parliamentary secretary.

• (1225)

Mr. David Iftody: Madam Speaker, I did not suggest that any member from the Reform Party called any member here racist. I suggested, and the record can be checked, that Reform members referred to the Indian Act as racist. That word was used in the House. However I would prefer, if I may, to proceed with my comments.

I referred to the B.C. supreme court decision. Mr. Justice Williamson states in his reasons in paragraph 28 "It is essential that the courts respect the right of parliament to exercise unfettered freedom in the formulation, tabling, amendment and passage of legislation. This obligation is no less than that of the duty of legislative and executive branches to respect"—and I emphasize this—"the independence of the judiciary".

Members opposite should know that the contents of legislation and indeed the entire legislative record is relative to the determination of constitutional issues in this case. It is often by this record that the judiciary deduces legislative intent. The proceedings of the House therefore will be relevant to any determination the courts are called upon to make on the Nisga'a treaty.

In addition, the debate in the House is also important to all Canadians. They deserve to know where their members of parliament stand on the issues affecting the country. For that reason alone this is and will be a historical debate indeed. Would the member for Skeena prefer that his constituents not hear the full extent of his views on an agreement which promises to change the face of the region for the better?

In the motion the member for Skeena has put before this House he implies that he is concerned that the treaty could be used to usurp, diminish or subrogate the individual rights of Nisga'a people. I would put it to the member that if he were so concerned about the rights of the Nisga'a constituents, he might visit that area more frequently. I know that he has to clarify that in the House and I appreciate that.

As I have said before, I would be prepared to offer my services to him to mediate meetings between himself and the Nisga'a people who are eager to do that. I am certain these constituents would assure the member that they no longer want the limitations of the Indian Act. Even some of his own colleagues have agreed. In fact, the Nisga'a have unequivocally said that most important of their objectives is to remove the Indian Act. They agree and we all agree.

After more than 20 years of negotiation, it is important at this time that we ask the lawyers to step aside, that we pull back from the courts, we stop the debate, we fold up the tent as it were, and all

the parties that are affected come together and debate that. It is the House of Commons where we intend to do that. We want a full debate on this matter. We will have an opportunity to do that in the fall as we have talked about and promised. The due diligence process that all our constituents require from us will be exercised thoroughly in the House when we debate these motions.

I believe that history will show after the vote is taken in the House of Commons, that those who for whatever reason vote against this treaty will in 25 or 30 years from now be judged by the Canadian people, that while their opinions may have been right or wrong, they were on the wrong side in opposing this treaty.

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Madam Speaker, one of the biggest fallacies is that the public hear that this is just another type of municipal government. It is not. It is another level of government.

I want to ask the question that the aboriginal people in my area ask me. In this treaty will the aboriginal people be granted the same rights as other municipal governments? Will they have accountability, annual audited statements and all the other rights that we enjoy? I say it is not within the treaty. Am I correct?

• (1230)

Mr. David Iftody: Madam Speaker, all due diligence and proper procedures in terms of accountability will apply. I remind the hon. member that the 14 points in the treaty fall within the three categories of culture, language and administration of their own assets on reserve.

We have said many times in the House that all other areas of law such as provincial and federal continue to apply, as does the charter. I assure the hon. member those guarantees and protections will be there.

If they are breached in any way there are remedies available through an appeal process to the B.C. Court of Appeal or to the federal court on those matters.

Mr. Mike Scott (Skeena, Ref.): Madam Speaker, the parliamentary secretary is professing a great concern for aboriginal people and I am sure his concern is legitimate.

Do not the Gitksan and Gitanyow count? Why was the overlap situation not addressed before this treaty was implemented? Why is the government talking about a fiduciary obligation to aboriginal people on the one hand but completely cutting out the Gitksan and Gitanyow people who claim that 85% of the land being given to the Nisga'a in this treaty is actually their traditional territory?

Let me quote for the hon. parliamentary secretary's benefit Stewart Phillip, president of the Union of B.C. Indian Chiefs, who represent a considerable number of indigenous people in British Columbia. He says:

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The fastest approach that government is taking to treaty making will undoubtedly mire indigenous peoples and the province in years of court cases. Until overlap issues are dealt with and addressed among indigenous peoples, no government has the right to enter into treaties recognizing title or rights to any territory. I am outraged by these reprehensible actions. The entire B.C. treaty process is not viable, is wide open to many legal challenges.

Why does the parliamentary secretary not address that issue which is of vital concern to many aboriginal people, including people in my riding to whom I happen to talk on a regular basis?

Mr. David Iftody: Mr. Speaker, I find it quite extraordinary that the hon. member opposes 2,500 Nisga'a people who are his constituents and supports the Gitksan Wet'suwet'en and the Gitanyow who are not. This is an oddity, indeed.

During the last break I took the opportunity to fly to British Columbia. I sat down with the Nisga'a and our justice lawyers to look at a mapping of the respective area. Those boundaries are protected within the Nisga'a area. We are certain that they do not violate the historical pathways, fishing or hunting territory of any of the other affected parties.

In those areas that are under question, and there is a grey area, the Nisga'a have said that they are willing to sit down with the Gitksan Wet'suwet'en and the Gitanyow to discuss it. They recognize that there are familiar relations which go back historically. They are not disputing them. They want to sit down and reasonably negotiate. Why does the hon. member want to divide those people and end up going to court again?

Mr. Mike Scott: Mr. Speaker, I rise on a question of privilege. I think the parliamentary secretary in his intervention has led Canadians and people in my riding to believe that the Gitksan and the Gitanyow people are not my constituents. They are very much my constituents.

It is very important that my job as a parliamentarian is accurately represented. I do represent these people.

The Deputy Speaker: I do not think that is a question of privilege, but on the other hand the hon. member has made his point.

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, may I make several prefatory comments to correct the record as it has emerged to date.

The Nisga'a treaty is not a template for the remaining 50 treaties in British Columbia. This point was politically made by the premier of the province and later withdrawn. We recognize the Nisga'a treaty rests on its own special historical facts. All the other treaties will have a similar factual record.

As far as the Nisga'a treaty is concerned one of the key factors in its rapid negotiation in these last few years—it had been 100 years in the making—was an essentially highly pragmatic leadership on

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the part of the Nisga'a people and a spirit of give and take and the absence at the time the negotiations were in full play, and I stress this, of countervailing interests concretely expressed. However it was always envisaged that this and other treaties would operate within the constitution and the rule of law and that the ordinary legal remedies apply.

• (1235)

I would also like to say on behalf of the very great former member for Westmount that there was nothing in Prime Minister Trudeau's approach that was incompatible with aboriginal rights. Quite the opposite. He rejected the pathological nationalism that there was in Europe between the two world wars. He was a strong believer in minority rights and in fact sections 25 and 35 of his celebrated charter of rights are as a result of his accepting that they must be there. They are provisions that preserve aboriginal rights such as they are. He envisaged also that it would left to subsequent constitutional testing to determine their precise ambit and limit in concrete cases.

Let me make some comments on judicial review. The member for Sydney—Victoria earlier in the debate made the comment that there are ironies and contradictions here. I have heard, I think, several semesters of debate on the evils of judicial review and judicial activism. I wrote my first book on judicial review and judicial activism. It is always interesting to find people converted on the road to Damascus, and I welcome that. I would not reproach that to anyone.

Let me simply say that judicial review and judicial activism do not exist in isolation. There are not very many cases in Canadian law establishing the parameters, but it is well established in the jurisprudence of the World Court. In one recent case in which I gave free advice the court quite properly said even on an advisory opinion jurisdiction that it must consider standing to sue. It rejected an intervention by the World Health Organization, although accepting one by the UN General Assembly on the issue of the legality of nuclear weapons.

More specifically and in this context even in a specific case controversy there are limits to what courts with the proper respect that they do exercise to co-ordinate arms of government, like the executive and the legislature, may do and how they may do it. In the recent ruling, admittedly by a single judge of the Supreme Court of British Columbia, the court has rightly established that the issue raised on the Nisga'a treaty was premature in legal terms, that it was not ripe for adjudication, that the issue was moot, that it should at least wait on the adoption of the relevant federal and provincial legislation.

I have not any doubt that would be the position of the Supreme Court of Canada. In fact when I looked at the motion here as it is given, with a certain degree I guess of poetic enthusiasm, I would wonder myself about any court ruling on usurping, diminishing, subrogating or other Latinisms of that sort, in the absence of a concrete factual record.

We have reached the situation of how and when native rights are defined. It is not expected that the treaties are the last word. They are the beginning of an empirical case by case development in concrete situations. What is good and sensible for the Nisga'a may need to be re-examined in the context of highly urbanized settled areas such as exist in Vancouver, Kamloops and Victoria. This will be done in the treaty making process.

Turning to the compatibility or the reconciliation of the treaties with sections 25 and 35 in which I have a special interest, Senator Perrault and I gave advice to Prime Minister Trudeau on sections 25 and 35 and suggested their inclusion in the charter. It is always envisaged that there will be in the spirit of the common law an empirical case by case development in the concrete factual record of specific problem situations.

The law is not frozen once and for all, for all time. We have gone beyond provincial-federal constitutional compartment theories. We recognize, in the spirit in which Lord Sankey established through the privy council 65 years ago, that the constitution is a living tree. It has constantly to be adjusted to changing circumstances.

However we do not do that in abstract. We do it in concrete cases. The case controversy is crucial.

• (1240)

A number of us were involved in a negotiation within parliament, making parliament work. New problems arose in connection with Bill C-49 that were brought to my attention after the all party committee had made its unanimous report. We have laboured with the Senate and others. The Senate has come up with a suggestion for the amendment of Bill C-49, which will be coming back to the House, that certainly renders it more compatible with common law principles and the charter of rights.

Some things were left out, for example the status of native women. It is not a concrete issue in the case of the Nisga'a but it will undoubtedly arise in the case of some treaties within the Vancouver area. I anticipate those will go to the court when particular persons and interest groups say that they are concerned about this and we will get a ruling.

The whole process of treaty making rests on Jeremy Bentham's principle that the law is not made by judge alone but that it is made by judge and company. The treaty making process involves the executive arms of government, parliament and the provincial legislature legislating to implement and the courts ruling on it when necessary.

There is nothing in the record of the negotiation of treaty rights to date that is incompatible with the constitution. It is all subject to the constitution and the charter of rights. There are sections 25 and 35. See the accommodation made by all members of parliament and in the Senate in relation to Bill C-49 after hearing representa-

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tions from a very wide section of the Vancouver community. These accommodations helped to bring the general principles in a pragmatic orientation, in line with the large constitutional principles and the rule of law.

I would suggest to the members of the opposition that the motion is premature. In my view it would interrupt the principle of comity which courts and others owe to co-ordinate arms of government to the executive that is charged with the negotiation of a treaty. Let it do its work. Parliament is charged with the business of implementing the treaty in concrete legislation.

If and when in the concrete legislation it is demonstrated that there is a concrete clash of interest between persons or groups within the community, then take it to the courts. I have always argued that the justice ministry should help finance such cases that raise general constitutional issues. It was done and was dropped in budget austerity measures earlier in the term of this government and it could be revived. It is a constant, dynamic process of making law compatibly with the constitution and the charter of rights.

I invite all members of the House to co-operate in that process. I thank those who have intervened in the debate, sometimes with asperity, but I take notice of the fact that it was said on both the opposition and government side that feelings were strong. We tolerate asperity when it is in pursuit of good cause.

Mr. John Duncan (Vancouver Island North, Ref.): Mr. Speaker, I have a very quick question for the member. Why is the government prepared to give to the Nisga'a powers it is not prepared to give to the province of Quebec?

Mr. Ted McWhinney: Mr. Speaker, the hon. asks a leading question that certainly goes beyond the legislation or the treaty. The province of Quebec is in its own process through its present government of asking for certain measures which the government considers not in accordance with the constitution. I know of no parallelism between what is now being proposed under the Nisga'a treaty and what, as I understand from the record, the province of Quebec is asking for.

I have said before that the Nisga'a treaty and all subsequent treaties are subject to the constitution and to the rule of law. It was our belief in relation to Quebec proposals that they were beyond the constitution. That caused us to say that if there is any further referendum on this issue we would insist on drafting a question and on having the language corrected to show that fact, so people can determine it. If and when an affirmative referendum arises, it will be political judgment whether to respond to it.

• (1245)

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, the Nisga'a agreement, as it is currently written, gives the Nisga'a

the ability to determine their own citizenship. I assume that would be something none of us would want to give to the Bloc or to the separatist faction in Quebec.

My question is exactly the same as my colleague's. There are many aspects of the Nisga'a agreement that would be very favourably accepted by the people of Quebec who desire to see Quebec as a separate state. Let us be specific. Why would we be extending to the Nisga'a the ability to determine their own citizenship when, if we received the same request from the separatists in Quebec, and I am sure we would, we would not give it to them? What is the difference between those two things?

Mr. Ted McWhinney: Mr. Speaker, to repeat again, the Nisga'a treaty and all subsequent treaties are within the constitution and the rule of law the constitution represents. Any definition made of citizenship is subject to judicial review and subject to the constitution, as well as other constitutional provisions.

What Quebec may or may not propose is another matter. However, if proposals are made that involve a conflict with the Constitution of Canada as it exists, then our position is very clear, we would approach that as a request to depart from the constitution and we would treat it accordingly. The Prime Minister has made his views very clear on that.

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.): Mr. Speaker, I want to continue to pursue the same issue that has been raised by my colleagues. Specifically, the only power that has been asked about up to now is citizenship. However, the member knows full well that in the Nisga'a treaty there is provision for overriding power, a power superior to that held by the provinces and this government with respect to, for example, fisheries, wildlife, adoption, culture and language, expropriation powers, health services, family services and education. By any definition that is a country. Again I would ask the hon. member, why is it more acceptable or equally acceptable to have a mini-state within Canada than it would be to have Quebec as a macro-state beside Canada?

Mr. Ted McWhinney: Mr. Speaker, once again we are using coloured language, coloured words. We should stick to the text of the treaty and the basic assumption, which is not questioned, by the way, by the Nisga'a, the provincial government or the federal government, that it operates within the constitution and subject to the constitution. On the only thing remaining in relation to the Quebec government, we can consider on the merits what is being proposed, but if Quebec takes us out of the constitution, then we recognize that a fundamental change has occurred. The difference is as between night and day in the two situations.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, it is a pleasure to be debating this issue today. Coming from British Columbia I know full well the extent of the problems that many

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people perceive in aboriginal land claims, in particular the Nisga'a agreement because of the precedence it will set for all of us.

My riding in particular has several small aboriginal bands, and there are land claims involved. It is not as big an issue as it is in some areas, but more and more people in my community, which is a good mix of rural and urban, are concerned about their private property and how it will be affected by aboriginal land claims, in particular the Nisga'a agreement. Many of the things my colleagues have said are very serious considerations that people in my community are wrestling with. For anybody in the House to think this is some kind of political debate to score points is very incorrect. Some of us happen to be closer to the problem than many realize.

• (1250)

Since I am not directly in the Nisga'a area, I am on the lower mainland of B.C., I choose to speak to this from a fiscal point of view. Being an accountant, I suppose I would revert to that in this case. I have always been interested in the consequences of the fiscal assumptions that have been made in many land claims, not just the Nisga'a. However, the Nisga'a concerns me greatly because of the enormous number of dollars and cents that are bantered around by provincial and federal governments. What scares me more than anything is that I do not think anybody really knows the exact parameters of the agreement.

How do we possibly settle an agreement with anybody in this day and age when the exact parameters of that agreement are not known financially, in particular since we are talking hundreds of millions of dollars; not \$10,000 or \$20,000, but hundreds of millions of dollars?

I want to talk from my perspective of the political problems in British Columbia, where we have the most unpopular NDP government in North America at the moment. It is a government which was elected by 38% of the people, much like the Liberals over there. It does not really represent the majority of the citizens in its area, whether it is the Liberals from the federal point of view or the NDP from a provincial point of view. If that is the case, the way through that to make sure that a government has a mandate from all of the people, because it has such a minority—

Mr. Lou Sekora: What kind of votes did I get?

Mr. Randy White: The member for Port Moody—Coquitlam—Port Coquitlam is trying to harass me. Can hon. members imagine that? Boy, am I ever afraid of this fellow.

Mr. Lou Sekora: You are talking about 38%. State the facts.

Mr. Randy White: Some loser from Coquitlam comes in because he got lucky in a byelection and he thinks that I am afraid of that.

When a government is elected with 38% of the vote, it would be well advised, whether it is federal or provincial, to go to a referendum and get a mandate.

Mr. Lynn Myers: Did you not get 6% in Windsor—St. Clair?

Mr. Randy White: Mr. Speaker, I suspect these fellows across the way do not like me. Do you know what? The feeling is mutual.

Mr. David Iftody: We love you, Randy.

Mr. Randy White: I want folks who are watching on television to listen to this. Out of 156 members of the Liberal government, there are five sitting in the House.

The Deputy Speaker: The House leader for the official opposition knows the rules and he knows that he is not to refer to the absence of members from the House. He is well aware of that. I have had to rebuke him for this before and I know he would not want me to do it again.

Mr. Randy White: Mr. Speaker, I apologize. I know that once in a while I get carried away, but I like people to know how many people are in the House of Commons when we are talking about an important issue like the Nisga'a agreement.

I want to point out that the only cost analyses for this Nisga'a agreement that have been available to the people of British Columbia have been the official estimates of the federal and provincial governments. My colleague from Delta—South Richmond said that we had better get something a little more objective on this, so he commissioned R. M. Richardson and Associates to prepare an analysis on the cost of the Nisga'a treaty to B.C. taxpayers.

That analysis has been made public and I want to express to the House some of the findings of the analysis with regard to the Nisga'a agreement. If there is some doubt on the financial aspect, surely it would be prudent for any government and all politicians, regardless of what party they are in, to check it out, particularly if the numbers are at serious variance.

Here is what Richardson found on the analysis. The total cost of the Nisga'a treaty, as measured, is up to \$1.5 billion, in fact \$1,515,800,000, compared with the official government estimate of \$485.8 million.

• (1255)

Somebody might say that R. M. Richardson and Associates are wrong. How far wrong are they? Are they wrong by \$1 billion? If they are wrong by \$10 million taxpayer dollars should it not be the responsibility of the government to stop and check it out?

We all know the record of the NDP in British Columbia. It does not matter to those folks. They would blow tax dollars like there is no tomorrow, and for the NDP there is no tomorrow. It does not

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matter to them. However, there is going to be a good dog fight in the next federal election. I would suggest to the Liberal government that it check out this \$1 billion discrepancy on that item alone.

The British Columbia government has underestimated crown land values, construction costs of the Nisga'a highway, forest renewal, B.C. spending and third party compensation costs. We had better think about this. Perhaps there is something wrong and we should check it out.

Non-reserve Nisga'a settlement lands, which constitute approximately 1,930 square kilometres, are valued at \$406.4 million, compared with the \$106.7 million estimate of the Government of British Columbia. This is not \$10,000 or \$10 million. We are talking about \$300 million.

This should not be about making everybody feel good and making sure this goes, being the champions of this group or that group. It should be for all taxpayers across the country because there are a lot of dollars involved. We should reassess the situation. It should not be reassessed by government or government employees. Let somebody else do the job. That is what we did. It was a fair assessment. There was no political ploy.

I call on the government to listen to what we are saying. This valuation includes forest resources at \$268.2 million, mineral resources at \$13.8 million, water resources at \$17.5 million and fisheries resources at \$106.9 million.

What about the Nisga'a highway? The Nisga'a highway will cost at least \$87 million, compared with the estimate of the Government of British Columbia of \$41 million. This Liberal government, just like that, is willing to sign on behalf of young people and on behalf of seniors on fixed incomes who are going to pay the bill.

There are very few members on the other side who are listening to this very important debate. The whole darn government should be in this House listening.

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, to the few members of the Reform Party who are here listening as well, I would like to make a comment on the remarks made by the hon. member.

I thank the hon. member for his comments and his premise in terms of fiscal issues being outside the motion. The member for Skeena wanted to talk about self-government and the debate has gone in that direction for the past two hours.

I am familiar with the report of Mr. Richardson and I have looked at.

• (1300)

After checking the record, I find the testimony of the Auditor General of Canada to the Standing Committee on Aboriginal

Affairs and Northern Development to be entirely inconsistent to the question I posed about land evaluations that far north in areas of Canada with that kind of space. I asked him what kind of acceptable accounting standards and practices would be used to make those kinds of categorizations and whether the Government of Canada was within its boundaries and properly understood those limits or boundaries with respect to those evaluations. I was told by the gentleman at that committee that we were indeed within those boundaries and it was acceptable according to the officials from the auditor general's department.

Who would the member believe, Mr. Richardson, who I do not know nor do I think anyone in the House knows, or the Auditor General of Canada? If he is an accountant, could he answer that?

Mr. Randy White: Mr. Speaker, let me clarify a couple of things.

A parliamentary secretary in the House does what he is told on the government side. This particular individual is here trying to defend on behalf of the government the whole Nisga'a agreement. It is quite irrelevant to me if there is a motion on the table as to a certain aspect of the Nisga'a agreement. I am trying to address something very specific.

It is not just a question of whether it is the auditor general involved in this. That is what I said originally. My colleague from Delta—South Richmond commissioned a private firm to do it. I would suggest to the government that it commission, and ought to have commissioned, several private firms to undertake a cost effective analysis on this thing.

It is not a matter of just going to the auditor general and saying it has a variance of 5%. Does the member know what a variance of 5% on one billion dollars is? It is a lot of money to the Canadian taxpayer.

The premise I am trying to get across to the hon. member and those few Liberals who are here listening is that there is much money involved in this. They should not just assess what some bureaucrats are telling them that this is what it is going to cost because they want this to be put into place. They should not just assess and take the word of the auditor general.

The government should commission a number of organizations. It has time. We have managed to get this thing deferred until the fall. Over the summer, why does it not commission two separate firms to make a cost effective analysis of this? If there is such a large discrepancy, which I am charging today there is, then it should halt the process, re-evaluate it and look at it not just from the social aspect of it, not just from any other aspect of it, but look at it as well from the fiscal cost of it.

This is going to cost British Columbians and all Canadians a great deal of money. The effects of it down the road will cost

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British Columbians and all other Canadians, by virtue of other land claims, a great deal more money. There is a lot at stake here. It is not just a one day debate that we happened to have called for in the House of Commons. The government has time. Why not do it?

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, since the hon. member for Langley—Abbotsford has asked for a direct question on the points he has raised, I will ask him a direct question on the points he has raised and that is the value of the land in question.

Maybe the member for Langley—Abbotsford can correct me on this, but it is my understanding that the land in question has all been logged. The majority of it, up to 80% or 90% of it, has been logged. The region is second growth and much of it is much too young to cut. That was part of the reason the companies involved in this transaction gave it their blessing. Can the member for Langley—Abbotsford comment on that?

Mr. Randy White: Mr. Speaker, I do not live in the area, but one of our members who does assures me that it has not all been logged, and I am sure that is true.

Mr. Gerald Keddy: There is no access.

Mr. Randy White: Mr. Speaker, regardless of whether or not there is access to the land, we do not say it has no value when it comes to any of our other forest renewal areas in British Columbia that have no access.

• (1305)

We have to look at the value of the land when there is access. As most Liberal members are from Ontario or Quebec, I do not know if they understand what we log in British Columbia via helicopter from remote regions of our province. Just because it is remote, it does not mean there is less value to it. It probably means that there is greater potential value to it.

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, I am honoured to see that no Liberals have left. There are so few, we would hardly even notice.

In speaking to the supply day motion, I will begin by pointing out that in a court of law both sides have their experts and so to say that one opinion or two opinions represents what is right or not right in a particular case really needs adjudication. That is the whole entire point.

I attended a conference just last week on the Delgamuukw decision. The only certainty that arose out of that conference was that certainty is the one thing that is not available from the Delgamuukw decision.

Experts, while not a dime a dozen are in fact very expensive. However, they are certainly not in short supply.

The supply day motion wants the Liberal government to ask the question, prior to ratification, whether the supremacy of the Government of Canada will still be in force after the treaty is ratified. We are asking if it constitutes an amendment to the Constitution? We want to know what it does does to individual rights? We are simply asking for judicial clarification and that we hold the agreement in abeyance until that time. That is not so terribly much. It is about the bare minimum that should be available to people.

The Liberals have maintained a rather cozy relationship with aboriginal leadership and that relationship has not always been to the benefit of individual Indians.

One of the things I found out, and I have not been here all that long, is that in the 1950s Indians could not sell the fruit of their labour and retain the proceeds. Grain, for instance, had to be sold and the money was returned to the Department of Indian Affairs and Northern Development. It was spent, of course, by the leadership. Therefore, evolution is not always a negative process. They now have that right but prior to that, with the agreement of chiefs and the department of Indian affairs, that was denied to them.

Just recently, section 77(1) of the Indian Act was struck down. That is the section of the Indian Act that forbade band members who did not ordinarily reside on a reserve the right to vote in band elections.

Guess who fought alongside the chiefs and councils to deny them that right? It was the department of Indian affairs. It had intervened to deny non-resident band members the right to participate in the election of the government of their reserves. It was a denial of democracy.

On the Nisga'a land there are many members who do not live on the reserve. We wonder, would those people have voted for this had they been there, or were their rights denied that way?

Bill C-31 Indians who have, until now, been denied a voice in shaping the policies that govern reserves, of which they are a part, have finally got a voice in the government, in the way moneys are handled, in the facilities, program administration and all of these types of things. They finally have a voice but they were denied that voice because they were not a part of the group that resided on the reserve. We are saying that we need these types of questions answered in the Nisga'a case.

Mobility rights were denied by that section. It had the effect of impinging on the mobility rights of Indians by requiring them to maintain residency on a particular reserve in order to exercise their rights as band members.

I point out as well that the auditor general is critical of Indian affairs' mismanagement of taxpayer funds directed to band administered programs. He cites lack of legislative authority, lack

of reporting mechanisms and characterizes it as dump and run as only a couple of instances. We might ask who is responsible for this. The Liberal government is responsible.

• (1310)

Liberals may feel their motives are above question. They may ask themselves if their motives were good, and they may feel their motives were excellent. They may feel that their integrity in the process was above question. They may ask themselves if they did this with full integrity and will believe they have, although I find that we question it. However, it is their ability to negotiate and implement a modern treaty that is definitely questionable and the Nisga'a treaty is just one example of that.

I would like to point members to the auditor general's recent comments. Chapter 14 of the auditor general's report on Indian and northern affairs, comprehensive land claims in section 14.16 states:

Although the Parliament of Canada has jurisdiction in matters relating to Indians and land reserve for Indians, co-operation in settling claims is needed from the territorial and provincial governments with respect to certain lands that fall under their jurisdiction.

While it is admitted that the federal government has the agreement of the current B.C. government, it is clear that there is no such agreement with the next Government of British Columbia. Should the government not have negotiated a treaty that had all party support, one where when the next government is elected it is not seeking to overturn it by court action, which it is already trying to do, one that enjoys broad popular support and there are no regrets. It seems to me that would be an important issue to have been addressed prior to the signing of the Nisga'a treaty.

The Nisga'a final agreement fails to create or address private property rights for Nisga'a people. I think that is very important. For about 130 years, Canada's governments have denied individual Indians the right to own private property on reserve lands. They have been subjected to a collectivist approach to land holding that has termed traditional. However, I would like to take issue with that statement.

Prior to settlement by the colonial powers, the Indian people had a variety of societies within the boundaries of what is now Canada. There were nomadic tribes on the prairies for whom the idea of ownership of land would have no meaning. These were people for whom land as such would have no value. They moved about with the seasons following the game which they depended on for their livelihood.

Consequently, ownership of articles that could be relocated were really the only kind that had value to them. I would like to list a few. Their dwellings were mobile. Their horses were absolutely essential because the buffalo moved about. If we look at their drawings and paintings from that period we see that is what they

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related to. We do not see landscapes in their paintings. I think that demonstrates a point. No one would even steal land, let alone buy it because no one owned any land as it had no intrinsic value to a nomadic people. It was useful only insofar as it could sustain them when it was necessary. Neither communal nor fee simple ownership is traditional to such a people. The important thing was use.

In other areas of Canada, Indians remained in one place due to the relatively hospitable weather, the ongoing abundance of game and the fact that some crops could be raised. It was a different type of society. These conditions allowed for the creation of societies in which people built permanent houses and communities.

It would be safe to say that these people were not interested in communal ownership of their homes. That is important. Simply because they did not have a Torrens land title system in place and issue paper titles to their property does not mean to say they had no concept of ownership of property.

The whole principle behind a title or a deed system is that it simply documents ownership and may indicate extent, or to put it in other terms, size, shape and location of property. To say that a collectivist approach works there speaks against the reality of the day.

As I stated earlier, the reserve system of allotting land to Indians is based on the principle of communal ownership which I believe is not based on actual historical facts. It was created for the purpose of creating sanctuaries from encroachment by settlers to ensure a land base for Indians and their dependants. That was certainly an important and necessary action the Canadian government took.

• (1315)

Traditional activities such as hunting, fishing and gathering country food were seen as major activities which would occur on reserves with a view to preserving traditional lifestyles in what was at the time a primarily agricultural and resource based economy. That a different vision now exists in the context of a modern society based not on traditional but on modern commercial activities calls for a different approach to land holding.

Holding land in common concentrates not only economic power in the hands of a few or of an elite, but political power as well. Many rank and file Indians are beginning to speak out on the issue of the abuse of power and conflict of interest, cronyism and lack of accountability on reserves where land is held in common.

There is no denying that ownership of land has been an effective tool in the creation and distribution of wealth in Canada but only for those to whom it is available. For the Liberal government to perpetuate the collective communal approach while refusing to admit any other approach that might recognize an individual band member's right or desire to hold a portion of the land in fee simple

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is a major weakness not only in the Nisga'a treaty but in the ongoing policy of the government.

For the Nisga'a final agreement to be held up as a model for future B.C. treaties while ignoring this fundamental flaw is to perpetuate an ongoing injustice visited upon all Indians who desire something more out of life. To be lumped into a communal system with no means of breaking out and experiencing the same freedom and opportunities afforded other citizens of Canada is a miscarriage of justice in my view.

The House should refuse to deal with this treaty. It should send it back for revision on a number of issues which my colleagues and myself are highlighting today.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, throughout the day we have been hearing Reform's reasons why the Nisga'a deal should be put to bed and that it should not happen.

What we are really hearing is that any move toward true aboriginal self-government or toward the emancipation of aboriginal people should be squashed, because for some reason they are not ready for it, or they are too rife with corruption, or there is a mismanagement of funds. For two years we have heard Reform members cite isolated incidences of the misuse of funds. They have tried to thread that together into some overall picture that aboriginal people do not deserve control over their own destiny.

We just heard another speaker on this subject try to point out that there is mismanagement and abuse and that they are speaking out for the grassroots aboriginal people. It is really galling for most of us in the House to listen to the Reform Party try to paint itself as the champion of aboriginal people.

Recently we heard members of the Reform Party, such as the member for Athabasca, say that just because we did not kill the Indians and have Indian wars that does not mean we did not conquer these people and is that not why they allowed themselves to be herded into little reserves in the most isolated, desolate and worthless parts of the country. Thankfully not all members of the Reform Party agree with this.

We also heard Herb Grubel a former MP counter this. He likened Indians living on aboriginal reserves to people living on south sea islands and being taken care of by their rich uncles. One of them thinks they live on desolate little worthless pieces of property, driven there as vanquished people by the conquerors. Another one says that living on a reserve is like living off the fat of the government, like some guy on a south sea island being taken care of by his rich uncle.

Fortunately, the most recent speaker tried to be a little more sensitive in pointing out some of the true hardships that exist on aboriginal reserves. That is what I would like to comment on. He

itemized some of the genuine social problems that exist in aboriginal communities and which desperately need some measure of change.

The situation in aboriginal communities is a predictable consequence of colonialism. It is like others in recent history who were driven off their land, vanquished and then suffered alcoholism, broken families and all those things. The most recent one we could relate to is the British during the industrial revolution. People were driven off their land and found themselves in ghettoized situations. Would the member like to comment on that analogy with his own history perhaps?

• (1320)

Mr. Derrek Konrad: Mr. Speaker, I thank the hon. member for his intervention.

There is no disagreement on facts. I have been on many reserves as a land surveyor and as a member of parliament. Anybody who has been on a reserve would not disagree with the facts. Anybody with eyes can see that things are terrible on reserves. They have been terrible for many years and if the present situation continues it will be terrible for many more years.

One of the things that happened in Britain was a change in social policies. It enabled individuals to take some control over their own lives while the government provided support along the way. It is not so much on the facts that we disagree but it is on process.

There is another situation in B.C. that was resolved with the Sechelt Band. Nobody has any question about that. It is a completely different type of land claim which does not have constitutional implications for its government but it does involve the land itself.

In the final analysis it is fair to say that there are really only two visions in this country. The Liberals, the Tories, the NDP and the Bloc represent one type of thinking on Indian affairs. The Reform Party has put forward a completely different vision, that there is a possibility for individualism to make a difference in the lives of Indian people and that they could own their own land.

In closing I point out to the hon. member that I have relatives who are Indians as well. They have done very well but they are not living on reserves. They are actually landowners and private citizens within the Canadian federation and they are very successful.

Hon. Raymond Chan (Secretary of State (Asia-Pacific), Lib.): Mr. Speaker, I believe the Nisga'a treaty is the right thing to do for Canadians and for the Canadian government in recognition of the problems that have not been settled since the early settlements of Europeans in Canada. I quote from the Nisga'a chiefs who travelled to Victoria in 1887 and asked to settle this issue:

We are not opposed to the coming of the white people into our territory, provided that this be carried out justly and in accordance with the British principles embodied in

the royal proclamation. If therefore as we expect the aboriginal rights which we claim should be established by the decision of His Majesty's Privy Council, we should be prepared to take a moderate and reasonable position.

What happened is the Nisga'a accepted the white European immigrants settling in Canada and British Columbia. They were asking for a treaty to set down their rights and different issues but they were denied.

It is right that we recognize what the constitution has set out and what we owe to the aboriginal people. This is a treaty not based on race but based on rights.

We always hear the Reform Party talk about this being a treaty based on race. It so happens that the rights we owe are to the aboriginals who are a race, yet the rights we are giving back to them are aboriginal rights. These rights are based on the fact that they were here first. They lived on this land and the Europeans came in and intruded on their land. They accepted them, yet their original rights were not recognized by the government at the time.

• (1325)

To me, it is the right thing to do. We might not be happy that we did not get everything we wanted in this treaty, but it is a negotiated treaty. It is a balanced treaty. That is the merit of negotiation. The natives, the aboriginals, the Nisga'a would like to have a lot more than is specified in this treaty, and we, representing Canadians, would like to have a lot more and have given much less. The merit of negotiation through so many years is that we have to come to a compromise. We have to come to a balance.

I support this treaty. I think it is right for the nation and for British Columbians to move forward so that we have certainty in the land. We can remove uncertainty so that investments can come back to British Columbians again. The aboriginals, the Nisga'a people can have the confidence to move onward and to be integrated into Canadian society.

The second thing I want to address is the legality of the agreement. The Reform Party always complains and challenges the constitutionality of this treaty. It has tried to challenge this. It has joined the B.C. Liberal Party to challenge this issue.

Mr. Speaker, before I continue, I would like to mention that I will be splitting my time with the hon. member for Pierrefonds—Dollard.

The Reform Party has challenged the constitutionality of this treaty yet it has already joined the B.C. Liberal Party to challenge it in the B.C. court. The judiciary has indicated that it would be more appropriate for the courts to consider questions relating to the constitutionality of the treaty where the full legislative record is available to the courts for consideration. It does not make sense for the Reform Party at this stage to ask us to refer this matter to the supreme court.

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Members of the Reform Party always talk about the rule of law. They believe in the rule of law. They believe in the constitution. They believe in law and order. Yet they choose the decision of the supreme court as support. They believe in the rule of law, they believe in the supreme court. This is why they want to refer this issue to the supreme court. Very often they pick and choose what the supreme court decides. They pick and choose what the constitution specifies.

Let us talk about aboriginal rights. They are specified in the constitution. Reform Party members say we should treat everybody the same. Then what about these aboriginal rights that are different for aboriginals? They say to treat everybody the same, that on the Nisga'a issue the solution is to abolish the Indian Act and treat everybody the same, allow them to be Canadians and then everything will be fine.

With that position members of the Reform Party are denying the aboriginal rights of the Nisga'a. How can they say both at the same time? First they deny the Nisga'a rights by treating everybody the same. They are not the same. Aboriginal people have aboriginal rights. They have different rights than we have and which are guaranteed by the constitution. If they have different rights, then they cannot be treated the same. That is what the constitution says. If they support the supreme court decision, then they have to agree that we have to give the Nisga'a different rights.

The supreme court said not to go there for a ruling. It is going to be expensive; it has been proven to be expensive. It said that Government of Canada and the people of Canada should negotiate with the aboriginals to settle what the aboriginal rights are all about.

• (1330)

If Reform members believe in the supreme court, if they want to uphold the rule of law, then they should support this agreement. This is a negotiated treaty between the Government of Canada, the Government of British Columbia and the Nisga'a people.

A Reform member previously said that the NDP, because it is so low in the polls, does not represent the people of British Columbia. The NDP government is still the Government of British Columbia. The notion of saying that Canada or the province of B.C. is governed by polls is a tremendous insult to democracy in Canada.

If we were governed by polls, according to a recent poll the Reform Party only has about 30% support in B.C. and the Liberal Party of Canada has about 50%. Does that mean that the Reform members in this House do not represent the voice of B.C., but that seven members of the Liberal Party represent all British Columbians? There is some misrepresentation in that argument. There are approximately 30 members of the Reform Party who represent their ridings in B.C. and there are seven members of the Liberal Party who represent their ridings in B.C.

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This is the right thing to do. We have to move forward. After 100 years of negotiation, after 100 years of troubles with the Nisga'a people, it is time for us to move on.

Reform complains that this treaty has some problems in that the charter does not apply, but the charter of rights does apply to the Nisga'a treaty.

Again Reformers are wrong when they say that this treaty does not give protection to women. The B.C. family relations act applies. They also said that trade unions would not be able to organize under this treaty. Once again they are wrong. The labour law of the province and of Canada would apply.

I urge all members of this House to support the Nisga'a treaty.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I would like to remark on one comment made by the hon. member which has not yet been raised today. One new idea has come up today that we have not heard rehashed over and over again, and that is that treating people equally is not the same as treating everyone in the exact same way. Equality is not the same as treating everybody in the exact same way because it does not recognize the historic imbalances which may exist. We should be shooting for equal opportunity or access to equal opportunity, and that may make it necessary to treat some people unequally in order to raise them up to the same, level platform.

I would like to quote from Judge Murray Sinclair of Manitoba in the Manitoba aboriginal justice inquiry. He put it very well and in very short terms. He stated:

Discrimination involves the concept that the application of uniform standards, common rules and treatment of people who are not the same constitutes a form of discrimination. It means that in treating unlike people alike, adverse consequences, hardships or injustice may result.

I want to thank the member for raising that very key point because it helps to defuse some of the misinformation that we have heard from members today.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, I listened very closely to the speech of the member for Richmond in which he dealt with the issue of aboriginal rights.

What happens if an amendment is made to the treaty given that there is constitutional protection for aboriginal and treaty rights? Will it require a more rigorous and more lengthy process to amend the treaty?

• (1335)

Hon. Raymond Chan: Mr. Speaker, in answer to the hon. member's question, we have extensive, comprehensive legal advice from the Department of Justice that the treaty which we negotiated does not violate the constitution. We do not need an

amendment to the constitution to adapt this treaty. The issue of constitutionality does not exist.

To the best of my knowledge, this treaty is constitutional and we should be able to move ahead without amending the constitution.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, I do not believe the hon. member answered the question. The question was: Can this agreement be amended without a more complicated constitutional amendment formula? I would like to add to that question: Is it not true that it takes the agreement of all parties to amend this agreement? Is it not true that this treaty will become part of the constitution under section 35, and protected under that section, and therefore any changes to it would have to go through constitutional amendment processes?

Hon. Raymond Chan: Mr. Speaker, to the best of our knowledge, from input from judicial experts, this is protected by the constitution. This treaty defines the aboriginal rights which are protected by the constitution. That does not mean that we have to amend the constitution to engage it.

The constitution specifies the rights of different peoples. We do not need to amend it. The courts continually define the constitution, to the best of the knowledge of those involved in the judicial system, but we never have to amend the constitution on those issues.

I believe that the treaty is constitutional and we do not need to worry about a constitutional impact.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, with this agreement, which involves the Nisga'a nation, Canada and the Government of British Columbia, can the member explain why the Nisga'a people were allowed to vote in a referendum, which is one part of the agreement, when the Canadian people, namely British Columbians, were not allowed to vote in a referendum on the same issue?

Hon. Raymond Chan: Mr. Speaker, that was how the treaty was negotiated. It was agreed by all parties. The people of B.C. are represented by the legislators which they elected, so it is not true that the people of B.C. were not represented in these negotiations. The people of B.C. are also represented by members of parliament in this House and we speak on their behalf. That is how Canada is governed. Canada is not governed by referenda.

[Translation]

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, I am pleased to address the motion of the hon. member for Skeena on the Nisga'a treaty.

The signing of treaties is an opportunity for a fresh start. Treaties signal our will, as a society, to accept responsibility for past mistakes and to correct them.

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Treaties also represent a way to bring about positive changes and to promote the harmonization of our historical and cultural differences, so that we can all march together toward the future.

To gather our strengths: This is what the government pledged to do in Canada's aboriginal action plan entitled "Gathering Strength". We developed an action plan as the first page of a new chapter on relations between the Government of Canada and aboriginal people. This chapter will be marked by the will to build the foundations of a future that is more prosperous and more than ever based on co-operation.

Strengthening aboriginal governance: The royal commission took the view that the right of self-government is vested in aboriginal nations. The commission also noted that the exercise of extensive jurisdictions by local communities may not always lead to effective or sustainable governments in the long term. The federal government supports the concept of self-government being exercised by aboriginal nations or other larger groupings of aboriginal people.

• (1340)

It recognizes the need to work closely with aboriginal people, institutions and organizations on initiatives that move in this direction and to ensure that the perspectives of aboriginal women are considered in these discussions.

Aboriginal people recognize the need for strong, accountable and sustainable governments and institutions. This means ensuring that aboriginal governments and institutions have the authority, accountability mechanisms and legitimacy to retain the confidence and support of their constituents and of other governments and institutions, to govern effectively.

The Government of Canada will work closely with aboriginal people, and provincial and territorial governments, where appropriate, to turn this political ideal into a practical reality.

Recognizing the inherent right of self-government: The Government of Canada recognizes that aboriginal people maintained self-sufficient governments with sustainable economies, distinctive languages, powerful spirituality, and rich, diverse cultures on this continent for thousands of years.

Consistent with recommendations of the Royal Commission on Aboriginal Peoples, the federal government has recognized the inherent right of self-government for aboriginal people as an existing aboriginal right within section 35 of the Constitution Act, 1982.

Today, approximately 80 tables to negotiate self-government arrangements have been established bringing first nations and Inuit communities together with the federal government, provinces and territories.

Federal departments continue to devolve program responsibility and resources to aboriginal organizations. More than 80% of the programs funded by the Department of the Indian Affairs and Northern Development are now being delivered by first nations' organizations or governments.

In April 1996, the administration and funding of cultural education centres was transferred to first nations' control, and management of the aboriginal friendship centres program was devolved to the National Association of Friendship Centres. Responsibility for administering training supports has been devolved through regional bilateral agreements.

In the north, the federal and territorial governments and aboriginal organizations are involved in a number of forums throughout the western Northwest Territories to discuss the ways of addressing aboriginal self-government aspirations at the territorial, regional and community levels.

Progress continues to be made on the establishment of the new territory of Nunavut, in which the self-government aspirations of Inuit of that region can be implemented through a new territorial government. In the Yukon, six self-government agreements have been signed and eight are being negotiated with Yukon first nations, while discussions are underway with the Yukon territorial government and Yukon first nations about the devolution of remaining provincial-type powers to the territory.

Self-government processes for Metis and off-reserve aboriginal groups exist in most provinces. In these processes, the federal government is prepared to consider of the variety of approaches to self-government, including self-government institutions, devolution of programs and services, and public government.

All of these initiatives provide opportunities for significant aboriginal input into program design and delivery, and should ultimately lead to direct control of programming by aboriginal governments and institutions.

New approaches to negotiations in the recent past have led to agreements on processes being reached with the land-based Métis Settlements General Council in Alberta and with the urban-based Aboriginal Council of Winnipeg.

Building governance capacity: As the royal commission noted, many aboriginal groups and nations require support in order to assume the full range of responsibilities associated with governance, including legislative, executive, judicial and administrative functions.

The federal government acknowledges that the existing federal policy and negotiation process, particularly in the area of capacity building, can be improved. To address this, the Government of Canada intends to include a focus on capacity-building in the negotiating and implementing of self-government.

Supply

• (1345)

The government is also prepared to work with aboriginal people to explore the possible establishment of governance resource centres. These centres could help aboriginal people develop models of governance, provide guidance on community consensus building and approaches to resolving disputes, and serve as a resource on best practices.

They could assist aboriginal people to identify the skills required. They could also play a role in supporting capacity development in the areas of administrative, financial and fiscal management.

Aboriginal women and self-government: Capacity development also means ensuring that aboriginal women are involved in the consultations and decision-making surrounding self-government initiatives.

The federal government recognizes that aboriginal women have traditionally played a significant role in the history of aboriginal people and will strengthen their participation in self-government processes. This is particularly relevant for women at the community level. Consistent with the approach recommended by the royal commission, the federal government will consider additional funding for this purpose.

Aboriginal justice: The Government of Canada will continue to discuss future directions in the justice area with aboriginal people. We will work in partnership with aboriginal people to increase their capacity to design, implement and manage community-based justice programs that conform to the basic standards of justice and are culturally relevant.

We will also work with aboriginal people to develop alternative approaches to the mainstream justice system, as well as dispute resolution bodies. Programs will require the inclusion of aboriginal women at all stages.

Professional development in land, environment and resource management: The Government of Canada, in partnership with first nations, intends to develop and implement professional development strategies in the following key areas:

Law-making: a primary vehicle for legislative and executive capacity building to equip first nations with trained personnel.

Lands and environmental stewardship: initiatives will be supported to provide accredited professional development programs.

Land and resource management: initiatives will support accelerated transfer to first nations of land management, land registry and survey functions.

Community support: specific capacity development initiatives will be directed at promoting the informed consent of constituents

in aboriginal communities in order to help harmonize progress in governance with how community members understand the changes taking place.

These initiatives will strengthen first nations capacity in key areas of governance and economic development.

Beginning in 1701, the British crown entered into solemn treaties which were designed to foster the peaceful coexistence of aboriginal and non-aboriginal people. Over several centuries and in different parts of the country, treaties were signed to accommodate different needs and conditions.

The treaties between aboriginal people and the crown were key vehicles for arranging the basis of the relationship between them. The importance of the treaties is confirmed by the recognition of treaty rights, both historical and modern, and aboriginal title in the Constitution Act, 1982.

The Nisga'a treaty contains all the key principles of the federal government's action plan, and that is why I urge the House to vote against the member for Skeena's motion.

[English]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I know that members on the government side have been actively involved and I would like to take the opportunity to ask for some clarification on certain points in the Nisga'a treaty.

Is it true that with the new Nisga'a treaty the Nisga'a people would now be subject to all provincial and federal taxes? Is it also true that they would become responsible for an increasing portion of the cost of public services to develop their own sources of revenue?

Is it also true that they would get a lesser contribution for public services from federal and provincial governments? In other words, will the changes being brought about actually lead to less spending by the federal government and more sources of taxation revenue for the federal government with the new Nisga'a self-governance?

[Translation]

Mr. Bernard Patry: Mr. Speaker, I thank my colleague for his question.

I want to say simply that this treaty is the first modern treaty since the James Bay agreement in Quebec in 1975.

• (1350)

I know that in the memorandum of understanding, changes were made so that the Nisga'a first nation will have to pay provincial tax after 7 years and federal tax after 11 years. There will in fact, therefore, be revenues, something that is definitely very important. This will put the first nations at the same level as the other inhabitants of this country.

As to federal and provincial government revenues, since a huge amount of money will be spent in this region, the revenues of the two governments will increase. After some ten years, the figure should be approximately 25% of the cost to the federal government for the Nisga'a first nation.

[English]

Mr. Pat Martin: Mr. Speaker, is it also true that the Nisga'a government will not be able to tax non-Nisga'a residents on Nisga'a lands? This is certainly one of the fears that we have heard spread throughout B.C. by the people who are trying to block the Nisga'a deal.

Further along those same lines, in the case of income tax will the Nisga'a government and its corporations be treated the same as any other municipality, to the hon. member's knowledge?

[Translation]

Mr. Bernard Patry: Mr. Speaker, I thank my colleague for his question.

The people living on Nisga'a reserves will all be treated the same way, whether they are aboriginal or non-aboriginal. Corporations belonging to the reserve or to the people working on the Nisga'a reserve will be subject to the same laws as the others.

[English]

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, the hon. member for Winnipeg Centre asked whether or not the Nisga'a law would be superseded by provincial or federal law. I would just like to ask the hon. member what it means when paragraph 32 says that in the event of an inconsistency or conflict between this agreement and the provisions of any Nisga'a law, this agreement prevails to the extent of the inconsistency or conflict.

Paragraph 36 states that in the event of any inconsistency or conflict between a Nisga'a law under paragraph 34 or 35 and a federal or provincial law, the Nisga'a law prevails to the extent of the inconsistency or conflict. Paragraph 40 again refers to in the event of inconsistency.

I could go on. I understand it says 14 times that in the event of inconsistency or conflict between Nisga'a law under paragraph whatever and federal or provincial law, the Nisga'a law prevails to the extent of the inconsistency. Could the hon. member tell me what this means?

[Translation]

Mr. Bernard Patry: Mr. Speaker, what the member for the Reform Party has neglected to say is that certain laws will be under the jurisdiction of the Nisga'a first nation and there will be federal and provincial laws as well. If the member means laws concerning the environment or crime, the laws of the Nisga'a first nation must be equal or superior to provincial and federal legislation.

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There may be changes in some respects, but if the Nisga'a first nation decides to have laws on the environment that are superior to those already in existence at the provincial and federal levels, there may be differences, but the differences will be to the credit of the Nisga'a first nation.

[English]

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, it is my understanding that the Reform Party member who just asked the question of my hon. colleague in fact read that section wrong.

The Nisga'a laws under section 1, article 13, to which she referred are only those laws falling within the broad three categories of the agreement, involving 14 areas of jurisdiction that speak to questions of language, culture and the administration of assets.

• (1355)

In light of the fact that we have agreed the laws of general application and specific federal and provincial laws apply to the Nisga'a treaty, does the hon. member see it as a conflict? Could he give us some examples of how the 14 areas under Nisga'a law would apply in the Nisga community and what benefits they would bring to the Nisga'a people?

[Translation]

Mr. Bernard Patry: Mr. Speaker, I thank the Parliamentary Secretary to the Minister of Indian Affairs and Northern Development for his question.

Indeed, some of the laws created by the Nisga'a nation may be far superior to provincial and to federal laws. There may be laws on the conservation of wildlife, fisheries, forest products.

This is an advantage and a plus for the Nisga'a. They want to take their own destiny in hand through self-government. This is very important. We on this side of the House believe in them.

[English]

The Speaker: It is almost 2 o'clock and I believe the time for questions has elapsed. With the agreement of members we will proceed to Statement by Members. It might give us a couple of extra statements today.

STATEMENTS BY MEMBERS

[English]

KINGSTON COMMUNITY CREDIT UNION

Mr. Larry McCormick (Hastings—Frontenac—Lennox and Addington, Lib.): Mr. Speaker, today I wish to congratulate and recognize 42 years of community action and support by the Kingston Community Credit Union.

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This year the Kingston Community Credit Union was honoured with the Ontario Credit Union Charitable Foundation award for demonstrating continued exemplary achievement in promoting charitable activities to improve the social well-being of the community's citizens. The credit union's donations of money and time contribute significantly to the work of organizations such as the Kingston School of Art, Literacy Kingston and the Alzheimer Society.

I extend special congratulations to CEO G. Blake Halladay who was honoured with the Gary Gilliam award for social responsibility for his work to promote the credit union as a socially responsible investment alternative.

Credit unions offer an example of how financial institutions can show their commitment to the communities they serve and foster relationships of mutual financial and social investment. Bravo to the Kingston Community Credit Union, an exemplary financial institution.

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CANADA PENSION PLAN

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, in two cases in Nova Scotia the Minister of Human Resources Development is violating the Canada Pension Plan Act by unilaterally defining spouse for purposes of the act. The minister cites the *M. v H.* decision as if it has given him the power to unilaterally override every act that contains the word spouse.

The *M. v H.* decision is about private support payments upon the breakdown of a relationship. The Canada Pension Plan Act relates to spousal benefits which are linked to the public purse, an entirely different situation.

The Canada Pension Plan Act says spousal benefits are limited to opposite sex couples and the legal rulings at the supreme court level in the *Egan* decision support the constitutional validity of the act.

The minister is ignoring the law of Canada and the courts to push public benefits to relationships outside marriage, all at taxpayers expense. This is clearly wrong.

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[Translation]

THE ENVIRONMENT

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, this being Environment Week, and following an initiative launched last year by the Minister of the Environment to have Canadians renew a personal commitment to protect their environment, over 43 millennium eco-communities are currently active in Canada.

The millennium eco-communities, which are groups of citizens working at the local level, are showing us that, to get results at the national level, initiatives must be taken at the local level. Let us not forget that international success is based on local commitments, and that planetary success cannot be achieved without the determination of each and every one of us.

* * *

• (1400)

[English]

CROATIA

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, I had the pleasure of attending the annual celebration of the independence day of the Republic of Croatia in my riding this weekend. I was honoured to join the Croatian ambassador to Canada and a member of the Croatian parliament.

The event was organized by the Canadian Croatian Congress and its president, Ivan Curman. This group does excellent work providing educational and cultural programs to youth, adults and seniors.

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[Translation]

CANADIAN CANCER SOCIETY

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, the Canadian Cancer Society is celebrating and supporting the most important event for cancer survivors at the world level, the celebration of hope, which will take place on June 6, 1999.

This very special event is a hymn to life for all those who have experienced or are experiencing life with cancer.

It is a unique opportunity to stress the critical role played by families and friends, and the efforts of healthcare professionals and researchers, to improve the quality of life of those affected by cancer.

About one Canadian in three will be diagnosed with cancer during his or her life. However, as treatments and detection methods improve, more than half of cancer victims make a full recovery and are able to take part in normal professional, recreational and family activities.

On this celebration of hope, tune in. The Canadian Cancer Society will hold all sorts of activities to honour those who are living with cancer.

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[English]

SOCCER

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, let us picture a non-partisan, united event attended by representa-

tives of all parties in the House. Imagine a spirit of camaraderie, team work and good will which many would say would not be possible.

Last night provided such an occasion as members from all parties put their heart and soul into facing the daunting task of tackling a formidable foe. As it turns out, the foe was not quite as formidable as we thought. Yes, an all party MP team rose to the challenge of the parliamentary pages in a soccer game and defeated them five to two.

The intergovernmental affairs minister showed us that he could dodge more than opposition question as he deked through the pages defence. The member for Fraser Valley lived up to his title as he whipped the pages offence into submission. The member for Renfrew—Nipissing—Pembroke made short work of the opposition even though we would not let him use his hockey stick.

Yes, the pages fell victim to the old adage that says “old age and treachery will always overcome youth and skill”.

The Speaker: In that case perhaps next time I will be the referee.

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RIGHT TO VOTE

Mr. John Richardson (Perth—Middlesex, Lib.): Mr. Speaker, it is against the backdrop of Ontario's provincial election that I deliberate about voter participation.

In the year of Confederation only 11% of Canada's population was eligible to vote. It was not until 1921 that universal women's suffrage was enacted. Today we can be proud that 68% of Canada's population is eligible to vote. This means every Canadian over the age of 18.

As Ontarians go to the polls I would like to emphasize the importance of voting. Voting is the only instance where direct democracy is at work: ordinary citizens making the choice who will govern them.

I strongly urge every citizen in Ontario to get out today and exercise their right to vote.

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[Translation]

MANITOBA FLOODS

Ms. Hélène Alarie (Louis-Hébert, BQ): Mr. Speaker, the farmers and other residents of the Brandon—Souris area of Manitoba are suffering the effects of unprecedented flooding.

Over the month of May, they had 200 mm of rain, compared to the normal 55 mm, and this fell on ground that was already waterlogged. For the farmers of southwestern Manitoba, this is just one more burden, on top of the difficulties the grain producers are

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experiencing because of the delays in assistance from the AIDA program.

Imagine the situation on a typical farm in this area: the farmers are waiting on government assistance so that they can settle what they owe for last year's seed, fertilizer and other production costs before planting their crops this spring, and now they are being hit with rain and flooding. If they cannot plant by June 15, they will have missed their chance for this year.

The Bloc Québécois members have every sympathy for the people of southwestern Manitoba. After our experience with the floods and the ice storm, we are keenly aware of the strength of self-help and solidarity, which Manitobans have already shown us.

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[English]

KOSOVO

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, we welcome the decision of the Yugoslav parliament to accept in full the peace plan presented by Finnish President Ahtisaari and Russian Special Envoy Chernomyrdin.

This peace plan is based on the G-8 principles reached yesterday and is in full accord with the United Nations charter. We welcome progress toward a peaceful resolution of the conflict in Yugoslavia.

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• (1405)

JUSTICE

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I spent the last two weeks travelling from province to province meeting with grassroots aboriginals all demanding accountability.

They say they are fearful of the courts, the governments and the privileges they are granting native band leaders. In particular, they are fearful of the Nisga'a treaty. They are concerned that the Canadian judiciary is being instructed to sentence native criminals differently than non-natives. With the Delgamuukw decision creating uncertainty with land use rights for natives, they will be before our courts for many years to come.

With all these decisions we are moving toward creating nations within a nation, a collection of laws, rights and privileges available only to status Indians.

The role of the government is to treat all Canadians equally, not to grant special rights or exemptions to a select few. The grassroots natives feel that the living standards of all will improve when they are more fully integrated into Canadian society, not excluded from it.

One law and one Canada. This should be our motto.

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[*Translation*]

PARTI QUEBECOIS

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, yesterday we learned that Bernard Landry's committee is trying to resurrect the same studies on Quebec sovereignty Lucien Bouchard rejected out of hand during the last referendum campaign.

Bernard Landry certainly learned nothing from the last Quebec referendum. More studies paid for out of the public purse.

More of the same adventure that is so harmful to Quebec, plunging it into a climate of political and economic insecurity, because of the mixed messages sent to the rest of Canada and to other countries.

More of the same waste of time and energy in an undertaking of which we already know the outcome.

Twice now Quebecers have expressed their desire to stay in Canada. How many studies does the Parti Québécois need before it gets the message?

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[*English*]

FREE TRADE AGREEMENT

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the conference on free trade this weekend has been an occasion for much celebration by those who supported it 10 years ago.

Former Prime Minister Mulroney seems particularly pleased, and why should he not be when he sees the way his former Liberal critics have unabashedly and slavishly adopted and accelerated his policies?

As for the NDP, we continue to believe that the free trade agreement has been bad for Canada. Too many good jobs have gone south. Social inequality has increased. Our social programs have deteriorated. We are a less sovereign nation, and we are still subject to U.S. bullying and U.S. orders as our economy becomes even more integrated with America. The fate of Bill C-55 is the most recent example.

The FTA may have sown greater exports and profits for some, but we have all reaped the whirlwind in terms of losing our soul, our chance to deliver justice, our chance to do a different thing in the northern half of North America.

Mr. Mulroney said last night that he wanted a big Canada, not a small Canada. Mr. Mulroney is measuring the wrong things. In the final analysis we will not be judged by our exports, our ability to compete or our ability to ape American attitudes and values. We

will be judged on our willingness to co-operate and look after each other.

* * *

[*Translation*]

TIANANMENSQUARE

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, ten years ago today, thousands of Chinese students took to the streets to express their desire for democracy in China.

They gathered peacefully on Tiananmen Square to show that China too was feeling the universal desire of humanity for liberty.

This demonstration was harshly repressed at the cost of several lives and with the imprisonment, under very difficult conditions, of many democratic Chinese.

While this repression delayed the inevitable democratization of China, the demonstration bore witness to indomitable will to democratize China.

The Tiananmen students must know that their action was not in vain, because they have been heard and their desire for liberty will be achieved sooner or later. Because of their courage and their determination, the world will not forget Tiananmen as the prelude to a new era, an era of liberty and justice.

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BARREAU DU QUÉBEC

Ms. Eleni Bakopanos (Ahuntsic, Lib.): Mr. Speaker, I wish to draw attention to the 150th anniversary of the Barreau du Québec and the important role played by lawyers and jurists in our parliamentary institutions in Quebec.

We will recall that the mandate of this organization is to safeguard public interest and, in addition, to ensure that the public has access to a credible and efficient justice system.

• (1410)

[*English*]

Today the bar represents approximately 18,000 lawyers, of which 40% are women. It is with good reason that we place a great deal of importance on our judicial system as it plays such a central role in our thriving democracy.

It brings great pleasure to the Minister of Justice and Attorney General of Canada to bring greetings to the bar today in Quebec City.

[*Translation*]

There are some very prestigious lawyers in Quebec. We wish the best of luck to the Barreau in its continued concern for recruiting members of quality to the benefit of our legal institutions.

*S. O. 31**[English]***ONTARIO ELECTION**

Mr. Jim Jones (Markham, PC): Mr. Speaker, today is election day in Ontario and Conservatives have reason to be proud. Premier Mike Harris has reversed a decade of Liberal-NDP mismanagement by building an economy with an economic growth that is double that of the rest of Canada.

He has cut taxes. He has spent more on health care than any other government in the history of Ontario. He has brought change to education that drew the endorsement this week of Liberal leader Dalton McGuinty. In short, Premier Harris has delivered on the promises he made in 1995, a principle unknown among Liberals both federally and provincially.

In my riding of Markham I have proudly campaigned for cabinet minister, MPP and former town council colleague Dave Tsubouchi. In the past months the Right Hon. Joe Clark has raised money for the PC Ontario fund and campaigned for candidates Annamarie Castrilli, Judy Burns and transport minister Tony Clement.

On behalf of the PC Party of Canada I wish Mike Harris and his candidates all the best as they await the judgment of Ontario voters.

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TUITION

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I am very concerned about the rise of college and university tuition fees across Canada.

Tuition fees are one of the principal barriers to higher education for low income students. Even though there are other significant costs, those students and their families are particularly sensitive to changes in tuition fees.

I commend the federal government for its efforts to deal with this problem, including the millennium scholarships, the RESP grants and special measures for low income students. However I urge the government to work with the provinces to systematically reduce tuition costs.

This is a national problem. We cannot afford to lose the talent and energies of bright young Canadians simply because their families cannot afford to help them go to school.

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NISGA'A TREATY

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, the Nisga'a treaty is a \$490 million land claim

treaty that gives significant self-government powers and 2,000 square kilometres of land to 5,500 Nisga'a band members.

There are some frightening and constitutionally questionable aspects to this treaty. Until now, governmental power in Canada was divided among federal and provincial governments. The Nisga'a creates a new level of government, the Nisga'a national government.

The new government will have power to tax without representation by virtue of its race based premise and to entrench inequality for aboriginal women. The treaty will allow the Nisga'a to pass laws over timber, water, fisheries and wildlife.

The NDP government in British Columbia rammed this treaty through the legislature with closure. Now the federal government is looking for a rubber stamp.

Today the Reform Party urges the government to refer this treaty to the supreme court to determine, before we proceed down the road of creating mini states in British Columbia, if the treaty constitutes an amendment to our constitution and if individual rights are usurped by this national government.

If the treaty is on solid ground, the federal government should welcome this determination.

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*[Translation]***LIBERAL PARTY OF CANADA**

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, by accusing leaders from the Quebec City region of indifference for not responding to the partisan and hasty invitation from Liberals last week, the Secretary of State for Agriculture and Agri-Food has revealed his lack of leadership.

The minister's statements show that he is more concerned with his party's visibility than with the socioeconomic development of the greater Quebec City area. The Bloc Québécois, on the other hand, is working towards maintaining constant contact with the socioeconomic and community stakeholders in this area. Freedom to participate sits much better.

Instead of citing the Bloc Québécois's presence in Ottawa as the reason for the breakdown in communications, the minister should apologize and admit that the Bloc Québécois has often been right in its attacks on the Liberal government's mishandling of issues.

But his government knows what this issues are: repairs to the Quebec City bridge, raw milk cheese, cruise ship casinos, and icebreaking fees are just some of them.

Where was the Liberal member for Bellechasse—Etchemins—Montmagny—L'Islet when it came to defending these issues—

Oral Questions

The Speaker: The hon. member for Churchill River.

* * *

[English]

THE NEW MILLENNIUM

Mr. Rick Laliberte (Churchill River, NDP): Mr. Speaker,

[Editor's Note: Member spoke in Cree]

[English]

I rise today to give tribute to all the high school graduates that are celebrating as the last graduating class of this millennium.

We wish to encourage all young Canadians to seek a fulfilling and challenging life such as the fulfilling and challenging times this beautiful country has endured.

• (1415)

The millennium marks a milestone for all our journeys. This is a time to reflect on what we can do to make our communities and our homes a better place to be.

Let us pray that our mother the earth can sustain the lives of our children and our children to come, and to all our relations.

[Editor's Note: Member spoke in Cree]

ORAL QUESTION PERIOD

[English]

KOSOVO

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, today the Serbian parliament voted to accept the G-8 peace proposal for Kosovo. This is obviously encouraging news to all members but there are still a number of conditions to be met before this proposal can be implemented.

Will the Prime Minister tell the House whether this actually constitutes a breakthrough and what is the next step in implementing the G-8 proposal?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would like to thank the Leader of the Opposition for his very pertinent question.

Yes, it is a breakthrough and I am very happy that a minute ago the President of Finland made a statement that President Milosevic has accepted the proposition we received yesterday. That is subject to verification because now the NATO military people and the military people of Yugoslavia will meet to bring about the implementation of the agreement, and the eventual stopping of the bombing and withdrawal of troops from Kosovo.

We have to go to the United Nations for a resolution to be approved because the troops that will be going there will be going through the authority of the United Nations. It is much better than what we were obliged to do before with NATO.

This is not sure because sometimes there are developments that could stop the process. I want to thank the Leader of the Opposition and the leaders of the parties in the House of Commons who have sustained NATO in this endeavour.

It looks as though within hours cleansing policies that we fought against will be terminated. Hopefully very soon the Kosovars will return safely to their homes and villages in Kosovo and that freedom and prosperity will come eventually after such a terrible period of their lives.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the defence minister demonstrated this week that his level of access to the powerbrokers in NATO is embarrassingly low. This is despite the fact that Canada is one of the few nations actually participating in the NATO air campaign.

Canada of course cannot afford to be left out, like our defence minister was last week, of key negotiations now with either our NATO partners or with the Serbs.

What active measures is Canada taking to ensure that the G-8 proposal is enacted as quickly as possible?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I explained yesterday that it was a coincidence that the United States minister of defence was in Europe. He met with some ministers of defence of Europe who were having a meeting.

I want to point out that we are involved. In fact we have been involved since the visit of our Minister of Foreign Affairs to Russia and they started to talk about a way using the United Nations. We were among the initiators of the meeting of the ministers of foreign affairs of the G-8 that led to the eight conditions.

I do think that both the Minister of Foreign Affairs and the Minister of National Defence have acted very well on that and on behalf of all members of parliament. We have shown a solidarity that was reflected in the solidarity of NATO. Apparently the policy has been accepted by Mr. Milosevic at this moment and was voted for by the parliament in Belgrade. We hope now that everything will proceed very swiftly.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the acceptance of the G-8 proposal will likely mean that Canadian forces will be deployed on the ground in Kosovo in the coming weeks.

We know the equipment that our troops have but it is unclear exactly what their role will be in terms of its magnitude or its duration. Will the Prime Minister tell the House precisely what Canada's military commitment will be to back up the G-8 plan?

Will he seek a mandate from this House in support of that commitment?

• (1420)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, tonight there is to be a NATO meeting of the council to discuss the implementation of the agreement.

We have already committed 800 people who have been moving there. Some are already there and the rest will go there. There is a request that we send some more but at this moment we have to look at what it is for and at what type of forces and equipment will be needed. It will take some days before we know for sure.

We want to make our proportional contribution as in the past. As it is going to be a peacekeeping operation we will inform the House. There will be a briefing as usual on that. Happily there are no ground troops going there to fight. I am very happy that again Canadians will be involved in peacekeeping.

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GOVERNMENT CONTRACTS

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, here is why controversy is swirling around the Prime Minister. A Quebec fundraiser is convicted of influence peddling for using grants to get donations to the Liberal Party. Convicted criminals and self-confessed embezzlers get millions in grants and the Prime Minister's own representative is being investigated by the RCMP. Now we find that the Prime Minister himself is closely connected to friends with big government contracts, big land deals and big campaign donations to the Liberal Party.

Why can the Prime Minister not see there is something sick in Shawinigan?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have to tell the hon. member the news from Shawinigan. There was a program yesterday on which they said that they were very happy the people realized the member for Saint-Maurice was working for his riding. What a very nice twist. I have never had better campaigners for my election than the Reform Party.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, the member for Saint-Maurice says that he is just doing his job. The job of a member of parliament does not include getting grants for people who may benefit the member's own personal holdings and political campaigns—

Some hon. members: Oh, oh.

The Speaker: Go directly to the question please.

Mr. Chuck Strahl: Mr. Speaker, how on earth did the Prime Minister who promised to take political ethics to a new height allow himself to be compromised in such an obvious way?

Oral Questions

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have a list of 25 members of the Reform Party who have benefited from the same program. There is an old saying that when you throw mud you lose ground, which is what is happening at this moment to the Reform Party.

* * *

[Translation]

KOSOVO

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, we now know that the G-8 peace plan has been accepted and that Yugoslavia has agreed to NATO's five conditions.

Does the Prime Minister not think it is time that NATO immediately stopped the bombing, in order to avoid any new civilian casualties in Yugoslavia and to encourage the international community to put diplomacy first, as is now the case?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, as I said earlier, we hope that the bombing stops as soon as possible.

There will be a meeting between NATO military leaders and Yugoslavian military leaders to ensure that the bombing stops and troop withdrawal begins. That is why care must be taken not to move faster than necessary. We must be sure that things proceed in an orderly fashion so that the Kosovars can speedily and safely return to their homes.

I am very pleased with developments and, once again, I thank the leader of the Bloc Québécois, who supported NATO's position throughout this entire painful but necessary period.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in order to play a particularly active role, should Canada not initiate a proposal to the UN security council calling on the UN and its security council to immediately approve the G-8 plan? This would ensure that the troops that will establish peace in Kosovo will be under the UN banner.

• (1425)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Minister of Foreign Affairs and our representative to the United Nations have been working to try to find a solution for several weeks.

As I said earlier, it is much better that we be there under the United Nations banner than under the NATO banner. However, because of the Russian and Chinese vetoes, a resolution was not possible.

Talks are now under way. Canada is taking part and we are very confident that none of the countries with a veto will use it. Fortunately, we will be in Yugoslavia to protect the Kosovars under the UN banner, which is—

Oral Questions

The Speaker: I am sorry to interrupt the Right Hon. Prime Minister. The hon. member for Beauharnois—Salaberry.

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, not only does the peace agreement offer a true glimmer of hope, but it also means that the Yugoslav parliament has accepted, with a vote before its people, all of the conditions set by the G-8. This is an extremely significant event.

However, the signatory of the peace agreement is still someone who has been accused before the International Criminal Tribunal.

My question is for the Prime Minister. What will the Government of Canada's attitude be toward this person, who has been accused before the International Criminal Tribunal?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the hon. member has used the word accused. He is an accused person. In our system, an accused person is innocent until proven guilty.

He is the president of the country and the one with whom the President of Finland and Russian special envoy Chernomyrdin have been dealing.

We want to be sure he respects this commitment. Our experience with President Milosevic has been that he very often does not keep his word.

That is why we are still being cautious. Until such time as the text has been clearly approved and the process of ending the bombing and withdrawing the troops has definitively begun, we will not be taking anything for granted.

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, article 9 of the peace agreement just been approved calls for a stability pact for southeastern Europe and extensive international participation so as to advance democracy, economic prosperity, stability and international co-operation.

Is Canada contemplating any specific steps for participation in the reconstruction of the region and of the Balkans?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Minister of Foreign Affairs has just informed me that there will probably be a meeting of ministers of foreign affairs next week on this, and Canada will be taking part.

[English]

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, following on that question, I would like to direct my question to the finance minister.

Canadians are very much heartened by the news of significant progress toward peace in Kosovo, toward that objective of enabling the Kosovars to return safely to live in their own homes.

The reality is that a great many homes have been destroyed, that a great many villages have been burned. The reality is that there are no crops in the fields.

My question for the finance minister is what provisions has he made to assist the Kosovars in rebuilding their lives and rebuilding their communities?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, this is a matter certainly upon which my colleague can respond.

I can say that at the most recent meetings of the International Monetary Fund and the World Bank with all of the finance ministers, this whole question of reconstruction was looked at. At present they are obviously not in a position to estimate the total costs nor the amount of human suffering that will obviously have to be dealt with, but I can tell the hon. member that the international community is active on the file.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I think we would all agree that it is absolutely critical we not lose sight of the original objective of our intervention in the Balkans, which was to ensure that the Kosovars are able to return and live in their own homes in some peace and security and with some degree of comfort.

• (1430)

We cannot now, in any way, leave them without food or shelter. We cannot abandon them to the massive reconstruction that will be necessary and have them face that reconstruction on their own.

I want to ask the finance minister again, what provisions have we made here in Canada to fulfil our share of that international obligation?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, as I said earlier, we are involved in the program that will follow. There will be a meeting of the ministers of foreign affairs to discuss it. As members know, our Minister for International Cooperation has been in Macedonia on behalf of the government. We have accepted refugees. We have been doing our part in a very honourable way and all Canadians should be happy.

We intend to do our part according to Canada's size and wealth to make sure that the Kosovars can return home in peace and in security. Canadians will be there, as we have always been in those circumstances.

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STANDING COMMITTEE ON INDUSTRY

Mr. Jim Jones (Markham, PC): Mr. Speaker, today the Prime Minister passed the buck to his trustee Debbie Weinstein. However, while Debbie Weinstein is allowed to speak to reporters, the Liberal industry committee chair will not allow my motion to summon Ms. Weinstein for questioning to be considered. The

Oral Questions

Prime Minister claims he welcomes open debate but his Liberal pawns suggest otherwise.

Will he therefore ask his trustee to appear before the industry committee or will he let the chair fight his own battles?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I do not know why they are debating this. What I have done is what every other member of parliament who becomes a minister is obliged to do. He has to put his assets in the hands of a trustee. It is up to the trustee to make all the decisions and it is up to the ethics commissioner to pass judgment. He has been informed of every operation. I do not know why they are insisting. I have followed exactly all the requirements that have been established for a person who holds the office of minister.

Mr. Jim Jones (Markham, PC): Mr. Speaker, ethics counsellor Howard Wilson appeared last month before this committee and he established that the conflict of interest code falls under the industry committee's mandate. Debbie Weinstein is appointed and governed by this code. Mr. Wilson also said it is Ms. Weinstein's decision whether she should appear before the industry committee.

Will the Prime Minister instruct his trustee to answer questions from a legislative body based on her comments in the media?

The Speaker: It is not up to the Prime Minister or any other minister to decide who is going to be a witness at these committees. I find that question to be out of order.

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GOVERNMENT GRANTS

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, on Tuesday the Prime Minister was bullying opposition members for asking questions about conflicts of interest, but it turns out he was just bluffing. Today he accuses opposition members of having benefited from HRD grants going into their ridings when no one has presented a shred of evidence of a personal financial benefit on the part of a member of the opposition from a grant made in their riding.

The Prime Minister denies ownership of the shares of the numbered company in question that did business with Mr. Gauthier and Mr. Duhaime, but the ethics commissioner said that the code requires that a declaration be made stating that his company has a 25% interest in the golf club. If he does have an interest, how can there not be a conflict of interest?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, on the contrary, I think that when a member of parliament from the Reform Party is getting a grant or helping to get a grant for his constituents, he is just doing his job. He is making sure that his constituents benefit from the programs available from government. Some have quite rightly said that they do not agree with grants, but we are not to deprive under our system our electors from receiving the money that is available to them. I think that is exactly what I

have done as the member of parliament for Saint-Maurice. I keep saying the same thing. I have followed all the rules for 36 years.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, yes, the Prime Minister does keep saying the same thing by evading the questions. The question is not whether or not a program exists that supplies pork barrel grants to ridings. The question is whether or not the Prime Minister had a personal financial benefit in the arrangements surrounding the golf course in Shawinigan. He denies ownership in those shares, but payment was never made for those shares. Ownership was never transferred for those shares. The Prime Minister continues to own those shares and has benefited from the transactions that occurred.

• (1435)

How does the Prime Minister continue to deny that he had a direct personal financial stake—

The Speaker: The Right Hon. Prime Minister.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I sold my shares before I became Prime Minister. That is it. That day I gave my assets, as any minister is obliged to do, to a trustee to decide. That is the way I have acted. I have always done that, all my life.

What I am surprised about is when there are all sorts of very important problems being resolved, they are just trying to destroy the reputation of somebody. I know that the people of Canada do not buy it.

* * *

[Translation]

BILL C-54

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, yesterday the Minister of Industry defended Bill C-54, quoting professor Jacques Frémont.

We sent the minister's responses to Mr. Frémont and here is his answer to them "The distortion of my words is really unacceptable. Unbelievable".

How does the Minister of Industry explain his denaturing the words of an eminent professor in order to justify the constitutional blow that Bill C-54 represents?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, he does not want to protect the privacy of Quebecers and of Canadians.

Some hon. members: Oh, oh.

Hon. John Manley: Let us look at the comments by Action réseau consommateur and Option consommateurs du Québec, which have said, and I quote "We unreservedly support the principles underlying this bill. We also want to mention the importance and relevance of the federal government's intervention nationally and internationally to ensure the protection of Canadians' personal information".

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We will comply with the law in Quebec. Both levels of government have a responsibility regarding the protection—

The Speaker: The hon. member for Mercier.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, the option they prefer is to withdraw.

The Minister of Intergovernmental Affairs told his Quebec counterpart that Bill C-54 does not challenge the “principles of Quebec civil law”. Yesterday, the minister did not dare rise in the House to defend his position.

Today, is he going to tell us whether he has realized that his position puts him in total contradiction with the Barreau du Québec, the Chambre des notaires du Québec and the Conseil interprofessionnel du Québec?

Hon. Stéphane Dion (President of the Queen’s Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, in his letter to the Government of Quebec, the Minister of Industry clearly explained how his bill respects Canada’s Constitution.

I defy the Bloc—

Some hon. members: Oh, oh.

Hon. Stéphane Dion: —to find a federation that has established for itself good personal information protection legislation without having the federal government involved in it.

* * *

[*English*]

GOVERNMENT GRANTS

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, the Prime Minister never sold the Grand-Mère golf course and he has known this since 1996.

Can he not see that any dealing which benefits his land and involves public money and the use of his office is a clear conflict of interest? Can he not see that?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Deputy Prime Minister yesterday talked about a contract given to a bidder, who offered to do a piece of work under the rules as agreed to by the Canadian government and a foreign government, selected by them and at \$2.5 million less than the others. The contract was for \$6.5 million. The second bidder was \$9 million.

The Reform Party thinks that we should have given it to the second one because the owner of the company, who has done business with the government for a long time—

The Speaker: The hon. member for Calgary—Nose Hill.

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, I wonder why that answer had absolutely nothing to do with my question.

The fact of the matter is that the Prime Minister has a financial interest in a piece of property and there have been grants, loans and dealings affecting the value of this property in which he and his office have been actively involved.

• (1440)

Again I ask the Prime Minister, why can he not see that that is a clear conflict of interest?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I sold the shares in November 1993. That is the end of it.

* * *

[*Translation*]

NATIONAL DEFENCE

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, the Bloc Québécois has obtained a copy of the agreement signed by negotiators for the federal government and for British Columbia with respect to the use of the base at Nanoose Bay by the U.S. government. This agreement reflected British Columbia’s concerns.

My question is for the Minister of Intergovernmental Affairs. How is it that this agreement, signed by his government, was tossed out by cabinet under pressure from the Americans?

Hon. Stéphane Dion (President of the Queen’s Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the Bloc Québécois is not up to speed.

It was very clearly argued that the Government of Canada had a responsibility to protect the interests of all Canadians where Canadian defence was concerned, and that the premier of the province of British Columbia was wrong in wanting to shut down the Nanoose Bay base. Expropriation was the only option.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, it is odd that the government signed an agreement a few days earlier that said just the opposite.

How does the minister explain that his government has decided to cave in to the U.S. government and that, to please the Americans, it has first of all repudiated its signature on that document and, second, that it has pushed the limits of arrogance by going so far as to expropriate British Columbia’s own land from it? Who is the minister defending: the provinces or the U.S. government?

Hon. Stéphane Dion (President of the Queen’s Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the Bloc Québécois is not up to speed. All these issues

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have been debated and discussed. I do not know where it was when this was going on. [Translation]

The agreement it thinks it has discovered was signed by officials. It was not an agreement between governments.

Some hon. members: Oh, oh.

The Speaker: Order, please. The hon. member for Skeena.

* * *

[English]

ABORIGINAL AFFAIRS

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, one of Manitoba's oldest and most respected construction companies is out \$2 million and is on the verge of bankruptcy because of fraudulent representations made by Chief Jerry Fontaine of the Sagkeeng first nation.

The Minister of Indian Affairs and Northern Development is aware of this. As a matter of fact she has been aware of it for over a year. She promised to help. She promised to do something about it and make sure that Wing Construction was not put in a position of bankruptcy.

Is the fact that four of Mr. Fontaine's family members work directly or indirectly for this minister a barrier to resolving the issue?

The Speaker: I will permit the question because they work directly with the minister.

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Absolutely not, Mr. Speaker.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, when Chief Jerry Fontaine was running for the leadership of the Liberal Party of Manitoba, cabinet ministers across the way had no trouble showing up for his fundraising events. They had no trouble supporting him.

Why is this government not supporting a good, taxpaying citizen who employs dozens of people in Manitoba? Does the government not understand that it has a role and a responsibility here? Or is it just going to throw Wing Construction to the wolves?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, let me clarify for the House that there was a commercial partnership arranged between the first nation and this particular construction company. That partnership has dissolved.

There are outstanding issues. KPMG has been retained to look at the work that has been done and to come up with a fair and equitable settlement. I would encourage both parties to work together in that regard.

MILLENNIUMSCHOLARSHIPS

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Minister of Intergovernmental Affairs has just told us that the agreement signed between the federal government and the Government of British Columbia on Nanoose Bay was not valid because it was only between public servants and not between governments.

Are we to understand that this same fate could await any agreement that might be signed between the facilitator representing the Minister of Human Resources Development and the Government of Quebec relating to the millennium scholarships?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I am pleased to see that the hon. member for Roberval is in a good mood today. He wants to lighten up our debates a bit, which are often pretty heavy going.

• (1445)

I can assure members that the Government of Canada is working very hard at this time to ensure that Quebec students can take advantage of the millennium scholarships. Our government is committed, in this knowledge-based economy, to ensuring that our students can acquire the maximum of skills and knowledge in order to perform well within that economy.

That is what our government wants and I am very pleased to say that we are close to a conclusion in this important matter.

* * *

[English]

FOREIGN AFFAIRS

Mr. Lou Sekora (Port Moody—Coquitlam—Port Coquitlam, Lib.): Mr. Speaker, there are many media reports on the possible breakthrough of the Pacific salmon dispute with the United States.

Could the Minister of Foreign Affairs please advise the House on any progress that is being made?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, I am pleased to inform the House that indeed there has been a successful negotiation toward an agreement on the Pacific salmon dispute.

The Minister of Fisheries and Oceans will be making a detailed announcement on the west coast in a couple of hours. It demonstrates that when two sides work together for a mutual benefit, in this case the conservation of the fishing stock, they can come up with a good deal.

I would like to personally thank Don McRae, the chief negotiator working under the auspices of the Prime Minister, for the excellent

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work he has done, and a personal thanks to Secretary of State Albright for her personal commitment to make this agreement a success.

* * *

CORRECTIONAL SERVICE CANADA

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, we finally gave them something to do over there.

Last year Richard Joyce, a federal prisoner, died of a drug overdose. He had lethal levels of residual chemicals from heroin in his blood and damage to his organs that were consistent with long term drug abuse in a prison.

Since Richard Joyce was in prison for a long time, why was it that there were so many drugs in that prison that could sustain his addiction and even kill him?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I do not know if the member just came to realize that there are drugs in prison, but there are. It is a simple matter.

A test done in 1995 showed that 39% of the people in federal prisons used drugs. A test was done about a year ago and it showed about 13% or about a 300% decrease in drug usage.

I can assure my hon. colleague that the problem is not solved. We are still working on the drug and alcohol—

The Speaker: The hon. member for Langley—Abbotsford.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, he should get a life over there. I realized there were drugs in this prison and rampant throughout the country a heck of a lot sooner than those people did over there.

Let me give the member a quote from an assistant warden at Correctional Service Canada. He said: "Richard Joyce was a regular heroin user at Mission Institution and always tested the quality of his drugs before he used them".

Would the government tell me if this is some kind of bad joke, or does it understand what zero tolerance in our prisons really means?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, as I said to my hon. colleague, there are drugs in prison. I am well aware of the drug and alcohol problems with our federal inmates. Seven out of ten people who are in our federal institutions are in there because of alcohol or drug abuse.

I have instructed my officials to evaluate our programs and to have a program in place for our offenders when they are on parole. After they are on parole there needs to be some type of a program to help people who are addicted to alcohol, who are alcoholics and who—

The Speaker: The hon. member for Vancouver East.

HOUSING

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, at the opening of the Federation of Canadian Municipalities tomorrow, the key issue that is going to be facing municipal leaders is homelessness and the housing crisis in Canada.

It has been more than two months since the Prime Minister appointed a minister of homelessness, but there has not been one solitary homeless person who has been helped in Canada. There has been no action, no plan, no dollars.

Where is the commitment of the Prime Minister and the Canadian government at the FCM to provide housing assistance, and for the federal government to become involved again in a housing program?

• (1450)

Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the Minister of Labour will be present at the conference of the Federation of Canadian Municipalities in Halifax. The minister has been travelling across the country and will be travelling all summer listening to Canadians so that we can have the right program.

In the meantime, I would like to remind the member that the government put \$300 million into the RRAP program which addresses the homeless. We have also created units for the homeless. Maybe she should speak to the Government of British Columbia which does not participate in the RRAP program.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, first, I hope that the minister of homelessness shows up because so far all she has done is cancel meetings.

Second, a RRAP program does not assist people who are homeless or destitute on the street.

What we want to know is where are the dollars, where is the plan and where are the proposals and strategies from the federal government to get back into the housing program and work with the provinces and municipalities?

I have to remind the minister that B.C. is only one of two provinces still providing social housing, whereas his government does not.

Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I will repeat that the minister is in attendance there and is definitely working. We expect to receive a report from all the mayors of Canada so that we can work together.

I have said many times in the House that homelessness is not just a federal problem. It is a federal, provincial and municipal problem and we have to work together. The minister responsible for

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homelessness is talking to the mayors right now to come up with the right program. The member should wait for the report.

* * *

FOREIGN AFFAIRS

Mr. Bill Matthews (Burin—St. George's, PC): Mr. Speaker, now that it has been confirmed that a deal has been struck between Canada and the United States to divide the west coast salmon, I would like to ask the Minister of Fisheries and Oceans or the Minister of Foreign Affairs if they can inform the House if this deal will protect the future of coastal communities in British Columbia, and whether or not priority will be given to Canadian fishermen to access Pacific salmon?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, let me first correct one major word. The deal does not divide the communities, it brings the communities together. This has been a deal of mutual benefit on both sides of the border to conserve the fish stock, to provide direct investment to preserve the fish stock and to make sure that the communities themselves have a system or a formula in place that will provide stability over the next 10 years.

This is exactly what we have been working for, to give the fishermen on the west coast, from both sides of the borders, a sense that they have a future.

Mr. Bill Matthews (Burin—St. George's, PC): Mr. Speaker, let me ask the minister: Will the new deal move fish to Canada and protect and rebuild salmon stocks? Is there a conservation fund in the agreement?

If there is a conservation fund in the agreement, will there be conservation guidelines established as suggested by the auditor general in his recent report? Could the minister also indicate what those conservation guidelines might be?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, the Minister of Fisheries and Oceans will be giving a very detailed briefing on the west coast in about an hour and a half from now. I can indicate to the hon. member that it does include a conservation fund and there will be proper guidelines established. It is a very comprehensive composite agreement that brings together all of the elements that have been on the table for the last four or five years.

* * *

HUMAN RESOURCES DEVELOPMENT

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, in times of need Canadians expect their government to be there for them. When someone loses their job the last thing they need is a thoughtless, faceless bureaucracy armed with confusing rules and

jargon. They need personal, sensitive and understandable assistance.

Does the Minister of Human Resources Development share these sentiments, and if so, what steps are being taken to ensure quality service for all Canadians in need?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I had a town hall session last month with officials from across Canada to discuss how we could go further in terms of ensuring that Canadians get the very best service possible in terms of our social programs, and that people are treated with respect, compassion and caring when they come to us for help.

We are now working on a number of fronts, including: trying to do more to ensure our clients understand the rules and regulations behind various programs so they know their rights; trying to help individuals deal with hardship cases; trying to ensure that if someone owes us money, their repayment—

The Speaker: The hon. member for Kootenay—Columbia.

* * *

• (1455)

THE RCMP

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, it is not a mistake that there is a problem in British Columbia with organized crime, biker gangs and drugs. It is these Liberals who cancelled the harbour police. It is these Liberals who have created a situation where we are short 256 RCMP officers.

In spite of the fact that there are 96 recruits presently in the RCMP training detachment in Regina, not one is scheduled to come to British Columbia. Why?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, this happens to be an internal matter of the RCMP. My hon. colleague is well aware that there is a resource review underway. This will ensure that the resources used by the RCMP are used adequately and that all the funding possible that can be put toward organized crime is put toward organized crime. I am sure my hon. colleague would want tax dollars to be spent as wisely as possible.

* * *

[Translation]

RAIL TRANSPORTATION

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, in a few days from now, the Quebec Central train will resume operations with the support of local socioeconomic stakeholders and financial support from the Government of Quebec.

Privilege

Despite the personal commitment of the Liberal member for Beauce, who would have risked his seat, the federal government continues to refuse to become financially involved in the project.

How does the secretary of state for regional development explain his refusal when the mandate of his department is in fact to promote the economic development of regions, including Beauce and L'Amiante?

Hon. Martin Cauchon (Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, I thank my colleague from Beauce, who has done a remarkable job in this area and who, unlike the members of the Bloc Québécois, has consistently followed the matter.

Last week a meeting was held for all the community stakeholders on the Quebec Central matter. The member for Beauce was in attendance and reported to me.

I would also say to the Bloc Québécois members that we have never refused to get involved in this matter. In essence, what we said at the start was that there were no firm railway contracts and the involvement of the Canadian government was much too great.

However if the matter has been reworked, as it seems to have been, we will look at it seriously, because it is a matter of—

The Speaker: The hon. member for Regina—Lumsden—Lake Center.

* * *

[English]

PRIME MINISTER

Mr. John Solomon (Regina—Lumsden—Lake Centre, NDP): Mr. Speaker, the Prime Minister said that he sold his golf club shares to a Mr. Jonas Prince in 1993. However, Mr. Prince denies ownership of the shares and so does the Prime Minister.

The Prime Minister's lawyer is arranging the sale of these shares which may have increased in value after millions of public dollars have been spent near the Grand-Mère Golf Club. Canadians want to get to the bottom of this.

Will the Prime Minister table share transaction agreements and relevant correspondence that prove categorically that he did not own these shares at the time the transactions with Mr. Gauthier were underway.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I do not have any shares. I sold them.

MAGAZINE INDUSTRY

Mr. Mark Muise (West Nova, PC): Mr. Speaker, ever since the government decided to sacrifice Canada's magazine industry to appease the Americans, we have been trying to get details on the proposed subsidy the government has said it will use to compensate those magazines most affected.

Can the Minister of Finance tell Canadians how much the subsidy will cost? If he cannot, how can the government responsibly enter into an agreement?

Mr. Mauril Bélanger (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, the discussions about the adjustment package are ongoing. Once they are concluded and a report is presented by the minister to cabinet, the members opposite will be apprised of the contents of that package.

* * *

TRANSPORTATION

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, my question is for the Minister of Transport.

There are some European countries that are world leaders in the integration of different modes of transportation, like railways to air links. I would like to know what the Minister of Transport is doing to encourage Canada's integration of our different modes of transportation.

Mr. Stan Dromisky (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, a very delicate and serious problem is the congestion we have at most of our major airports, especially at Vancouver, Pearson and Dorval. However, we instituted a study in May 1999 regarding Pearson airport. Now we are examining the possibility of carrying out such a study with the airport at Dorval. We hope that as far as all three airports are concerned we will be making progress in these areas.

• (1500)

The Speaker: Order, please. I have notice of two questions of privilege and then we will go to the Thursday question. The first question of privilege I want to hear is from the hon. member for Medicine Hat.

* * *

PRIVILEGE

SUBCOMMITTEE ON TAX EQUITY FOR CANADIAN FAMILIES WITH
DEPENDENT CHILDREN

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, my question of privilege arises from a newspaper article in the Toronto *Star* today. In that newspaper article we find a quote from the

member for Vaudreuil—Soulanges who is the chair of the finance committee's subcommittee on family income and the tax system.

In that article the chair of the subcommittee comments on the results of a report which is yet to be released to the finance committee. I believe that is a direct violation of the rules. I believe that my ability to do my job as a member of parliament has been impeded by this.

I want to quote from the article. The member for Vaudreuil—Soulanges said:

We have done that analysis and I think the general conclusion is that the tax system does not discriminate between single- and dual-income earner families because you have children—

If there is any appearance of discrimination in the tax system, it is based on two principles (taxing individuals and progressivity).

My point is simply that we have a process whereby the reports from these subcommittees are to go to the committee that they are attached to. In this case it has gone directly to the media without people like me on the finance committee having had a chance to see it ahead of time.

I believe my privilege has been violated.

The Speaker: I am not cutting the member off. He has a serious point. However, the hon. member for Vaudreuil—Soulanges is not here with us today. I do not think that the hon. member for Medicine Hat said that this statement was ever made in the House. Is that correct?

Mr. Monte Solberg: That is correct.

The Speaker: I want to wait until we hear what the member for Vaudreuil—Soulanges has to say, if indeed he did say anything in that respect.

The second question of privilege will not be brought up.

Mr. Randy White: Mr. Speaker, this matter will come up again when the member comes back into the House. Do you want to hear submissions prior to that or will you give us ample notice so that we can be here to provide further submissions to what my hon. colleague just gave you?

The Speaker: I think what I will do as a first step is wait to hear what the hon. member for Vaudreuil—Soulanges has to say. If there is other pertinent information, I might be disposed to listen to it provided that indeed the hon. member did say what he was alleged to have said. I am not going to take it any further. It will be one step at a time. I will hear what the hon. member has to say.

• (1505)

I am addressing myself to the hon. member for Mississauga South. If there is a necessity for more information, I will hear it

after I have heard from the hon. member for Vaudreuil—Soulanges.

Business of the House

BUSINESS OF THE HOUSE

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I have several questions for the government House leader today, as he might guess.

Before I ask the questions I would like to take this opportune time to congratulate the hon. government House leader on completing his Bachelor of Arts degree in history from Waterloo University.

Some hon. members: Hear, hear.

Mr. Randy White: I know it takes a long time to finish those degrees. I have been there myself.

I would like to ask the hon. member one skill testing question on history. Is the hon. member aware if any Liberal government ever formed three successive majority governments in Canada? He might reflect on that historic question.

I would like to ask the government House leader if the House will indeed be sitting past June 11. We hear that it is closing early. We were anticipating going until about June 18 or 21. I would like to ask him if it will continue.

I would like the hon. member to bring the House up to date with regard to all legislation being brought forward to the House to the end of this session.

The Speaker: Not wanting to take the fire out of the government House leader, I believe there were successive Liberal governments from 1935 to 1957 but I could be mistaken.

I want to congratulate the hon. member too. I think it is a wonderful feat and a good example for all Canadians.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I thank the opposition House leader and all his colleagues for the applause as well.

Speaking of three successive Liberal governments, this is bound to happen again soon because ours will be re-elected the next time. I will start with the business for the next week.

Tomorrow we will consider report stage and third reading of Bill S-22 respecting air transit preclearance, followed by Bill S-23, respecting carriage by air. I understand that these bills may proceed rather rapidly. Then we will take up consideration of the Senate amendments to Bill C-49, the land claims legislation.

Monday and Tuesday shall be allotted days. I would like to take this opportunity to remind all colleagues that Tuesday is the final day of the supply cycle which results in a day that is longer than the ones with which most of us are familiar in terms of votes and so on.

Business of the House

Starting Wednesday next week, I intend to commence measures to wrap up some of the parliamentary agenda. Let me give the following outline to colleagues.

Assuming that the bill has returned from the Senate, and I am told that it likely will, we will proceed with the Senate amendments to Bill C-55 as a priority. We will then consider Bill C-54. If an agreement has been reached, we could then deal with the impaired driving bill, but only provided there is an agreement. I understand that some members have different views as to what the bill should include and we can only deal with that bill if we all agree on it. The bill is unnumbered and will likely be tabled probably as early as tomorrow. Hopefully we can arrive at a consensus on that.

• (1510)

We would then do the miscellaneous statute law amendments act, otherwise known as MSLA. Hopefully we could do that at all stages rather rapidly. This could take us to Friday of next week.

For the week after, perhaps I should wait for the meeting of House leaders to be held on Tuesday before describing any business beyond that time.

Just to alert the Chair, of course the business I am describing beyond next Wednesday is only tentative and there would be a House leaders meeting on Tuesday. I will endeavour to keep colleagues informed.

Possibly, depending on the events in Kosovo there have been negotiations on particular procedures in that regard among House leaders. Those may change depending on the events. I intend to discuss those with House leaders as well. Perhaps on a question next Thursday I could update the House in that regard as well.

This ends my report. I am sure we are all anxiously awaiting the re-election of the third consecutive Liberal government under the able leadership of the Prime Minister.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Madam Speaker, I would like to extend my congratulations to the government House leader on his academic achievements. I disagree only with him to the extent that he shows such obvious and misguided enthusiasm for a third Liberal government.

Given the controversy that has erupted recently over the head tax for refugees and immigrants, could the government House leader say whether the government intends to bring in any legislation at any time to remove the head tax for refugees?

Mr. Gurmant Grewal: A point of order.

Mr. Bill Blaikie: I am bringing this forward under the Thursday question, Madam Speaker. Perhaps when I finish, the member could make his point of order.

Will there also be legislation coming in with respect to water exports? This is something else that was promised by the government.

The Acting Speaker (Ms. Thibeault): The hon. member for Winnipeg—Transcona is on a point of order. We will finish with this one and then get back to the hon. member. The hon. government House leader.

Hon. Don Boudria: Madam Speaker, on the issue of water exports, there could be a bill introduced before we rise. There is still a fair chance that we will be able to complete that in terms of having it ready for introduction.

On the other issue that was raised, that is to say the issue of a head tax, of course there is no head tax in Canada. All members will recognize that. If the member is referring to the landing fee, there is no proposal to table such legislation before we rise.

Mr. Gurmant Grewal (Surrey Central, Ref.): Madam Speaker, I rise on a point of order. As far as the procedure of the House is concerned, so far as I am aware, the Thursday question is asked by the official opposition. Last time I noticed that there was another Thursday question asked. If that is the case, I would also like to ask the government House leader that if Bill C-49 does not finish, how long will it go on, and how long will the MSLA take?

Hon. Don Boudria: Madam Speaker, we are producing Bill C-49 tomorrow, the Senate amendments, and the miscellaneous statute law amendments act Friday of next week. It is a little unusual that the government could answer as to how long the opposition will take to dispose of the stage of a bill, but hopefully it will be as rapidly as possible.

• (1515)

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Madam Speaker, since we are going on with a long Thursday question, I would ask the government House leader what happened to the young offenders bill which has been touted by the government. Millions of dollars have been spent on advertising and it does not seem to be on the government agenda any more.

Hon. Don Boudria: Madam Speaker, it certainly is on the agenda. Bill C-68, the youth justice bill, was debated on four consecutive occasions in the House of Commons. The House and all Canadians will be aware of the extensive filibuster made by some hon. members opposite. I am ready to refer the issue to committee by unanimous consent right now if members opposite are agreeable.

The Acting Speaker (Ms. Thibeault): I will recognize the hon. member for Dewdney—Alouette on another point of order, but I am afraid this is the last one I will allow since traditionally it is the House leader of the official opposition who asks the questions.

Supply

Mr. Grant McNally (Dewdney—Alouette, Ref.): Madam Speaker, my point of order follows along that raised by my NDP colleague from Winnipeg. It has to do with the head tax which he mentioned or, as the House leader likes to refer to it, the landing fee. This was an issue that was brought before committee yesterday. It was a compelling point made by members of the committee and Liberal members absented themselves from that vote. Is that going to inspire the government to move on this very important issue?

Hon. Don Boudria: Madam Speaker, procedure before committee is just that.

Mr. John Reynolds: Madam Speaker, the government House leader has said that if there was unanimous consent we could send the young offenders bill to committee. I would like to ask for unanimous consent to send the bill to committee.

The Acting Speaker (Ms. Thibeault): Is there agreement?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Randy White: Madam Speaker, I rise on a point of order. I hope you did not miss the point. We have a Thursday question and now we have established a second question period. I would like to ask you, Madam Speaker, to ask the table officers how this is going to work. If we are going to extend question period into a question period for the government House leader, we want to be adequately prepared. My colleagues are ready to ask questions. We would like a clarification and we would like the government House leader to stay around a while because we have a lot of questions to ask.

The Acting Speaker (Ms. Thibeault): I must remind the hon. member that I have already made the point that traditionally it is his privilege to address the Thursday question. Today we have made a few exceptions. I hope the hon. member understands that this is not the usual procedure.

GOVERNMENT ORDERS

[English]

SUPPLY

ALLOTTED DAY—NISGA'A TREATY

The House resumed consideration of the motion and of the amendment.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Madam Speaker, I am privileged to stand today to try to bring some clarification to the Nisga'a final agreement which the government has already endorsed. I am afraid that the government will take the same route that the provincial NDP government took to limit debate and move time allocation or closure on this debate when it reaches the House in the fall.

● (1520)

It distresses me that there seems to be an unwillingness on the part of governments, both in British Columbia and here in Ottawa, to look at this agreement with an open eye, to really look at the document and try to answer some very serious questions that the people of British Columbia have and that the people of Canada should have.

The concern that we have in British Columbia is that the precedent setting Nisga'a final agreement will have ramifications across the country and Canadians should be aware of what those ramifications might be.

Already in Alberta we have Treaty 8. There is talk about re-opening that treaty. Treaties which have been agreed to and have been in place for a good number of years may be changed because of the final agreement that has been settled with the Nisga'a people.

What is also a concern from British Columbians' point of view is that the Nisga'a agreement will be a template for 60 other treaties that are under negotiation. However, we should understand that those 60 agreements which are being negotiated now do not represent the total number of aboriginal communities trying to reach agreement. There are a good number of aboriginal communities. The first nation in my riding is not taking part in the treaty negotiations because it does not believe that it is a process which it wants to follow. We are not talking about 60 treaty agreements, we are talking about many more.

While this treaty has yet to be ratified by the House, which would put it into the position of being considered under section 35 of the constitution, there are already four law suits pending.

People can say it is just the non-aboriginal people who are concerned. No, it is not. The Gitanyow band from up north has a court case against the Nisga'a and against this treaty because the Nisga'a have seized up to 84% of its traditional territory in the Nass Valley. Eighty-four per cent of the land that is claimed by another first nation is being absorbed in this agreement.

A leader of the Gitanyow has stated that they are concerned that the Nisga'a were never required to prove the extent of their title to resolve the overlaps in land claims. They feel it is a violation of aboriginal law and federal policy.

According to one individual, it is not right to sacrifice the land entitlement of one nation to obtain a treaty with another nation.

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It is not just non-aboriginals, it is aboriginals themselves who have taken the Nisga'a to court to resolve some of the issues that are not clear and to try to resolve some of the conflicts which this agreement has already established.

We feel very strongly in the Reform Party that we must settle some of the things which are not clear, the uncertainties, through the courts on this agreement before the House ratifies it. How can we ratify an agreement when there are four lawsuits before the courts concerning its legality and the land it entails? How can we possibly ratify this agreement with those four cases before the courts?

One reason we brought this motion to the House today for debate is because there are so many constitutional and legal issues that must be clarified.

We have heard over the past number of months when we have raised this issue in the House the Minister of Indian Affairs and Northern Development claim that the Nisga'a government will be subject to the charter of rights and freedoms.

I want to read directly from the Nisga'a final agreement, which states that the Canadian Charter of Rights and Freedoms applies to Nisga'a government in respect of all matters within its authority, bearing in mind the free and democratic nature of Nisga'a government as set out in this agreement.

• (1525)

If this agreement is going to recognize the charter of rights, why does it include "bearing in mind the free and democratic nature of Nisga'a government as set out in this agreement"? Why does it not just say that the charter of rights and freedoms applies to Nisga'a government?

I would suggest that the reason is quite simple. It is that the government is wanting to leave the ambiguity in the agreement so that the courts understand clearly that they are expected to treat the Nisga'a people differently and not to apply the charter of rights as it would apply to any other Canadian. I can think of no other reason than to force the courts to treat the Nisga'a people differently under the charter of rights.

I had many experiences in my previous life of aboriginal communities taking on responsibility for themselves. I was an observer of 11 aboriginal communities in northern Alberta taking on the responsibility under the Lesser Slave Lake Indian Regional Council to provide education, welfare and social services to their people and to co-operate to provide good regional government for their people. However, it was never done with constitutional protection. It was never done by forming another level of government. They were very successful over a large number of years in providing these services without the need to form another level of government.

In British Columbia we have seen a number of cases where aboriginal communities have achieved more authority in running their programs and their communities, but they have not shown a good degree of responsibility. I refer to the Musqueam Band and the Semiahmoo Band. In both cases they were not fair in their treatment of non-aboriginal individuals within their communities.

The Musqueam Band has raised rents extraordinarily, out of reason. One individual got a bill for \$73,000 for 18 months' rent from the Musqueam Band. Although their rents skyrocketed, the actual value of the land and their property plummeted. It now has no value at all.

All of this is because of an attitude of an aboriginal people who are being supported by provincial and federal governments which allow them to completely disregard fairness and equity for non-aboriginals.

It also happened in my own community where there were nine non-aboriginal residents who lost their homes. They lost those homes after 40 or 50 years with absolutely no compensation. They were evicted. I would question if that would be allowed to happen if it was a white Anglo-Saxon male making the decision.

There are too many questions left unanswered in this final Nisga'a agreement. The uncertainty of the legal status of the Nisga'a treaty and the Nisga'a government must be resolved in the courts before the agreement is ratified here in the House. Nobody can predict what the courts' reaction and decisions will be.

I would suggest to the House that when the Prime Minister helped to introduce the charter of rights and freedoms many years ago he never for a moment contemplated that pedophiles would have a legal right to child pornography. I do not think we can leave uncertainty and ambiguity in our agreement. We cannot ratify this agreement. We must be more certain of what it means and what its ramifications will be across the country. I would like to think that parliamentarians and Canadian people as a whole have a right to know what the legal ramifications will be before parliament ratifies this agreement.

• (1530)

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Madam Speaker, I thank the hon. member for her interventions and interest in this issue. I would like to point out a couple of inaccuracies in her observations and her comments and then ask a question.

First, she mentioned the Gitksan and Wet'suwet'en and Gitanyow first nations in terms of infringement. These problems were anticipated many years ago and are included in paragraph 33 of the agreement. I draw to her attention where it says that nothing in this agreement will derogate from any of the existing rights of other aboriginal people. The answer to her comments and concerns is no.

Second, it is not a constitutional document in the sense that the Manitoba act became part of the Constitution of Canada. She is misreading section 35 which recognizes existing aboriginal rights in Canada. It therefore follows that there is no need for a constitutional amendment. If the parties want to change the agreement, as it is discussed and contemplated in paragraphs 37 and 38, the Government of Canada can do so through an order in council. It is absolutely not true and it is fuzzy thinking to suggest to the House that there is a need for a constitutional amendment.

In terms of the process of the legal case, Justice Campbell of the B.C. supreme court, one of her own leading justices, has properly stated that this treaty should be debated in the House of Commons and parliament before any judicial activism is allowed to proceed.

Again we point out the contradictions of the Reform Party. On one the hand the member raised the question of child pornography and it wanted to usurp the courts and have it done in parliament. Now that has changed. It wants to utilize the courts and bypass parliament.

If I could reasonably satisfy her by using the reasonable man or woman test and convince some of her constituents in South Surrey that it is not a document that necessitates a constitutional amendment, and that the charter does apply as it specifically says in the agreement, would she do the proper thing and represent her constituents by standing in her place and supporting the deal during debate in the fall when the document comes to the House?

Ms. Val Meredith: Mr. Speaker, I thank the hon. member across the way for some of his comments. He probably does not know, because it is not customary for his side of the floor, that on a regular basis I communicate with my constituents and ask them what they feel about legislation. I have asked them about the Nisga'a agreement and I will ask them again when it comes before the House. I honour their suggestions and their directions.

When we talk about it not being a constitutional amendment, that is up for debate. Some people feel that it is not a direct constitutional amendment that we are looking for but that it will indirectly become part of the constitution and will not be able to be changed by an order of council.

The hon. member is colouring the image when he suggests that the government can change the agreement whenever it feels like it with an order of council. That is not so. It will take the agreement of all three parties for any changes to be made. As with the Canada-Quebec accord and with immigration, it is often impossible to get the agreement of two parties to change an agreement when one party would lose a lot of its benefits because of the change.

The hon. member says that the charter of rights will apply. Why is that addendum added to the application of the charter of rights if

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it does not mean anything? If it is there it means something. If it does not mean anything then it should not be there.

• (1535)

I think the people of British Columbia and the people of Canada are asking for clarity. They want to know exactly what it means. It is quite different taking something to the supreme court or to the courts for clarification prior to legislating than it is to have courts making decisions because of the ambiguity and the grey areas left in legislation by the government of the day.

Mr. Leon E. Benoit (Lakeland, Ref.): Madam Speaker, so far in the debate we have heard Reform members talk about some important issues in a substantive way: the constitutionality of the Nisga'a agreement, the four lawsuits being pressed to try to stop the agreement from going ahead, and many other substantive issues.

On the other hand, as I have listened to the debate I have heard members of the governing party and of the New Democratic Party pretty much spend their time attacking Reform and not answering the questions put after they finished their debate. I am quite shocked at the level of debate from these two parties in particular.

The Liberals are pretty much focused on imputing the motives of the Reform Party in terms of our stand on the agreement and on the motion today. We have heard the Liberals present a lot of emotional, feel good rhetoric but not much in terms of substance. We have seen the New Democratic Party members seemingly bent on protecting the undemocratic process of their provincial colleagues in British Columbia, and I am concerned about that.

I am surprised and bewildered by what I have heard from the Liberals and the New Democrats. The government thinks it can deal with a problem of inequality by enshrining further inequality. To me it seems unfathomable to try to deal with inequality by enshrining in law another inequality. Yet that is what the agreement will do in several ways if it goes ahead.

The potential inequality when it comes to the division of property in the case of a divorce is one big problem with this piece of legislation. It is troubling to think they believe we can deal with inequalities by enshrining others. I am also concerned about that.

I will refer to an aboriginal task force process and report in which I was involved in my constituency over the past year or year and a half. The aboriginal task force was established with me as chair for the purpose of hearing from grassroots aboriginal people the things that were most troubling them about the way their governments were working.

From those people I obtained nine recommendations. There were many more I could have put in the report, but I wanted it to be

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something that would be read by the minister. To her credit she met with the task force and heard what we had to say. These nine recommendations were from the people who were saying that these things caused the greatest problems in their everyday lives. These were their recommendations to the Indian affairs minister which they thought would help improve their lives.

I will go through these nine recommendations very quickly and ask whether they are dealt with in the Nisga'a agreement, whether the problems that were expressed and the recommendations for solving them are dealt with in the Nisga'a agreement. In that way we could evaluate how successful the agreement has been in answering the concerns of grassroots aboriginal people.

I will start by explaining a little about the process very quickly. It was a three stage process. The first stage was private consultation where none of the information that was given to me would be repeated. It was done in strictest confidence unless there was agreement from the person who made the statements.

The second stage was the questionnaire which was sent out to all the reserves and the towns near reserves in the constituency.

• (1540)

The third stage of the consultation process was public meetings where some of the key issues in the earlier part of the process were discussed in a public manner. About 70 aboriginal people attended one of the public meetings in St. Paul. We had an excellent discussion on some key issues.

I will go through the recommendations and comment very quickly on whether the Nisga'a deal includes them. The first recommendation is in the area of financial accountability. It states that the government must enforce more comprehensive and transparent financial reporting by band and settlement administrators. This information must be freely available to all members and the general public. That recommendation was getting at the lack or gaps in financial accountability, the most commonly expressed concern of the people involved in the process.

Does the Nisga'a agreement ensure that there will be comprehensive and transparent financial reporting and that it will be made available to the public? It does not. The first recommendation has not been dealt with in the agreement.

The second recommendation of the aboriginal task force states that to ensure sound financial management on reserves and settlements the government must provide better financial management support for aboriginal councillors and administrators.

The recommendation is saying that leadership needs some help in doing a better job of managing. It is a complementary point to

the first one but focusing on what kind of help can be offered. One person said:

Problems on reserves are the outgrowth of a system which at one time prevented people from leaving reserves, and at one time starved them.

This was stated by George Forsyth, the administrator of the Onion Lake Band. He went on to say:

You can't go from a system where people were watched over every minute to one where they are totally on their own, and expect perfect accountability. The evolutionary process should have gone from control to help. But there has been no preparation to provide an infrastructure for accountability.

Does the Nisga'a agreement deal with this concern and with this recommendation? It does not.

The third recommendation, again on fiscal accountability, states that the government together with councillors and administrators must ensure there is effective, regular and ongoing consultation of band and settlement members. In other words get the people most affected by the government, the people on the reserves, involved on a regular basis so there is openness and transparency about what is going on.

Does the Nisga'a agreement deal with this? It does not. We saw some things that were actually quite shocking, including one member of a band at one public meeting saying that the band on that reserve had not called a meeting in seven years. That is a problem. There is nothing in this agreement that will ensure there will be ongoing and open consultation when it comes to fiscal accountability.

Another member said that the solution may be to require band meetings where people approve and forecast the budget. What an idea. What a concept. A budget would actually be approved in advance. It makes sense. There is nothing to ensure that in this agreement that will be dealt with.

The fourth recommendation is on democratic accountability, a huge concern on the part of the people the Lakeland aboriginal task force heard from. The government must establish an arm's length body or an ombudsman or agency to hear and act on the confidential concerns of aboriginal Canadians.

The recommendation is getting at something that was heard from participants quite often. When things just are not going right members feel they have no one to go to. They cannot go to the council because that is where the problem is coming from. There should be an available independent ombudsman to give the people a call or have them come in to deal with the problem.

The fifth area of accountability was in terms of having fair elections. Again what in this agreement would ensure fair elections?

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• (1545)

In conclusion, clearly the concerns that were expressed by the aboriginal task force members are not dealt with in the Nisga'a agreement. That leads me to wonder whether things will be better for the Nisga'a people and I believe they will not be.

Mr. John Bryden (Wentworth—Burlington, Lib.): Madam Speaker, I appreciate the concerns expressed by my colleague opposite. However, I would submit to him that the actual place where systems of accountability and election and propriety, shall we say, should exist should be in the legislation, not in the treaty.

I suggest that the initiative coming from the Reform Party on the question before the House is premature. I think his questions are more relevant to the legislation that will come before us in six months, or perhaps to different legislation entirely. I cite for example the Access to Information Act and the Privacy Act. These are elements of legislation that should address the kind of problems that he is mentioning.

Mr. Leon E. Benoit: Madam Speaker, the hon. member has expressed a couple of more concerns about the way things are handled now. I think he would be the first to acknowledge that there is no indication whatsoever that the Nisga'a agreement will help deal with those concerns. Things will not be made better as a result of the Nisga'a agreement.

I fully agree with the member. True, maybe I have strayed slightly from the actual motion today, but I was dealing very directly with the problems with the Nisga'a agreement. How at the grassroots level, at an everyday life level will things be better for aboriginal people as a result of this agreement? I do not see any indication that this agreement will ensure that at all.

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Madam Speaker, on that point I would refer the member again to chapter 1, article 13, in terms of all the federal and provincial laws that are not enumerated, those 14 areas enumerated in the agreement, those laws will continue to apply to the aboriginal people of the Nass Valley as they do today.

I would also like to point out to the member that he is wrong in terms of the equality provisions. We have said this many times in the House in answering questions from members across the way that section 15 of the charter of rights and freedoms guarantees those rights both to men and to women.

Also, in contemplating the drafting of the charter of rights and freedoms women's groups were concerned it was not clear enough. Section 28 says that the rights of women and men apply equally in the charter. Still further, section 35(4) was put in by the lobby group for the aboriginal women in 1981-82 at the amending conference to provide those guarantees. There are those guarantees and the member is wrong.

I think it is a good thing that the member has toured and has visited some reserves as some of the other members of his caucus have also done in the past couple of years. They must be commended for that. However, I would ask him to come up to the Nass Valley. If he would like, I would act as a conduit and an instrument to bring him to meet the Nisga'a people. He could tour the area and meet and speak with them, perhaps in more detail than his colleague from Skeena would. Perhaps he could educate the rest of his caucus on what he found. I trust the member's concerns would be eased and he would be comforted by that. Would he take the challenge and come up to visit the Nisga'a this summer?

Mr. Leon E. Benoit: Madam Speaker, I would really love to do that. It is a great invitation and if I possibly can, I will take the member up on that.

I must remind him though that I have about 30,000 aboriginal people in my constituency. I have been on reserves. I know the conditions. I have heard from these people through the aboriginal task force process and every day of every week in my office. They need help. Things are not going well on their reserves. The leadership is not accountable. The money is not getting to the people for whom it is intended. My first responsibility is to those people and that is where I will focus.

In terms of the inequality issue, I have an interesting letter from Jack Gosnell the president of the Nisga'a Tribal Council. This letter was in response to the letter from the Reform Party member for Okanagan—Shuswap.

• (1550)

In the letter the question that was being answered was how will you protect the property rights other Canadian women enjoy in the event of marital breakdown? That is a concern I have. The answer is very short. I will give just a short quote from Mr. Gosnell: "The nature of the property interest to be held by Nisga'a individuals in their residential property has not yet been determined". This was from Mr. Gosnell himself. How can the member opposite say that he can ensure that equality rights will be protected?

Mrs. Nancy Karetak-Lindell (Nunavut, Lib.): Madam Speaker, I am pleased to rise in my place today to respond to the motion by the hon. member for Skeena. I will be sharing my time with the member for Wentworth—Burlington.

I am pleased because I can use this opportunity to correct misinformation put forward by the hon. member who clearly does not understand what the Nisga'a final agreement is about.

I want to take this opportunity to remind him of the reasons that Canada has signed this treaty with British Columbia and the Nisga'a people. With the ratification of the Nisga'a treaty, Canada will at last be able to turn the page on one of the less admirable chapters in our country's history. We will finally conclude the

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unfinished business of treaty making with the Nisga'a people, a process that has dragged on since the time of Queen Victoria.

I remind my hon. colleagues that treaties are not new to this country. In fact, this year marks the 100th anniversary of treaty 8. However, while treaties were negotiated with many other first nations, most of the aboriginal peoples of British Columbia did not sign treaties with the colonial governments. With the exception of treaty 8 which extends into northeastern B.C. and the 14 Douglas treaties on the southern tip of Vancouver Island, the majority of first nations in the province have never had their claims to their lands and resources addressed, nor have they abandoned their belief in their right to determine their own destiny.

From our earliest days as a nation, the Nisga'a people have fought valiantly to have those rights recognized and withheld. Six years after the province of British Columbia entered Confederation, the Nisga'a chiefs began their quest for a negotiated settlement of their land claim and sought a treaty that acknowledged the Nisga'a people's right to self-government.

From 1887 when they first went to Victoria demanding recognition of aboriginal title, to 1913 when the Nisga'a sent a petition to the Privy Council in London to resolve the land question, to 1973 when the Supreme Court of Canada recognized the prior existence of aboriginal rights to lands and resources, six generations of Nisga'a people have patiently waited for their claim to be addressed. As we stand at the threshold of a new millennium, we must ensure that the seventh generation not only sees the hopes and dreams of the elders fulfilled, we must be sure they reap the benefits of rights so long denied.

It is only fitting as Canada closes the books on the 20th century that we embark on a new relationship with the Nisga'a and indeed all aboriginal people. A relationship built on trust, mutual respect and reconciliation. A relationship that acknowledges the mistakes and makes amends for past wrongs. A relationship that recognizes that we will only move forward as a nation when we all move forward together. That ultimately is what the Nisga'a final agreement is all about. It is a crucial step on the path to a better future.

With the ratification of this agreement a new chapter will be written in Canada's history of which our children and our grandchildren can be proud. We will enter a new era of government to government relations that finally and forevermore uphold the rights of the Nisga'a people to govern their own affairs on their own lands.

• (1555)

I want to make it clear that we are talking about a government based on rights, not race as some might have us believe.

The landmark supreme court ruling of 1973, commonly referred to as the Calder case, determined that aboriginal title existed as a legal right. That historic legal decision led to the recognition and affirmation of treaty rights, both historical and contemporary, as well as aboriginal title under section 35 of the Constitution Act, 1982.

Treaty rights and aboriginal title are part of the highest law in the land. Those rights have been confirmed again and again by the courts.

The most recent ruling, the Delgamuukw case, reinforces the necessity of reconciling the relationship of aboriginal people through negotiated arrangements. Delgamuukw understood the doctrine of aboriginal rights stems from one simple fact: when Europeans arrived in North America, aboriginal people were already here living in communities on the land and participating in distinctive cultures as they have for centuries. The undeniable and irreversible reality is that aboriginal peoples' prior presence gives them status and rights as the original inhabitants of this country.

The government formally affirmed the inherent right of aboriginal peoples to self-government as an existing aboriginal right. The Nisga'a final agreement reflects the commitment to a new treaty relationship and the negotiation of a fair and lasting solution to the longstanding land claim of the Nisga'a people.

The key word here is fair. This negotiated agreement balances the interests of all parties and provides significant economic benefits to the Nisga'a and their neighbours. The final agreement identifies how federal, provincial and Nisga'a laws will coexist and complement each other. It establishes a blueprint for peaceful and respectful relations that will govern the lives of all people living within Nisga'a lands.

I can assure the House that more than ideals are at stake. The rights of all citizens living within Nisga'a lands will be protected and promoted. Everyone living there will continue to enjoy the same rights and freedoms under the Canadian Charter of Rights and Freedoms. Everyone will continue to be subject to the Criminal Code of Canada. Federal and provincial laws that are in force for all residents of British Columbia will also apply to every resident living in the settlement area. Surely no one could ask for an arrangement that is more fair and better balanced than that.

It is equally essential to understand that the Nisga'a treaty will be suitable for the Nisga'a nation people but not necessarily for any other first nation. This is a one of a kind treaty that reflects the unique needs and interests of the Nisga'a. It reconciles modern Canadian realities with the traditional aspirations of the Nisga'a people alone.

The Nisga'a final agreement, completed after years of negotiations and extensive consultations, sets out clearly for all to see the

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rights of the Nisga'a that are protected by section 35 of the Constitution Act, 1982. In addition to establishing a land based and financial settlement, it provides the Nisga'a self-government powers over matters integral to their culture, internal to their community and essential for the operation of their government. It sets out their powers to protect and promote the Nisga'a language and culture and to safeguard heritage sites. It enables them to provide schools, health care centres, roads, sewer systems and other infrastructure on a standard comparable to communities elsewhere in northwestern B.C.

The treaty will also contain provisions to regulate the Nisga'a fishery, manage wildlife allocation, forestry and environmental matters on Nisga'a land. The Nisga'a will use, develop and manage these lands and resources to create wealth, wealth that will stay in B.C. and be invested locally in goods and services.

• (1600)

The Nisga'a treaty will be the first modern day treaty in British Columbia. It is finally time to get on with the treaty business in that province. Treaties have been negotiated with first nations almost everywhere else in Canada from the time Europeans first began to settle the country. Treaties are part of our history, of how we became a country.

The days of discussion and negotiation are over. After more than a century of waiting for justice the time has come to honour the rights of the Nisga'a people. In doing so we will renew the federation based on the full inclusion of Nisga'a people. Therefore I urge the House to vote against the motion.

Mr. Werner Schmidt (Kelowna, Ref.): Madam Speaker, the hon. member opposite used the word all in a number of comments she made. There was one instance that particularly peaked my curiosity. If I remember correctly she said something to the effect that everyone living on Nisga'a land would be protected by the Canadian Charter of Rights and Freedoms.

Could the hon. member define the word all or the word everyone in this instance? Does the right of everyone under the charter of rights and freedoms include the right to vote for a Nisga'a council of people who are not Nisga'a but are resident on Nisga'a lands?

Mrs. Nancy Karetak-Lindell: Madam Speaker, I have to use my own land claims agreement as an example. We have concluded our land claims agreement. As a Nunavut beneficiary I can vote on issues that deal with Nunavut land claims, but people who are not part of the Nunavut land claims are not able to vote. The land claims agreement is for specific Nunavut beneficiaries.

When we deal with Canadian law, with municipalities and with the territorial government, everyone can vote. It depends on area. As an aboriginal in title I can vote for certain things that deal with me as an aboriginal in the Nunavut land claims agreement.

Mr. Werner Schmidt: Madam Speaker, my question was not about voting on any thing. The question was specific. May a resident of Nisga'a lands who is not a Nisga'a vote for a council member to govern the land?

Mrs. Nancy Karetak-Lindell: Madam Speaker, because I am dealing with my own land claims as my example I think they would have the same rules in voting for their band council as we do for our municipal councils.

When people talk about not having rights in dealing with aboriginal issues, they sometimes give us credit that we have different rights beyond Canadian law. I remind the hon. member that we are still Canadians and we are still bound by Canadian laws. The Canadian Charter of Rights and Freedoms applies to every Canadian.

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I thank the hon. member for Nunavut for raising one point with which most Canadians have a very easy time agreeing. The Nisga'a final agreement is turning a page on a chapter of our history that most Canadians would rather put well in our past.

As we get closer to the reality of aboriginal self-government, right wing extremist groups all across western Canada are escalating their campaign to try to put any semblance of self-government to bed.

• (1605)

Is the hon. member for Nunavut aware that the anti-Indian movement in British Columbia called B.C. FIRE was actually put together by a Reform Party member's staffer, a person who worked on the Hill for the Reform Party, on a salary from the party or from the government, really? He quit his job here to go to British Columbia to set up what they call B.C. FIRE, which is the anti-Indian movement in British Columbia, working full time to squash any deals like the Nisga'a deal. Was the hon. member aware of that fact?

Mrs. Nancy Karetak-Lindell: Madam Speaker, no, I was not aware of that, but it saddens me to hear about such incidents. We tend to forget what role aboriginal people played in our history when Europeans first came to the country.

Because we live in a very difficult environment in my area, I can honestly say that if it was not for the help of the people there it would have been more devastating for people moving to this new country.

As tempting as it is to say when the shoe is on the other foot, we tend to forget other things but we remember when the shoe is on this foot.

Mr. John Bryden (Wentworth—Burlington, Lib.): Madam Speaker, I must say it is an honour to follow the member for Nunavut, because I think her remarks are very appropriate to the

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debate today. I hope some of my remarks will complement what she has said.

Let me begin first by pointing out that the motion before the House is in my view very premature, because what it does is raise questions about the Nisga'a treaty when in fact what this parliament is all about is legislation.

The normal process is for a government to enter into a treaty, either a treaty with an aboriginal people or a treaty with a foreign state, and for parliament to examine the text of that treaty and ratify it in legislation.

We really cannot address the concerns being raised by the Reform Party members until this House actually has the legislation before it. Then I am certainly prepared to look at some of the concerns that have been raised.

I should preface my remarks also by saying that I am not one who believes that radicalism, as mentioned by the member from the New Democratic Party, is what is motivating my colleagues in the Reform Party. I have had quite a bit of experience on the aboriginal affairs committee and I can assure the House that members on both sides of the committee room, those on the government side and those on the opposition side, share a genuine concern for the welfare of aboriginals across the country.

My problem with the motion today, though, is not simply that it is premature on the Nisga'a issue. It is that I think genuinely the members of the Reform Party, in their search for solutions to the problems that they see that are very evident in some of the aboriginal communities in their ridings, are addressing the wrong portion of the problem.

I am one who, I have to admit, two years ago approached the question of aboriginal self-government with a lot of trepidation; but I have come to the conclusion, particularly after my time on the aboriginal affairs committee in which we saw hundreds of witnesses, that aboriginal self-government is a very meaningful way to go, shall we say.

I think we have heard many times today about what the courts say about treaty rights and that kind of thing. I am not one who really believes that it should be the courts that determine what is the spirit of this country. I prefer to approach the constitution and the charter of rights for the special provision for aboriginals to try to fathom the reasoning of my predecessors in according these special rights to the aboriginal peoples.

I have come to the conclusion, and it was not very hard I have to say, that indeed this country is composed of three great founding peoples. Certainly we have heard many times from the Bloc Québécois that one of those founding peoples were those who spoke French and indeed settled New France.

Another of the founding peoples were certainly the English who came in mainly via the 13 colonies and later settled the interior of Canada.

• (1610)

The other founding people were the aboriginals. I do not think any of us should ever forget that there would be no French speaking Canadians nor English speaking Canadians were it not for the fact that the aboriginals taught our ancestors how to live in the wilderness.

It is that sense of those people who are still with us and are such an important part of us. It was their connection with the wilderness, to the physical spirit of Canada, that has earned them a special place in our society that is reflected in the constitution.

That special place as reflected in the constitution has to do with territory. The reason the constitution talks about treaties and the reason why we talk about a treaty with the Nisga'a is that in order to express the cultural and historical connection of the various aboriginal nations with the territory, with Canada, with the wilderness, we have to describe it in terms of where they live and where indeed they still live.

I remind the House that it is Canada's aboriginal people who choose to live on the frontiers of our country, who choose to be the custodians of our wilderness. Even though I am an urban Canadian, regardless of whether I am French speaking or English speaking or a naturalized Canadian, it is an important part of me to know that there is someone who is looking after and feeling the forest, if you will, feeling the lakes and feeling the sunsets in a way I can never do.

I submit it is that incredible role of the aboriginal peoples, regardless of whether they are in the Arctic, in western Canada, in northern Canada or wherever, that is the great contribution they have to us.

There are problems. I think there are terrible problems in the interpretation of the constitution and the spirit of our relationship with the aboriginal people in legislation that has come since the charter of rights. I refer very specifically to what was called Bill C-31, which was passed into law in 1985.

In order to address a problem with aboriginal women who lost status when they left reserves, when they married off reserves, has created I think a problem that should be the real focus of the opposition in this kind of debate, and that is the problem of defining aboriginals strictly by race and not by their connection to the wilderness or their connection to their own culture or their language.

When that law was passed, within five years between 1985 and 1991, I think 98,000 new aboriginals were created. Some of these aboriginals were created in my own community. They were created out of people who had no connection, no memory and no thought of any connection to an actual band or piece of territory or wilderness. They were no different from anyone else in my community and yet because they got Indian status suddenly they were awarded privileges: medical care, education and all kinds of privileges that were not accorded to other Canadians.

Now we have some sort of archaic mechanism whereby the Indian status is given to people, subject to an arcane questionnaire in which they demonstrate that somewhere along the line, maybe four or five generations back, they are related to an aboriginal.

I submit that is very wrong and it is also very costly. The government has not done a study since 1991, but in 1991 it was clear just in non-insured health benefits alone it was costing \$122 million to service these Canadians who were suddenly status Indians with no connection to the wilderness or to their own culture.

We now have a crisis at hand because what has occurred is that the supreme court has ruled now that all aboriginals who have status can now come back to the reserves or whatever band they claim to have a connection with and vote in the elections. That distorts everything.

We have a situation out there where we have the people who choose to live on the reserves, who choose to live in the wilderness, to be custodians of the game and to look after the environment. They are responsible. We now have a situation where people with no connection can come back and have the same rights to shoot the game, take the fish and vote in band elections. I suggest that this is a major threat to aboriginal culture and identity. This is where the debate ought to be: The idea, the principle of going out to the land and finding a people like the Nisga'a and telling them that they have stayed on their land, stayed in their forests, stayed in their mountains and have looked after their mountains for generations. The only way we can give them recognition for what they have done, and ensure that they will continue to do it, is to have a treaty. We certainly want to make sure that the treaty protects the rights of all Canadians and protects the people living in the community. It is ultimately the right way to go.

• (1615)

We have to go back and look at the legislation that created the so-called C-31ers, who in fact are drawing money away for no good purpose. Many of the C-31ers are university educated and have jobs. Some of them are actually working for the civil service and yet their children can have free schooling and special benefits. This draws away from our ability to help those aboriginals who really deserve help because they are doing something special for the country, those aboriginals who have decided to stay in the wilderness.

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I see I am out of time. I appreciate the opportunity to make these remarks even though the motion itself does not approach the real concerns.

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Madam Speaker, I have to agree in regards to Bill C-31. It has created quite a mess.

However, let us go on to the Nisga'a agreement. Part of what the member said pertains to some of this. Six thousand Nisga'a people were entitled to vote but only 2,376 were eligible to vote. A lot of Nisga'a out there were not allowed to vote. This has now created a problem where they are now taking their own Nisga'a people to court over this.

I would like the hon. member, the whole House and everybody out there who is listening, to understand that the B.C. Liberals are also taking this to court. For anyone to say that it is only the Reform Party that has a problem with this, I want everybody to understand that the B.C. Liberals also have a problem with this.

Let us have a look at the neighbouring bands which have said—and I am sure the hon. member for Nunavut will understand this—that through this process they have now started court cases stating that their land is being stolen from them by the Nisga'a. These questions are all before the courts and still not answered but the government is still willing to bring this bill before the House.

What the member is telling me is that it is okay to take from here to give to there without due process of law.

Mr. John Bryden: Madam Speaker, I am not sure exactly what the question is.

Ultimately this parliament does decide, and that is actually one of the reasons I also have faults with the motion as it stands, because it makes an appeal to the supreme court, asking the supreme court basically for permission to write the legislation, when in fact we do know that if the legislation, when it does go through, is in contravention of the constitution, it will very soon be struck down.

However, in the end, whenever we try to establish something for someone, we are going to have some people who will object. All I can say is that the real fault here is not with the constitution, and I do not think it is going to be with the principle of the Nisga'a agreement or aboriginal self-government. The real fault is with these other bits of legislation like Bill C-31. I think it really needs to be revisited.

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Madam Speaker, I want to congratulate the government and the minister for the work they have done on the Nisga'a agreement. I also want to congratulate the people in the Nisga'a territory who have spent their whole life determined to

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complete this agreement. I think they deserve a great deal of respect and gratitude.

• (1620)

I just want to raise the issue of Bill C-31 in relationship to the comments my hon. colleague made. It is a very complicated process. We could have 13 categories of Indian people under different pieces of statutes and legislation. The system was a man made designed. It has its flaws in as much as there is the problem of those people who may have status who perhaps do not warrant it. However, we do not know that. I do not know that, because I have processed many applications.

I was adopted when I was nine years old. I lost my status. My grandfather signed treaty 11 as a chief. I lost my status because I was adopted by a non-treaty family, non-status. It took me a long time to get my status back.

There are many people out there. I want to know what the opinion is of my colleague on those people out there who I know are aboriginal, who have the background and whose parents were perhaps out trapping, hunting or visiting the nets, who are not registered. It is just a technical issue. They were de-Indianized or de-aboriginalized because they were not there to register. For that very simple fact, what happens to those people?

Mr. John Bryden: Madam Speaker, Bill C-31 was expected to restore Indian status to about 10,000. It has not given Indian status to around 120,000 or 130,000.

I do not quarrel for a minute with the original intention of Bill C-31, but unfortunately, like so many good things, it has created a different kind of monster that, in my view, as an outsider of the aboriginal community, is doing terrible damage to the aboriginal community.

I also point out that in communities such as Winnipeg, where there are so many urban aboriginals, we have people in poverty and some of them being treated differently simply because of their race. It is the wrong thing to do. We need to revisit it and still maintain the original intention, but it still needs a fix.

Mr. Werner Schmidt (Kelowna, Ref.): Madam Speaker, I am thrilled to hear some of the comments the hon. member opposite made congratulating the Nisga'a people for the work they have done.

I also want to pay special tribute to the hon. member who spoke just a minute ago. I found myself very much in sympathy with lifting the level of debate to issues that go beyond some of what I would like to call the stuff of the treaty. I think the issue is far deeper and far more significant than that. I recognize that the hon. member has also recognized that and is coming to grips with it.

I also need to make a point and put on the record my utter and complete disassociation from what I believe the hon. member for Winnipeg Centre suggested, that somehow I or my colleagues are associated with B.C. FIRE. Let it be absolutely clear that we are not associated or in any way connected with it.

He also referred to a particular gentleman who may have at one time worked for an MP. It should also be known that he is not working for an MP and that there is absolutely no way that I or any of my colleagues, to the best of my knowledge, are in any way associated with that particular organization. I really want to underscore that because my heart goes out to the way in which the aboriginal people in Canada have been treated.

The hon. member for Western Arctic spoke from her heart and I really appreciate that. I have met a number of aboriginal people and they have not had a treaty. The Nisga'a people have not had a treaty. It is good that they do have a treaty. They have negotiated for many years and they have negotiated well. In fact, I think they have negotiated a little bit too well in some areas, but that is another issue.

I want to lift this beyond the complicating factors: that the boundaries are in dispute; that there are three bands that want the same land; that the B.C. Legislature made a mockery of the democratic process by cutting the debate; and, that there is uncertainty about the constitutional implications. I do not want to get into that too much because I do not think that is the primary issue here. I agree with the hon. secretary when he says that constitutional amendments are probably not required. That may well be the case. I think the issue is the implications of the provisions in the constitution and the provisions in the treaty itself. That is not clear right now. It is before the courts at the moment.

• (1625)

I really want to focus on two issues: democracy and citizenship. The first issue is about democracy and the business of accountability. I am going to put democracy or democratic accountability close together. It seems to me that there are four characteristics of a democracy.

The first principle of a good democratic organization is that there must be the substance of a genuine control of the leadership by those who are governed. That means that there has to be representation and the representation is selected by election and not by heredity. This is a very interesting concept.

I think it was way back in 1215 when the Magna Carta was passed and where King John, I think it was, was denied his divine right to be king. There has been nothing in our democratic process since that time that would suggest that we have the right to be somewhere simply because of a certain heredity in terms of the way we want to govern ourselves. The whole democracy of our country today rests on the fact of one person, one vote.

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The other part of that is that we are equal. We are different. Madam Speaker, you and I are different. I am different from any other member of the House, but before the law of this land and for the constitution that governs us in our noble institution here, we are equal. I think that is desirable.

The second principle is that there must be a clear and accurate information flow so that on matters of public importance we know what is going on. Let us take, for example, the issue of the conflict in Kosovo right now. We need accurate and complete information in order to make good decisions about that.

The third principle is that there must be regular opportunities to vote on who shall lead us. That does happen in the House and that needs to happen. People will argue that those three principles are indeed contained in the treaty, and I am not going to argue that they are not. However, I will come to grips with the fourth principle, which is that we must have the ability for a free vote.

I would suggest that there is a particular difficulty in this treaty because we are dealing with a very small government with very large powers. The Nisga'a Council will have very large powers but will have difficulty providing an honest free vote.

I want to quote an analysis that was done by Gordon Gibson. I want to get into some detail here:

Small governments with large powers may acquire the ability to control citizens rather than vice versa. . . Top down control is easier in small situations. This is a worldwide phenomenon, totally independent of culture.

The proposed Nisga'a government, a small one, would have very large powers. What are they? Because most cash resources in the economy will flow through the Nisga'a government by virtue of the terms of the treaty, people will be uncommonly dependent upon and beholden to that government. The dependence will not merely be for municipal type services, but also for matters of intense and immediate importance to the individuals concerned; matters such as housing, social assistance and even employment.

The Nisga'a state will control so many things. Health and education will presumably be available to all, but higher education and extraordinary health measures will be rationed and discretionary, as they always are. There will be strong and obvious incentives for citizens of this government to go along with those in power in order to get on with their lives.

The problem of democratic accountability is escalated because the Nisga'a government will largely be using other people's money through federal and provincial transfers flowing through the Nisga'a state. Is this in any way an aspersion on the Nisga'a? It is not. When local taxpayers pay the bills, they have a powerful incentive to control their governments, and that applies to all of us as well as it does to anyone else. When bills are paid by outsiders instead, the locally governed have every incentive to conspire with the local

government to extract maximum gain from external sources rather than prudently use the available resources.

• (1630)

Madam Speaker, you know as well as most people that people manage their own money a little more carefully than they manage money which belongs to others. Sometimes that is not the case, but usually it is.

Tom Flanagan from the University of Calgary stated this very well when he said: "Just as you shouldn't have taxation without representation, nor are you likely to get good representation without full taxation". It works both ways. So much for democratic accountability. I have just touched the surface on the whole question of democracy.

I want to briefly discuss the issue of citizenship. Citizenship under the Nisga'a treaty is determined on a hereditary basis, not on the basis of residence. Voting is on that basis. Only Nisga'a citizens may vote. It is a birth right which allows them to vote under this treaty. That does not exist anywhere else in Canada. In Canada it is determined upon where people reside. That is a fundamental principle.

Now we have a situation where there are Nisga'a who reside on Nisga'a land and Nisga'a who reside off Nisga'a land. Both of these groups have the right to vote. However, those who reside off the land can only vote for three councillors, yet there are 30. There is disproportionate representation for those who are off the land and those who are on the land. In effect it creates two classes of Nisga'a citizens.

That is not all it does. There are other rights and privileges given on the basis of the constitution to the Nisga'a people that are not given to other Canadians. We have three classes of citizens. We have two classes of Nisga'a and then there is a difference between all Nisga'a people and other Canadians. We should be equal before the law. We should not create separate citizenship questions.

This is just the beginning. I encourage the House to give very serious debate to these issues. They are at the root of and are the fundamental basis of what needs to happen in terms of giving all people in Canada the right to vote, the right to be represented equally and responsibly, and the right to be in control of their own affairs.

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, the hon. member began his remarks by trying to distance himself from B.C. FIRE, the hate movement or the anti-Indian movement in B.C.

In an interview on CBC television, journalist Carol Off was interviewing Mel Smith, the author of *Our Home or Native Land?: What Government's Aboriginal Policy is Doing to Canada*. That is

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the book which has become the bible for the B.C. anti-Indian movement and is often quoted by the Reform Party. In fact, the Reform Party hired Mel Smith to head up its Indian task force hearings.

Ms. Off said: "In fact, a lot of FIRE organizers have Reform connections. Brian Richardson is running for the Reform Party in the next federal election (the 1997 election). Greg Hollingsworth was on the payroll of the Reform Party until he left to start B.C. FIRE. Georgeanne Sanders, who was an activist in the Okanagan and who was active in B.C. FIRE, is a member of the Reform Party. So are Marcia Gilbert and Judy Kilgour both prominent members in the anti-Indian movement in the Okanagan. Preston Manning only announced Reform's Indian policy last month, but yet it bears a striking resemblance to the policy of B.C. FIRE".

Carol Off is a credible journalist with the CBC. She found in her own research example after example of direct links to the hate movement, the people who are promoting hatred in British Columbia. I am not saying it is the Reform Party that is promoting hatred; I am saying it is intricately linked with the people who are promoting hatred. We all know it is a lot easier to promote hatred than it is to promote tolerance.

Mr. Werner Schmidt: Madam Speaker, I regret both the tone of voice and the content of what the hon. member has just said. There may indeed be people within the Reform Party who have contacts. I did not say that in my opening remarks.

We have freedom in this country; freedom to speak and freedom to associate. I was speaking very personally. I want it to be abundantly clear that I am not in any way associated with the FIRE movement. I have no intentions of becoming associated with that movement. I make it abundantly clear as well that we are not here as the Reform Party, either as individuals or as a party, to in any way stand in the way of an amicable settlement of the question of land claims and the self-governance which aboriginal people in Canada want. We want that as much as anyone else.

● (1635)

We are very concerned that Canada be a united nation and that it provide rights, privileges and equality for all of its citizens. We are deeply concerned that if we should countenance the development of issues and of decisions that might be made, which in their implications and in their future adaptation, application and interpretation may lead to the creation, as I pointed out, of three or four different classes of Canadian citizens, that will begin to create the kind of conflict that we have just witnessed in central Asia.

This is the deep concern that I have. It does not help to point fingers at individuals who may have been indiscreet in some of their remarks. I appeal to the member for Winnipeg Centre and to all members that we are here to try to build solid relationships of

co-operation where we can together build a strong nation, a strong community where we can develop freedom from fear, where we can help one another and indeed get to the point where we can actually love one another. I extend that to my hon. colleague as well.

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Madam Speaker, I take it as a great privilege to be able to bring this issue to the floor of the House of Commons as the Reform Party has.

This is an exceptionally important issue, I believe, to all Canadians, in particular people in the province of British Columbia. As this treaty ends up becoming a template over a period of time it is going to undoubtedly have a tremendous impact on future treaties and future negotiations and the future reopening of existing treaties which are currently in place in Canada.

I would like to take the House back to 1993 when I was elected for the first time. When my colleagues and I arrived in Ottawa we were all fired up, ready to take on the establishment and to discuss important issues on behalf of our constituents. We were in for something of a surprise. We were informed that there were certain issues that we could not discuss or question. We were told that it was politically incorrect.

The federal department that immediately raised questions for myself and I am sure many of my colleagues was the Department of Indian Affairs and Northern Development. We were aware of many of the serious problems that our aboriginal brothers and sisters were having both on and off reserve. Politically incorrect or not, we were determined to create positive change. We were determined to speak out on aboriginal issues and reserve issues, the major issue being that of accountability.

I will reflect for a moment on comments made by my colleague who preceded me. Unfortunately at that particular time there were some in the House who chose to take those comments and our direction of trying to make these changes in a positive way in a very adversarial way. They chose to impugn motive to myself and to my colleagues in the Reform Party. That was desperately unfortunate. There were many issues that required and continue to require open, honest and candid dialogue. It is that which hopefully we have engaged in today, with some minor variations that have occurred, and I should say on both sides of the issue.

We were asking when we came here, at the outset: Where are taxpayer dollars going? We recognized that we were funnelling some \$9 billion every year into federal and provincial programs of all descriptions, supposedly to support our aboriginal and Metis people. Why then, we asked, do we still see such poverty right across Canada, such appalling living conditions and so many of our aboriginal people filling our prisons? As the solicitor general critic for the Reform Party I am familiar with the fact that 17% of all inmates in 1998 were aboriginal, up from 11% in 1991-92. Why do

we see such despair, such substance abuse, along with high suicide rates on reserves? What is happening?

• (1640)

The more questions we asked on these issues, the more phone calls my office received from what I call grassroots aboriginals who raised more and more questions about issues on their reserves, issues in my former constituency of Kootenay East and now in my current constituency of Kootenay—Columbia.

Finally, I agreed to hold a town hall meeting last November. I invited the minister and others from the Department of Indian Affairs and Northern Development. Of course I also invited the five band chiefs and their councils who are in my constituency of Kootenay—Columbia. None of them chose to attend. There were aboriginal residents from all five bands in the constituency who attended. They spoke with quiet dignity, asking for changes toward a system that was more democratic and more accountable to the membership.

As a politician, quite frankly, I feel I must apologize for all of the preceding governments of the past 130 years for their absolute failure to address outstanding aboriginal issues. The results of their failures are obvious to anyone looking at the state of affairs on the reserves anywhere in Canada today.

I will say, in all sincerity, that it is my commitment as a member of parliament and it is my commitment as a Canadian citizen to see the wrongs righted and things put on a proper path. Unfortunately, what we are looking at today is the Nisga'a agreement and that is not the way to do it. By any stretch, it is not the way to do it.

I am proud of the record of my office and of the Reform Party for being prepared to speak up for positive change for Canada's aboriginal people, so let us talk about the Nisga'a agreement.

Representatives from the federal and B.C. governments have negotiated a land claim treaty with the leaders of the Nisga'a people. The agreement was initialled on October 4, 1998 and ratified by the Nisga'a people early in November. It must now be ratified by the federal and B.C. legislatures.

The citizens of British Columbia were not invited to participate in the negotiation process and were not given an opportunity to influence the terms of the Nisga'a treaty at any point, with one small exception. The small exception was when resource based industries and recreational users were brought in near the end of the 20 year process. Tragically, even these non-aboriginal citizens were thrown out when Glen Clark insisted on rushing the conclusion.

When the terms were set, the B.C. government refused to allow a provincial referendum on the deal. It will not allow the voices of British Columbians to be heard. The Nisga'a had a referendum.

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Non-Nisga'a opinion apparently does not count, as we have heard in the House earlier.

According to a recent poll, 62% of British Columbians do not feel they have been properly informed on this most important issue to face B.C. since confederation. With more than 1,000 respondents, I can report that I did a poll in my own constituency where fully 76% are opposed to their member of parliament, myself, voting in favour of the Nisga'a agreement as it is presently written. Rather than promoting the straight facts about the Nisga'a treaty, the B.C. government initiated a \$6 million advertising campaign aimed at selling the deal.

Unfortunately, many of the speeches made today by Liberal members and indeed by members of other parties, while very well intended, have been short on fact and very long on emotion. I say again, it is my objective and it is the objective of my party, which is again a reflection of the member for Kelowna and his comments, to see a full and just settlement of these issues.

The situation as it presently stands cannot go on, but the Nisga'a agreement is not the way to do it. Here are a few facts on what this treaty would give the Nisga'a people: over 2,000 square kilometres of land in northwestern British Columbia; the authority to make laws in a large number of areas, in many cases overriding provincial and federal laws; self-government provisions far exceeding the powers of regular municipal governments; rights to fisheries and other natural resources, including minerals and wildlife, on an exclusive basis; the right to manage wildlife over an area five times larger than the 2,000 square kilometre settlement, land almost double the size of the province of Prince Edward Island.

Let us take a look at some information that is of particular interest to people who are in municipal government. Are self-government provisions in the Nisga'a treaty comparable to municipal governments as claimed by treaty opponents?

• (1645)

First let me make a couple of points on the topic of self-government. I support the goal of aboriginal self-government as I previously stated. I believe aboriginal communities should have the ability to govern their own affairs just like any municipal government.

The Sechelt nation has shown the way by successfully tying together aboriginal interests in a municipal model. I parenthesize for a second and ask are there some difficulties, are there problems, are there some inconsistencies within the agreement in principle for the Sechelt? Yes, but they can be worked out. It is a totally different agreement to what we are talking about with the Nisga'a agreement.

Under the Canadian constitution only the federal or provincial governments have law making authority and this authority is not

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transferable to a third order of government. As my colleagues have pointed out, there are 14 areas in this agreement that give the Nisga'a a special ability to interact on areas that will give them a supremacy over federal and provincial law.

The parliamentary secretary says that is not true. This is precisely the reason we are calling for a reference to the supreme court in the same way that there was a reference on the question of Quebec and its right to secede.

We are asking the government to do the right thing. Prior to having this thing etched in stone and constitutionalized, refer it to the supreme court so that we can establish the difference of opinion, whether the parliamentary secretary is right or our party is right. It is the only reasonable and responsible thing to do.

[Translation]

The Acting Speaker (Ms. Thibeault): It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for West Vancouver—Sunshine Coast, justice; the hon. member for Markham, government contracts.

[English]

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Madam Speaker, I have been listening to the debates of the two hon. members opposite very carefully and I think very judiciously. It is my opinion that we come from two very different pedagogies politically speaking. We are not from the same party. We obviously do not have the same broad principles and we do not obviously believe in the same things.

I believe the Nisga'a agreement is something Canada should embrace. These members should engender an attitude of generosity toward those people, the Nisga'a themselves, who asked for more than what they are getting. They are only getting 10% of the land they asked for. That is only 10% of their traditional territory. The Nisga'a have ceded much.

It has not just been an agreement that was struck overnight. For over 20 years people like Joe Gosnell and many leaders, elders and Nisga'a will not be here to celebrate the finalization of this claim. They will not be here because it is not complete. We have not reached that point because we have a parting of the ways when it comes to what we believe about self-government, what we believe about aboriginal rights in the constitution, the legal and unique status of aboriginal people, their relationship with the crown and the fiduciary aspect.

Obviously our view of democracy is very different from that of the members opposite. I ask the member opposite, is there just one kind of democracy? Is it a democracy that just comes from western

based civilization? Is it a democracy that is just Eurocentric and ethnocentric? Is it all based on super secession by law because we believe our way is better than theirs, because we think we are the ones who are right, we have the supreme attitude, the answer of what is good for those people?

• (1650)

Maybe the traditional laws have something to say about that. I lived in a community where we had traditional government. I saw it in operation and I know it works.

Why are members afraid that the Nisga'a might succeed? They might prove members wrong because the Nisga'a have leadership that can do it. The Nisga'a can be fair, judicious, generous, sharing and giving like they have been. Many millionaires were created off their territory. Very few of them—

The Acting Speaker (Mr. McClelland): I am sorry but I have to interrupt.

Mr. Jim Abbott: Mr. Speaker, I certainly agree with the parliamentary secretary that we do come at things from a different perspective.

I recognize that democracy as I understand it is embraced in Hong Kong, England, Australia and Austria. Democracy is a set of values where individual rights have a special place by comparison to collective rights. The kind of thing the parliamentary secretary is talking about in terms of aboriginal issues has to do with collective rights. It is an interface of these two things.

I suggest that the Sechelt is not a perfect model by a long shot but at least it is something that we can look at as a model to have as a successful interface.

It is my objective to see that we end up with a permanent solution rather than one that is going to be a constant open wound.

I did a thorough survey in my constituency. I can tell the parliamentary secretary that 71% of the people do not want me to vote in favour of the agreement; 79% believe that they have not been properly informed about the agreement; and 92% do not believe it is fair to the rest of Canadians.

My real deep concern is that as the agreement was rammed through the legislature in Victoria, it will undoubtedly be rammed through this parliament. The agreement will be forced down the throats of people who do not want it, do not accept it and will not work with it. We do not have a solution.

This agreement is nothing more than something that the bureaucrats, the political elite of the Nisga'a as well as the political elite in this place have said is the way to solve it. There is no solution as

long as there is no broad popular support. There is no broad popular support for this agreement in British Columbia.

Ms. Paddy Torsney (Parliamentary Secretary to Minister of the Environment, Lib.): Mr. Speaker, people have asked about financial accountability. I would like to draw all members' attention to the fact that the final agreement and the related fiscal financing agreement specifically contain provisions to ensure that the Nisga'a government is accountable. The Nisga'a constitution builds in specific obligations on Nisga'a governments in terms of accountability to the citizens for funds received and expenditures made.

Under the fiscal financing agreement, the Nisga'a nation is required to prepare and provide audited accounts and financial statements to Canada and/or British Columbia. The financial statements must meet generally accepted accounting standards. These financial statements may be reviewed by the auditor general. The parties will establish a tripartite financing committee which will review the implementation of the fiscal financing arrangements. The approach taken in this agreement ensures first nations accountability for the funds they expend to both their members and to the governments from whom some of their funding is derived. Those are the facts.

I am very pleased to talk about the motion put forward by the member for Skeena. I am not surprised by this motion. The hon. member is simply sharing once again his party's well known and oft-stated position with respect to aboriginal people in Canada. The motion he puts forward shows a complete lack of understanding of the Nisga'a treaty and the fundamental principles behind it. Let us set the record straight.

With the ratification of the Nisga'a treaty, Canada will chart a course for a stronger and a more just society; a Canada where the Nisga'a people finally feel at home in their native land; a Canada where aboriginal and non-aboriginal Canadians work together for a brighter future for our whole country. This is the Canadian way: working together to resolve our differences peacefully. There are many merits to this treaty.

• (1655)

I think perhaps all of us need to remember the very exceptional people whose sheer determination ensures that we are talking about these issues today. For some 10,000 years the Nisga'a have lived in the Nass Valley in northwestern British Columbia, a land of snow capped mountains, glacier fed lakes, ancient forests and volcanic rocks. The Nisga'a call the Nass Valley the common bowl from which their people draw life.

The timeless relationship between the Nisga'a and their land was interrupted with the arrival of Captain George Vancouver in 1793. At the time the Nisga'a numbered roughly 30,000, a population made up of traders and entrepreneurs. Theirs was a sophisticated

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society. These prosperous people lived in two storey homes in established orderly communities. They governed themselves according to a strict code of conduct passed down through centuries.

Through the millennia the arrival of the Europeans put an end to that lifestyle. What the early settlers left behind instead was a legacy of paternalism, perhaps the legacy we see in the members opposite. Over the past 200 years the Nisga'a have seen their lands, the lands they once freely used, taken over for purposes that were not theirs. They were prevented from publicly practising their religious beliefs. Their children were sent to distant residential schools. They lost their language and their culture.

Yet even though their political, economic and social systems were suppressed, deeply affecting their dignity, the Nisga'a people never gave up their struggle to reclaim their rights and their lands. Generation after generation, Nisga'a leader after leader has soldiered on assuring the Nisga'a people that one day justice would be served. Finally we have put that system in order. We have put things right for the Nisga'a first nation.

With the ratification of this treaty, finally the Nisga'a will have stewardship over their resources and their affairs. They will have a right to self-government and a land base on which to exercise it. All Canadians understand the necessity and value of including self-government arrangements as part of treaties not only with the Nisga'a but with the many other first nations waiting for their opportunity.

That understanding of course begins with the recognition that the term inherent right is accurate. The constitution is the highest law of this land. It sets out what makes all of us Canadians, what makes us different from citizens of other parts of the world. Our constitution recognizes the multicultural heritage of Canadians and protects the cultural rights of our citizens. In particular, the constitution recognizes and protects the rights of aboriginal people in Canada based on their prior occupation of this land.

Aboriginal peoples lived on this continent long before explorers from other continents first came to North America. For thousands of years before this country was founded they enjoyed their own form of government. Today we are learning from them. We are bringing into our own society, into our own way of doing things, things that the aboriginal peoples taught us, a better way of dealing with justice issues, of dealing with children, of dealing with the environment. We can learn from these people.

Their special role in Canada is that government believes that aboriginal people have a right to govern themselves in a modern context. Unequivocally this treaty is clearly about rights, not race as some critics have contended.

The supreme court said in the 1973 Calder decision that aboriginal title existed as a legal right in Canada. That landmark decision

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led to the affirmation of aboriginal and treaty rights which are now enshrined under section 35 of the Constitution Act, 1982.

Our constitution and our courts affirm that aboriginal and treaty rights exist. They have made it clear that these rights have real meaning and must be upheld.

● (1700)

The courts have made it equally clear that these rights should be negotiated, not litigated. In one of its most recent rulings the Supreme Court of Canada confirmed that aboriginal title exists. It reinforced that we should negotiate settlements to achieve the purpose of section 35. As Chief Justice Lamer rightly noted "let us face it; we are all here to stay".

Treaty making enables us to reconcile in the modern context the pre-existent rights of aboriginal people with the establishment of a crown sovereignty. It signals all our willingness as a society to resolve major historical and cultural differences through negotiation and compromise.

Treaty making is a process, as the hon. member for Western Arctic has said. It is a give and take process, the results of which are local solutions to local problems. It establishes a shared understanding of how aboriginal and non-aboriginal people can co-exist and realize our common goals.

It leads to a fair, affordable and honourable settlement that accommodates the interests of all parties, ensuring stability and promoting opportunity for all residents living on or near claimed lands. At the most fundamental level a treaty provides a bridge from which to build a new relationship between the first peoples and those of us who followed.

This has been a long time in coming. This relationship is built on trust, on recognition, on respect and on responsibility. It is a relationship that demonstrates the mutual benefits of sharing. The key components of the treaty demonstrate these clear benefits.

The Nisga'a treaty is the first of its kind in Canada. It covers a land claim and self-government in one single package. It establishes a full and final settlement of all outstanding Nisga'a claims. The treaty sets aside approximately 2,000 square kilometres of the Nass River Valley as Nisga'a land and establishes a Nisga'a central government with jurisdiction over matters that are internal and inherent to their culture. The Nisga'a will own the surface rights and the subsurface rights on Nisga'a land and have a share of the Nass River salmon stocks as well as Nass area wildlife harvests.

The treaty provides the Nisga'a with a financial transfer of \$190 million payable over 15 years. These funds will stimulate the local economy and spur economic development. Jobs will be created. The Nisga'a will be able to strengthen their community infrastructure and services to the same standards as those enjoyed by the rest

of Canadians. They will break the cycle of dependency created from 100 years of living under the Indian Act.

As the Nisga'a gain control over the management and development of their land's resources, they will develop self sustaining and self supporting communities. With a resource base on which to build their economy, these proud and remarkably resilient people will be able to break the cycle of dependency and escape from the trap of poverty that has so affected their dignity. The Nisga'a will once again know the satisfaction that comes with self-reliance, something all of us have had a chance to experience. They will once again be able to contribute fully to their communities and to our country.

Perhaps most profound, after decades of attempting to negotiate their way into Canada the Nisga'a will at last have the ability to participate equally in society, to speak their language, to teach their traditions, to govern themselves once again, and just like other Canadians to pursue their hopes and dreams.

Non-aboriginal British Columbians will also see meaningful benefits flow from this settlement. The negotiation of treaties will bring certainty to the Nass Valley. Treaties will clarify who can log, who can fish, who can mine and where. It certainly means business can invest in the region with confidence and unleash billions of dollars of untapped economic potential. It means both aboriginal and non-aboriginal people can pursue business opportunities unimpeded by disputes about rights to land and resources.

● (1705)

Both the Nisga'a and their neighbours will be direct beneficiaries of treaty settlement moneys. This infusion of new funds will provide a badly needed boost to the economies of the communities within and surrounding the Nisga'a.

For the first time in the province an aboriginal group has agreed to forgo the existing tax exemptions. The treaty will gradually phase out exemptions from sales and income taxes. After the transition period Nisga'a citizens will pay all the same taxes other Canadians pay.

Over time the Nisga'a nation will contribute a portion of the revenues it raises to offset transfers from other governments for programs and services. It is expected that the combined impact of taxes paid by Nisga'a citizens and revenues raised by Nisga'a government will represent one-quarter of the annual budget requirements of the Nisga'a nation just 15 years from now.

Non-aboriginal people can also rest assured that their rights and freedoms will also be respected and upheld. The treaty stipulates that the Criminal Code, the Canadian Charter of Rights and Freedoms, as well as other federal and provincial laws of general application, will continue to apply safeguarding the constitutional rights of all Canadians.

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The treaty specifies that Nisga'a governments will take into account the rights and needs of all residents including other Canadians who reside on Nisga'a lands. Non-aboriginal people living there will be able to stand for election and vote for Nisga'a public institutions like education and health boards.

The Nisga'a treaty's significance extends well beyond British Columbia. It represents a small but important step along the path to a better Canada, a better Canada for the Nisga'a, a better Canada for aboriginal peoples and a better Canada for me and for all my constituents.

The ratification of the Nisga'a treaty will serve as a marker in our passage to the next millennium. It will act as a nexus, a bridge connecting our past with our present and our collective future. It will take care of unfinished business, establish a new relationship and create a continuum of hope and possibility for generations to come.

For all the right reasons we will finally do the right thing. Members of the House should never let a motion like this get in the way of that noble pursuit.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I listened very carefully to the member's intervention. We certainly agree that there has been a real failure of aboriginal policy in Canada. That failure falls most heavily on the shoulders of the Liberal Party and the successive Liberal governments that have spent most of the time in government in this country since 1867. When we look at the failure, the people over there should accept their responsibility in being a big part of that failure.

The member talked about the cost of Nisga'a government and said after 15 years the Nisga'a, through internal revenue raising, would be able to pay for approximately 25% of the annual cost, which is about \$32 million a year, to govern a population of approximately 2,000 people.

Does the hon. member have any idea what the cost per person for that government will be? Does she think it is in line with the rest of government in Canada?

What does the hon. member have to say to the 40% of the Nisga'a people who do not support this agreement? What does she have to say to the people who are watching from Skeena today, to the Gitanyow, the Gitksan and the Tahltan, who are really upset over the fact that the overlap situation was not addressed prior to the federal government signing this agreement and indicating its willingness to bring ratification legislation through in the fall? What would she say to these aboriginal people who are watching today from Skeena to whom the government also has a fiduciary obligation?

Ms. Paddy Torsney: Mr. Speaker, if anyone has to answer to the people of Skeena it is the member. It is the member who has a constitutional challenge before the B.C. court. The member is

using the floor of the House to pursue a court challenge. It is the member who has talked out of both sides of his mouth.

He asks what our policy is with regard to aboriginal people. I ask the member opposite what is his policy with regard to aboriginal people. Members of the Reform have never been clear. They have never articulated anything but paternalism and some might suggest some other isms that I will not be levelling at this point, but I think we all know what they are.

• (1710)

The Acting Speaker (Mr. McClelland): And the hon. member will not be levelling them through the back door either.

Mr. Mike Scott: Mr. Speaker, I rise on a point of order. I want to make it abundantly clear that the hon. member in her intervention indicated to the House that I had a court challenge in British Columbia. I am not part of any court challenge in British Columbia to anything.

The Acting Speaker (Mr. McClelland): That is not a point of order. That is a matter of debate.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank the hon. member for both the tone and the content of her speech. She has actually done something to elevate the whole standard of debate we have been hearing all day today. I thank her for pointing out some amazing facts that we should keep in mind.

These people have lived for 10,000 years in the Nass Valley with their own traditional ways of governance and their own traditional cultural values, et cetera. Those 10,000 years make 100 years of persecution and cultural genocide actually seem like a fairly short period of time. Maybe that is why we see such great stoicism and patience on their part.

I want to speak about the point the hon. member made, that it is classic white arrogance and Eurocentricism for us to think that the only way of governance is our own British parliamentary system. I would like to share one story with the House.

I took part in the Charlottetown aboriginal hearings. I was sitting with a group of aboriginal women, one of whom was saying that in her culture and community women were not allowed to run for chief. Everybody shook their heads and said that was terrible. Then she said that the men were not allowed to vote. Somehow these people over hundreds and thousands of years have found a pretty interesting way to make sure that the chief is accountable, et cetera. That is just one example.

As a point of clarification, I have a question for the hon. member. She pointed out a number of clarifications about taxation, et cetera, to try to put to bed some of the fear-mongering and the misinformation being spread around British Columbia and all of western Canada.

Supply

Is it true that in the case of income tax the Nisga'a government and its corporations will be treated the same as a municipality? Is it also true that the Nisga'a government will not be able to tax non-Nisga'a residents on Nisga'a land? Finally, is it true that the Nisga'a taxation power will not limit or displace federal or provincial taxation powers? Could the hon. member clarify some of those things for the House?

Ms. Paddy Torsney: Mr. Speaker, all but a few of us are immigrants to this land. We are talking about a very fundamental issue of rights to the people.

The hon. member for Winnipeg Centre has articulated very correct positions about his support and belief that there is a better way to do things than what has been done in the past. His respect for human rights comes through loud and clear.

We have to learn from the people who came before us in this land, the people who started this land on its way to being as great as it is and ensured that we took the best. We must respect them and ensure that they have the same rights as other Canadians to pursue their dreams, to govern themselves, to recognize their own religious experience and their own culture.

The hon. member for Winnipeg Centre is absolutely correct on his taxation points as well.

Mr. Allan Kerpan (Blackstrap, Ref.): Mr. Speaker, the hon. member spoke at some length about fiscal accountability. I can think of one example in my home province of Saskatchewan, the Saulteaux band, which last year spent more money on travel than the entire provincial cabinet.

I would ask the hon. member a very simple question. What guarantees are there in this deal that would make myself, my colleagues and the rest of Canadians feel comfortable that those same kinds of things will not happen in this deal?

• (1715)

Ms. Paddy Torsney: Mr. Speaker, the question was what will make the member opposite and his party comfortable with this deal. Perhaps a whole attitude adjustment would be appropriate. They come from a place of disrespect for the aboriginal peoples and it is very clear that they will never be comfortable with deals that ensure respect for culture, respect for people to pursue their dreams.

If the hon. member had listened to my opening comments, they were all about the systems that are in place on fiscal accountability.

The Acting Speaker (Mr. McClelland): It being 5.15 p.m., pursuant to order made earlier today, all questions necessary to dispose of the motion are deemed put and a recorded division deemed requested and deferred until Tuesday, June 8, 1999, at the expiry of the time provided for government orders.

Hon. Lyle Vanclief: Mr. Speaker, I rise on a point of order. I ask that you seek the unanimous consent of the House to see the clock as 5.30 and begin Private Members' Business.

The Acting Speaker (Mr. McClelland): The hon. Minister of Agriculture and Agri-Food has requested unanimous consent of the House to see the time as 5.30. Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. McClelland): There is not consent so the House will recess to the call of the Chair.

Mr. Allan Kerpan: Mr. Speaker, I rise on a point of order. I was not aware that the House would adjourn for the next 15 minutes until 5.30. Is there something happening today that I am not aware of? I was of the understanding that I was to give a speech for the last 15 minutes of the regular time allotted.

The Acting Speaker (Mr. McClelland): The time provided for debate expired at 5.15. By order made earlier today, debate was suspended at 5.15. That is why debate terminated and that is why the Minister of Agriculture and Agri-Food moved for unanimous consent to see the clock as 5.30 so that we could begin debate on Private Members' Business.

[Translation]

Mr. Réal Ménard: Mr. Speaker, I think you may now check again whether there is unanimous consent to proceed now to Private Members' Business.

[English]

The Acting Speaker (Mr. McClelland): That seems like a very good idea. We will start all over again.

Hon. Lyle Vanclief: Mr. Speaker, I rise again and suggest that the Speaker ask for unanimous consent of the House, and we might get it, that we see the clock as 5.30 and continue with private members' hour.

The Acting Speaker (Mr. McClelland): The hon. Minister of Agriculture and Agri-Food has requested the unanimous consent of the House to see the time as 5.30 p.m. Is it the unanimous consent of the House to see the clock as 5.30 p.m.?

Some hon. members: Agreed.

The Acting Speaker (Mr. McClelland): It being 5.30 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[Translation]

CANADA ELECTIONS ACT

Mr. Raymond Lavigne (Verdun—Saint-Henri, Lib.) moved that Bill C-405, an act to amend the Canada Elections Act (ballot papers), be read the second time and referred to a committee.

He said: Mr. Speaker, I thank House and committee members for allowing debate of Bill C-405, an act to amend the Canada Elections Act (ballot papers).

I introduced this bill in May 1998 in order to do something about people with bad intentions. As many of us know, some malicious individuals run candidates with similar or identical names. For instance, in 1988, in the riding of Verdun—Saint-Paul where I was a candidate, one of the candidates on the ballot papers was named Lavergne. He was a representative of the Green Party and got a lot of votes.

• (1720)

In 1993, the same party had a candidate whose name bore no resemblance to any of the other candidates. The party received very few votes.

In 1997, in the riding of Outremont, the name of one of the candidates was similar to that of the member who was representing the riding in the House at the time. Fortunately, people trusted this member and re-elected him without too much trouble.

Today, in the Ontario provincial election, there are two candidates with similar names in the riding of Casselman. One is named Jean-Marc Lalonde and the other Alain Lalonde. With situations like this, one might well think that there are people who want to reduce a candidate's majority, or eliminate him altogether.

I believe it is unfair to someone who has worked like mad to run for a political party to see certain people doing such things. That is why I have introduced a private member's bill to counteract the actions of malicious people, who may be found in all of the ridings across Canada.

I will go still further and state that the photographs of candidates ought to be on every ballot, and I will tell you why. After I introduced my bill last May, I received a letter from an organization that works with literacy, Carrefour d'éducation pour l'alphabetisation, asking me to add a clause to the effect that all candidates should have their photograph on the ballots.

I will explain why. As hon. members are aware, illiterate people have trouble voting. I remember back to 1980 when I helped a lady to do so, on behalf of an organization for the mentally handicapped. The organization was made up of about 18 mentally handicapped persons. Over 19 years, we managed to get 150 mentally retarded

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people out of the back rooms in which their families had hidden them out of shame.

If hon. members could only realize how much help the simple addition of a photo would be to the illiterate, who do not get out and vote because they are embarrassed at not being able to read.

When I was campaigning door to door in 1997, people would tell me "Mr. Lavigne, I will not be voting. It is not that I do not want to vote for you. I would like to, and I could vote for you if there was a photo of you. But I cannot read, and I do not know where to go". I told them they just had to pick the third name down and they said "Yes, but what if I make a mistake and I pick the fourth one?" If there were photos, all these people would have the same right to vote as everyone else.

There are many services for the disabled in Quebec and in Canada. A few months ago, with funding from the Government of Canada, I formed an association with young lawyers to make the disabled aware of their rights. We even opened an office in Canada, to provide information to the disabled about their rights. Like us, those who are illiterate are entitled to vote. The Government of Canada must give them an opportunity to do so.

• (1725)

The purpose of my bill, of course, is to counter malicious intents and acts to reduce a candidate's margin or eliminate him altogether, but I think we should take it a step further and let everyone benefit.

[English]

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I am very pleased to say a few words on this bill on behalf of my party. I am sure the sponsor of the bill is well meaning but we have to ask ourselves if this is the way we want to go in Canada.

The use of colourful symbols to identify the various political parties on the ballot is quite common in many third world countries. There are probably countries where the photo of a candidate is next to his or her name on the ballot paper. In countries where there is a high degree of illiteracy it would make sense. It also makes sense in countries where there are a multitude of local or tribal languages where even a literate person could become confused.

Canada is not a third world country. We have a high literacy rate and we only have two official languages. Therefore we do not see the need for this amendment to the Canada Elections Act.

As well, I say to the hon. member that the wording of the proposed amendment leaves a lot to subjective interpretation. Who decides which names are similar enough to be confusing on the ballot paper? Will there be a similarity test? He did not indicate that. If they fail a similarity test, do not get their picture on the ballot and lose the election by a small margin, is that a valid reason to have the election declared null and void? What would happen if

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they had a twin with each individual running for a different party? Surely the picture would only add to the confusion.

The other valid factor is sociological. Many studies have shown that good looking people who are photogenic tend to be regarded more positively by others than people who are not so good looking. What if they are a bright, articulate, spirited, public minded individual but very plain to look at, not really good looking like the hon. member happens to be? What would happen in that case? Publishing their picture in that case could be detrimental to their electoral chances.

Another factor which has to be taken into consideration is incumbency. An incumbent already enjoys a big advantage in an election campaign. We are all very much aware of that. An incumbent generally has a 20% to 25% advantage going into an election campaign. Putting the incumbent's picture on the ballot would only add to the incumbent's advantage. I do not know if the hon. member would agree with that line of thought. If one happens to be a rather plain looking challenger then the picture would only add to the individual's disadvantage. It would only add to his chances of not getting elected. At some point in this debate I would like the hon. member to address some of the little problems I have given him to think about.

• (1730)

Simply put, I do not see any pressing need for this change. I feel we could be opening a Pandora's box of potential new problems if we approve the bill. Under the current circumstances as presented by the hon. member we would not have any choice but to vote against his bill. During the course of this debate the hon. member may be answering some of the concerns I have made known to him today, and hopefully we will see.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Madam Speaker, it is a pleasure to speak to Bill C-405 respecting amendments to the Canada Elections Act. I must admit there is great uncertainty with the bill. The summary states that the photograph of each candidate shall be printed on the ballot next to the name of that candidate. That would suggest that each and every one of us would have to send our pictures in and that the ballot would have the pictures of all candidates.

However, clause 2 of the bill indicates that only where there is similarity in the names of any two candidates would their pictures be on the ballot. If we are unclear as to what the bill says, imagine somebody trying to figure out at Elections Canada whether or not all our pictures are required.

I too have problems with the suggestion that Canadian voters are not smart enough to be able to identify the candidate of their choice. As we all know, on today's election ballots the party name

is attached to the name. If there is a similarity in names or if one person has the same name as somebody else, there is an indication of what political party they represent. That differentiates one candidate from another.

We are asking for people to take advantage of that situation. In past elections we have had two John Turners running for a seat in the same constituency. It was done for a reason. I believe he represented the Rhino Party, which tends to take lightly the election process. I am a little concerned that the pictures that might be received to be put on ballots may not in all circumstances be pictures of a person's face. What constitutes a picture of the candidate? We are really asking for somebody to take advantage of the situation and to turn it into a joke more than a very serious process.

I do not see the reason for it. I fail to see where the pictures are going to differentiate the individuals any more than the party name differentiates them.

Another issue should be considered. Whether we like it or not, if only two individuals have pictures on a ballot of from six to thirteen people and the others do not have pictures, it draws more attention to those two individuals. Our election process has to be fair and equal to all candidates and not give one any more of an advantage over another. In some cases where two people may have their pictures on the ballot, that would automatically draw the attention of the voter to those two individuals and may exclude the others from consideration. I do not think we want to go down that path. I think it is a dangerous path to go on.

• (1735)

It is a question of when there is not a real problem why we need to change the process. Elections Canada works very hard in making sure that the ballots are clear and the names are listed alphabetically. That again can cause problems if people want to take advantage of it. I know someone who put a name on the ballot that basically said "none of the above and put a couple of z's in front of it." We have to be careful that we do not encourage that kind of attitude in making the election process a joke.

In the case of ballots there are already methods that Election Canada uses to clarify such as, as I mentioned, alphabetical order, names with clarify, using initials and using the party's affiliation. If that in itself is not clear, a person can put his or her occupation on the ballot as well.

There is plenty of opportunity to make sure there is clarity in terms of who are the candidates. Putting picture on the ballot would not help and may make the process unfair. I will be voting against this private member's bill and encouraging my colleagues to do the same.

Private Members' Business

[Translation]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Madam Speaker, I wish to begin by congratulating the hon. member for Verdun—Saint-Henri on his initiative.

I believe he is totally justified in his concern to see our fellow citizens participate fully in selecting those who will govern them. I can therefore understand that he would want to ensure that all those who vote are fully informed.

We believe, however, that there is a problem here. As it stands, we believe the bill confers an unfair advantage on certain categories of candidate.

As the hon. member pointed out in his opening remarks, if all candidates had a photo I believe that the hon. member would receive considerable support, if not unanimity. He would without a doubt have the support of the Bloc Québécois, because in the ridings we represent we know there are people who cannot read and write, for all manner of reasons related to their particular circumstances, and we must respect that.

Let us take advantage of this excellent initiative by our colleague to pay tribute to our fellow citizens who are involved in this process of learning to read and write. They deserve all our support, for this is not an easy undertaking, we know.

I would encourage the hon. member to consider introducing an amendment, whereby all candidates could have their photo on the ballot. This would, I believe, be of service to democracy and all members of parliament would be grateful to him for this.

It is very important to make sure that our fellow citizens take part in the democratic process. There are a number of countries on this planet where, unfortunately, the right to elect those who govern them is not recognized.

A lot of people in the world would like to be in our shoes in order to be able to regularly, periodically, every four or five years, focus their attention on public life, on public issues and be part of the very important moment of choosing representatives in this democratic institution here of the House of Commons. Obviously, this is a principle we would be able to apply to many institutions.

I believe the member is raising an important point. It is all to his credit, and I thank him for it. I want to remind the House that we are proud, because in Quebec—like me, he is a member from Quebec, and so is his seatmate—we have an extremely deep-rooted democratic tradition. You know that the National Assembly was the first parliament in North America.

• (1740)

Regardless of whether we voted yes or no in the last referendum, we must all rejoice in the fact that over 90% of our fellow citizens exercised their right to vote.

Those in elected office, like the member for Verdun—Saint-Henri, myself and any parliamentarian, would all do well to ensure that people turn out to vote in numbers. There is no doubt that what the member is proposing, that is including the photo with the name of the candidate on the ballot, is an enlightened measure that provides people with the best information possible on the people who are running in an election.

I therefore invite him to consider expanding the scope of the bill. I am sure that I am speaking for my colleagues of the Bloc Québécois when I say that we will be happy to support such an initiative.

[English]

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I did not plan on speaking to the bill today but there is one thing I would like to point out which I have not heard today in the comments of other members.

I too have reservations with the whole idea of putting photographs on the ballot. I would disagree with the hon. member from the Bloc who just pointed out that members of his party would probably not have much problem if all the candidates had their photographs on the ballot. The point I want to raise is a good argument for having neither. Neither should all the photos be on the ballot. Nor should just two in the case of names that are very similar.

For people who do not know what their candidates look like, if they do not follow politics very much or did not really pay any attention to the leaflets and literature that might have come to their doors, there is a very real possibility they are the type of people who do not really know a lot about politics and would make their choices based on what the candidate looked like.

I think everybody here would agree that would be fundamentally wrong. There are all kinds of biases that exist: racial bias or racial prejudice or gender bias, people who do not want women in politics. My name is one that could be used for a male or female. Many people with the name Pat are from both genders.

There may be two people with the name Pat, one a man and one a woman, and the choice would be made simply because someone might not want women in politics and would vote for the male, never mind what the virtues are.

Some hon. members: Oh, oh.

Mr. Pat Martin: The members opposite are chuckling. There are people who certainly feel that way. They are biased toward having women in politics. They might vote that way. I am just saying it is a possibility and it is one of the reservations that should be raised here.

There are other things such as ethnic background. People who are racially prejudiced would notice right off the bat, never mind the merits and qualities of the person. One person might be wearing

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a turban, for instance, and one not. They might have similar names and the voter might be biased against a certain type of person.

What about people with obvious physical disabilities? Somebody like Stephen Hawking would not have much of a chance if he was going strictly on physical appearance if the voter did not think handicapped people could conduct themselves as well as somebody else. We all know that having somebody like Stephen Hawking would be a great asset to any political environment.

There are ways to tamper photographs to one's advantage. People have done all kinds of research on reactions to people who are physically beautiful. If one looks like a 30 year old Olympic athlete and has the same name as a person who is paunchy, middle aged and more my vintage, the 30 year old Olympic athlete would have a clear advantage over me personally. I would find that troublesome because I might think I would be the better candidate.

For those reasons I would oppose this idea, even though I understand that it was put forward with all the best of intentions to make it a better system. Our party could not vote for the bill as it currently stands because of the possibility of biases based on physical appearance.

[Translation]

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Madam Speaker, I am pleased to support the bill introduced by the hon. member for Verdun—Saint-Henri.

This bill addresses a real problem in Canadian society. It is known that our rate of illiteracy is extremely high and unacceptable for an industrialized country, a country that boasts of having one of the highest standards of living in the world. And yet, we have a real problem. There are people in Canada who do not know how to read or have difficulty doing so.

• (1745)

[English]

I want to assure the member for St. John's East, who is not in the House at this moment, but who spoke to this bill—

The Acting Speaker (Ms. Thibeault): I must remind the hon. member that we do not comment on the presence or absence of members in the House.

Mrs. Marlene Jennings: Madam Speaker, I did not mean to cast any aspersions. The member for St. John's East, when he spoke about photos being placed on ballots, said that this could in fact put someone who is plain looking into difficulty. I want to assure him that he is a very good looking person. That is the first thing.

I want to assure the member from the NDP that he as well is a very good looking person. In fact, I think that everyone sitting in the House today, and not sitting in the House today, but who has

the right to sit in the House, is very good looking. The member for Hochelaga—Maisonneuve is also good looking.

However, the point was raised by the NDP member that this could lead to discrimination on the basis of race, gender, or whether people like the way an individual looks. He is right. There may be some people who will decide on the basis of a photo not to vote for a candidate because the candidate is a woman, a senior, too young, black, a visible minority or an aboriginal.

Luckily, we have a system in which we have signage and billboards. I can assure the member that it would have been incredible if, of the 59% of the electorate which voted for me, one person in my riding voted not knowing that I was a black Canadian woman of African origin. It would have been very difficult. I had billboards all over my riding. The person would have had to have suffered from a visual disability and not have had any friends or family with whom they communicated over the length of the campaign not to know that I was, one, a woman, and two, a black woman, a visible minority.

I would also hope that in Canada we have advanced sufficiently, regardless of the level of our education, that the overwhelming majority of Canadians would vote for the best candidate, for the candidate that represents that party which embodies their values. I think that is in fact what we have. We have an increasing diversity within the House of Commons.

We have a higher number of women representatives in the 36th Parliament than we have had in the past 130-odd years of our confederation.

We have a higher level of representation in terms of age groups representing the different ages. We have younger MPs, middle MPs and our more senior and more mature MPs. I consider myself to be in the middle in terms of maturity and age.

We have greater representation in terms of the members of parliament who are of varying and diverse ethnocultural origins. Only 20 years ago it would have been very difficult to find a member of parliament in this House whose name was not Tremblay or James or Brown. I perhaps should not have used the name "Brown". Let me try McKinney or Smith.

• (1750)

This House is the actual proof of the openness of our Canadian society, of the ability of Canadian electors to look beyond a person's physical appearance to that person's experience, values and the policies of that person and the party which that person represents.

[Translation]

In my own riding, there is considerable socioeconomic diversity. The percentage of residents living on welfare is rather disturbing. A number of them are illiterate as well, and many of them voted for me, despite or perhaps because of the fact—I do not know which—that I am a woman, that I am middle aged and that I am a

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member of a visible minority. These people perhaps thought that because of my own diversity I would be able to understand what they are going through.

I think an important point is being raised here in the House, which is that the bill, as it stands, may cause some difficulty because it requires pictures on ballots only when the names of two or more candidates give rise to confusion. I believe that ballots should include the pictures of all candidates, as the member for Hochelaga—Maisonneuve mentioned.

I can assure all members here in the House at the moment that the member introducing this bill—which I support—intends, if he manages to get it through second reading stage and referred to committee, to make an amendment to ensure in fact that all candidates' photos appear on the ballot.

Many associations and non-profit organizations are working on the issue of literacy in Canada and, more specifically, in Quebec. We have excellent organizations, which include the Regroupement des associations de l'analphabétisme, Literacy Partners in Quebec and others. I hope they will not be upset if I do not name all of them.

I consulted a number of them on this point, and I can tell you that everyone I consulted, working Monday to Friday and often on weekends with people who are illiterate, support with one voice the idea of having each candidate's photo on the ballot.

I will come back to the point raised by the hon. NDP member. Should we fear having our picture on a ballot when we do not fear having our picture on billboards, which are sometimes 10 by 11 feet or 15 by 10 feet high?

If we had lived in feudal times, when most people did not have the right to vote, we might fear having our photo displayed. But at this point, it would be more likely through ignorance that we might fear our picture being printed could bring bad luck.

● (1755)

I think all the parties in this House should support this bill. If, as I hope, the bill is referred to committee, you may rest assured that there will be an amendment to make sure that the photos of all candidates appear on the ballot.

I thank all members of the House for their patience and their understanding and I congratulate the hon. member for Verdun—Saint-Henri.

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Madam Speaker, we were discussing the possibility of amending this bill, whose motivation seems to be totally commendable and justifiable to the extent that, as the hon. member for Notre-Dame-

de-Grâce pointed out, it would be of service to democracy that as much information as possible be provided on candidates running for office.

There is no doubt that the motivation for this bill is very appropriate and deserves to be supported. However, the wording of the bill seems to pose a bit of a problem, since a photograph of the candidates would only be affixed if two or more candidates had an identical name.

This obviously creates a problem for the other candidates, who would not have their photos on the ballot. In a way, this would almost be placing these other candidates in what would no longer be a level playing field, since some candidates could be identified on the ballot by their facial features but not others.

From the moment that, in an election campaign, there are posters on telephone poles or balconies showing the facial features of candidates—and we all know how important that is—to have one's picture on telephone poles or balconies, to have the photographs of just a few candidates on a ballot would be detrimental to those whose picture would not appear.

It is our view that, in its present form, Bill C-405 is totally unacceptable. There will, I imagine, be the possibility of proposing an amendment at either the committee or the report stage, or even today, why not, by unanimous consent. I will make a motion to that effect at the end of my speech. I will be seconded in this by my colleague for Hochelaga—Maisonneuve, whom I would invite to return to his seat so that he may do so.

As I said earlier, the motivation for this bill is most commendable, because the more information one has on candidates, the more able one is to make an enlightened decision. This is, of course, particularly true when the names of candidates are confusing.

For example, let us take my first name. For many anglophones, Stéphane looks like a girl's name because it ends in the same way as Suzanne or Joanne. I remember within a few days of my election getting mail from all over Canada addressing me as Mrs. Stéphane Bergeron, and those who were not completely sure added a letter to my name, making me into Mrs. Stéphanie Bergeron, convinced that there had been a mistake in my first name.

For many anglophones, my name is a woman's name. For the few anglophones in my riding—and they are not very many—this can indeed represent a problem. I imagine that this could be the case for a large number of candidates running for office, who have confusing names.

This idea of having candidates' pictures on the ballot is an excellent one as well for those of our fellow citizens who are unfortunately unable to read, or whose language is written with another alphabet, and therefore are at a disadvantage compared to other voters when it comes to making a choice on election day.

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• (1800)

There is no doubt that this is an interesting bill. But in fact, as I said, the provisions, as they appeared in the bill, are totally unacceptable in our opinion.

Consequently, I would like to propose an amendment, and I invite all my colleagues to support it. I move:

That all candidates be identified on the ballot by means of a photo of approximately 3 cm by 1.8 cm taken within the year preceding nomination day.

I must point out that this amendment, drafted carefully by my colleague from Hochelaga—Maisonneuve, which I introduce with his support, is entirely in keeping with clause 1 of the bill.

The Acting Speaker (Ms. Thibeault): Unfortunately, at this stage of the debate, the amendment I have before me is unacceptable in its present form.

Mr. Stéphane Bergeron: Madam Speaker, may I ask why, in all your wisdom, you consider this amendment inadmissible in its present form, since, if there is unanimous consent, it is certainly acceptable procedurally?

The Acting Speaker (Ms. Thibeault): I will take the amendment under advisement and consider it carefully, and I will make a decision before the end of this hour.

Mr. Stéphane Bergeron: Madam Speaker, I do not want to prolong the debate unduly, except to say that you have an opportunity to consider the wording of the amendment as proposed. I think it is not insulting to our colleague from Verdun—Saint-Henri to amend this bill.

From the nodding we see before us, most of our colleagues in this House do seem to agree with the idea that the photo of all candidates should appear on the ballot, and not just the photo of candidates whose names might be similar.

Accordingly, I respectfully submit to my colleague from Verdun—Saint-Henri that, through a gesture of openness, his bill, as amended by an opposition party, could rally all parties in this House.

[English]

Ms. Paddy Torsney (Parliamentary Secretary to Minister of the Environment, Lib.): Madam Speaker, this just goes to show that there is a complexity of problems. In fact there are very many people in this chamber who have names that are not gender specific.

• (1805)

[Translation]

Like my colleague opposite, who receives many letters addressed to “Mrs. Bergeron”, I have received many letters addressed to “Mr. Torsney”. My name is not very common in

Canada. My family alone bears this name, because my parents immigrated to Canada.

[English]

I am pleased to speak to Bill C-405 which has been sponsored by the member for Verdun—Saint-Henri. On a personal basis I support everything that we can do to enhance people's participation rate in the election process, to help people to overcome physical difficulties and literacy difficulties. The objective of this amendment is to improve access for persons specifically with reading deficiencies.

The issue of accessibility is a fundamental principle to all of us in our electoral system. The questions that are raised here are quite important.

The Canada Elections Act has in fact been modified on many occasions in the last number of years. Polling stations on election day, the offices of the returning officers and the advance polling stations have a mandate to be available on a level access. While Elections Canada does not have it perfect, it does have 97% of its locations with level access for electors with disabilities.

In 1993 Bill C-114 extended the use of voting by special ballots to all electors, allowing electors with physical impairments to vote by mail. Elections Canada has taken steps to assist voters who have difficulty understanding English or French. Material about the electoral process was published in as many as 24 languages in the last general election. Returning officers are encouraged to appoint multilingual elections officials to provide information in several languages, particularly in urban areas and polls where there are people of many ethnic origins.

Other measures and new technologies have been put in place for the particular needs of hospitalized people, for voters with visual and hearing impairments, mobile polls, ballots in Braille, interpreters of sign language at polling stations, a special phone line for voters with hearing impairment. Voters who have reading deficiencies are included in the voters who have special needs. We need to find a way to help them.

The addition of photographs has been proposed by the hon. member for Verdun—Saint-Henri. This issue as well as that of placing party logos on the ballot have been the subject of study over the past few years.

In 1991 the Royal Commission on Electoral Reform and Party Financing recommended that logos or initials of the political parties be printed on the ballots and that photographs of candidates be displayed in the form of a poster at polling stations. Who knows how that would have affected all of our chances.

Following the 1993 general election the Chief Electoral Officer, a fine individual, recommended in the annex to his statutory report tabled in parliament in 1996 that the logos of registered parties be printed in black on the left side of the ballot in front of the candidates' names.

Private Members' Business

In the June 1998 report on the Canada Elections Act, the Standing Committee on Procedure and House Affairs expressed a number of reservations with this recommendation. Some members doubted that using logos would increase the participation of illiterate voters. Others echoed the Chief Electoral Officer's concerns about the technical difficulties involved in getting the logos or candidates' photographs on the ballot, including whether or not the photos should be in black and white or in colour. The committee of this House did not arrive at a consensus.

Many factors must be taken into consideration in assessing the proposal before us. There is an absence of empirical studies. Whether or not the voter rate for individuals who have reading deficiencies is lower than the participation of Canadians in general we do not know. Whether or not individuals with reading deficiencies who do not vote would vote if pictures were on the ballot is not clear.

It is difficult to evaluate, as many members of the House have articulated, without further research on the influence of voter selection of candidates as a result of having the pictures. Would it have a distorting effect? Would we be here or not be here? It is unclear. It may well be an unforeseen consequence that it could affect people's voting habits whether it be based on some kind of difficulty with people of various parties.

• (1810)

I know some people imagine it impossible, but I had great big mall posters. I had pictures in the paper. I had lots of pictures on materials and still people told me that their relative, friend or acquaintance had voted for me specifically because I was a Liberal and because I was not a woman. Who knows? I can assure everyone who is watching that I am female.

The candidates' photographs on the ballot may address the situation of people who wish to cast their ballot for a recognizable candidate regardless of the party affiliation. However, it would not address the case of electors who intend to vote primarily for a party.

There are a number of questions that have not been answered. What would be the cost of the proposal? What would be its impact on the electoral calendar? Are there technical dimensions associated with its implementation?

Let us be clear. The printing of ballots can take place only after the closing date for nominations, day 21. The opening of advance polling stations starts 10 days after the closing of nominations, days 10, 9 and 7. Therefore all the ballots need to be produced and distributed even in remote areas of the country within a period of 10 days. It would be a serious strain on the already very short timeframe.

The production process would be further complicated by the addition of photographs, besides the fact that the ballot may need to be changed.

There would need to be established rules, as the hon. member opposite has indicated, on the quality of the impression, the format, the size and the placement of the pictures. Elections Canada would need to be provided with the responsibility to make sure that the rules are enforced, otherwise all of us could be in jeopardy for fairness.

Elections Canada has not had a chance to answer these questions. We already know that the 36 day period of the electoral campaign leaves little room for additional steps in the process.

We do not have that many parameters in Bill C-405. We need to look through these issues and we need to look at what the other options are.

In the Northwest Territories for instance currently posters are provided with photographs of candidates in all voter locations. At first glance this could be the way to solve the problems of the hon. member opposite.

No proposal should be excluded or adopted before the organizations representing the people who have reading deficiencies are consulted. They can best identify the solutions. We need to have a bottom-up solution. More analysis needs to be done.

On the issue of accessibility, all of us in the House support that. On the issue of encouraging more people of varied backgrounds to participate, hopefully all of us support that and work every day to reduce those barriers, but further analysis is needed.

I would remind all hon. members that the government House leader will be introducing legislation to amend the Canada Elections Act in the very near future. Perhaps this matter could be pursued at that time by the hon. member opposite and by all members of the House.

[*Translation*]

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Madam Speaker, I rise in support of my colleague's bill. I understand the constraints and arguments put forward by members of the various opposition parties, and even by members of our party, to the effect that the photographs of all candidates should appear on the ballots, and I agree that this is a very good point.

However, when it comes to the overall issue, we must first think about people in our society who are at a disadvantage for one reason or another. It is nice to say "We all support access". But when we then go on to say "There are many constraints". I realize this is not an easy thing to put in place. But at the same time, this is precisely why we have House committees. If, as it is my hope, this bill makes it through second reading, it will be referred to a committee, and that committee may want to send for Elections Canada officials to discuss the details.

For example, I see no reason why the official photographs appearing on the posters of candidates could not be used on the ballots. It would only make sense.

Adjournment Debate

At present, Elections Canada spends \$8.6 million on pamphlets distributed to organizations for illiterate people. We do not know whether all illiterate people are reached through these organizations. I met some of them myself, and there is often an issue of individual pride involved.

[*English*]

The pride of the person. How many people want to belong to these organizations in the first place? And when they do, how do the organizations reach them when they themselves, these people, cannot read?

• (1815)

Even if pamphlets are sent to these organizations by Elections Canada, even if there are all kinds of systems used by Elections Canada to try to reach illiterate people, certainly a number of people are not reached. Witnesses have come to me personally at meetings.

At one meeting attended by my colleague from Notre-Dame-de-Grâce—Lachine and myself, one lady told us how she was afraid of taking the bus. She had avoided every public place until she was 35 or 40 years of age. Her pride prevented her from doing normal day to day routine things that we take for granted. One day something clicked in her mind and she sought an association. She went to school at a very late age. She even tried to hide from her own children that she was illiterate.

People like that do not venture forward. If we can help them in any way at all, if we can put that \$8.6 million toward photographs on the ballots, then surely it will be simple to decide whether it should be a black and white or colour photo. We have decided this for driver's licences. In Quebec we have decided this for medicare cards.

I do not see anything wrong with deciding whether it should be a colour or black and white photo, how much it would cost, what the criteria for the use of photographs should be, whether it should be a photograph that is one year old or more recent. We do it for our passports. We do not use just any picture for our passports. It has to be stamped and certified.

I do not think the cost would be outrageous. I do not think the cost would be more than the nearly \$9 million Elections Canada spends today to advise people who are illiterate.

The bill my colleague has put forward is well worth sending to committee. That is what he is asking. He is not saying that it is a perfect bill or that there are not unanswered questions. Of course there are as with all changes and unanswered questions, but not unanswered questions that defy solutions. Of course they do not defy solutions.

The member is asking for a majority vote in this House on the motion for second reading so we can send the bill to a committee.

The committee can have hearings. The committee can hear from Elections Canada and the organizations representing illiterate and handicapped people.

It is well worth our support. I strongly support the bill my colleague has brought forward. He can make amendments in committee. He can propose amendments to the bill which is what he intends to do.

I have discussed with my colleague what he would like to do. He does not want to just accept piecemeal amendments at this stage. He wants to listen to what the witnesses have to say during the hearings. There may be one, two, three or four amendments to bring forward which he would be prepared to consider because he is completely open minded. He wants to safeguard the principle.

With that in mind, I would like to express my strong support for the bill proposed by my colleague from Verdun—Saint-Henri.

[*Translation*]

The Acting Speaker (Ms. Thibeault): I want to go back to the motion moved by the hon. member for Verchères—Les-Patriotes.

Does the hon. member have the unanimous consent of the House to move this amendment?

Some hon. members: Yes.

Some hon. members: No.

• (1820)

The Acting Speaker (Ms. Thibeault): The time provided for the consideration of Private Members' Business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

ADJOURNMENT PROCEEDINGS

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

JUSTICE

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Madam Speaker, on March 12 I asked the Minister of Justice and the Deputy Prime Minister about Canada's youth criminal justice act that had just been introduced the day before. Obviously there are a lot of concerns about the bill. The public had not had much of a chance to look at it, but we had some concerns and we were seeking answers at that time and were also anxious to see the bill move forward.

Adjournment Debate

Today it was disappointing when the government House leader talked about adjourning the House earlier than what is on our normal calendar because the government is really running out of legislation and is talking about possibly getting out of here next Friday. Yet when I got up and asked the government House leader why we were not dealing with the Canada youth justice act his comment was that it was being filibustered by the opposition.

It is quite interesting. I did go and look. I know we have had some speakers on the bill. We have had some obvious input. My colleague from Surrey North has great concerns on the bill and has been up as well as many others. But we have spoken as the opposition for four hours, 240 minutes on this bill since it was introduced.

The bill was introduced by this government over five years ago. It was something the Liberals wanted to do and it took them five years to get the bill to the House. After three months we have only had the bill before the House a very small amount of time. We certainly want to see it get to committee. We want to see many changes in it but the government seems to be dragging its feet.

The Liberals do much talking and introduce a lot of PR jobs. They spent about \$5 million on advertising in this area so far. Yet the book they put out says that the Government of Canada will establish a five to six year implementation plan. The Liberals have had five years to look at. Now they are talking about taking five to six years to implement it.

The Liberals go to great lengths in their advertising to talk about how they have committed \$206 million over the first three years for the Canada youth justice act.

The Young Offenders Act is supposed to be supported by 50:50 contributions from the federal government and the provinces. This government is only paying about 30% on average for Canada's young offenders. That is the problem. It is a lack of money. It is a lack of really caring about what is going on in society today.

Today in my community in British Columbia on the lower mainland, one person every day dies from a drug overdose, yet we have no money from the government to solve that problem. I do not know what the numbers are in Toronto and Montreal and other major cities but they are very large. British Columbia is one of the capitals for drugs and it is very serious.

Here is a government that talks about money but it is not putting it where it is needed. It is not putting it there fast enough.

The Liberals are great at talking about the Canada youth justice act and how they are going to implement it and what they are going to do for young children, but they do not get behind their words with actions. They do not get behind their words with money. They know how to spend money with PR firms to make it look like they are doing a good job.

They are spending a couple of hundred million dollars to register guns across Canada, really guns in the rural areas because guns have been registered in Canada for a long time. Hundreds of millions of dollars are being spent on that but there is very little being spent on drugs. There is very little being spent on young offenders.

We have a case today where a young man 18 years old is going to spend about seven years in jail for viciously murdering a young girl in Victoria. I do not think that is acceptable to most Canadians. Had this bill been brought in a year or two ago as it should have been, it would have had a major impact on that young man. He would have been treated as a real adult and got real adult sentencing and served a long time in prison for a very vicious crime, which is what he should do.

We also are not spending any money on rehabilitation. The government did not want to include 10 to 12 year olds in this bill. All the provinces want to do that whether they are NDP provinces, Conservative provinces or Liberal provinces. They want to include those young people to rehabilitate them to make sure they do not turn into criminals. This government will not do that because it does not want to spend the money.

This country has a serious problem with crime, a serious problem with young children. We have a government that likes public relations but likes very little action and that is too bad for our families and too bad for our children.

• (1825)

I hope the government will take a chance over the summer holidays to look at what it is doing and come back with a mandate from the people to do what the people want to solve this problem for young people.

Ms. Paddy Torsney (Parliamentary Secretary to Minister of the Environment, Lib.): Madam Speaker, the member's comments have distracted me so much because of a number of things I would like to say. Let us make sure that a crime never occurs and a victim is never created. Let us include things like the national child tax benefit. Let us invest in our young people and make sure they have healthier tomorrows rather than end of pipe solutions.

In responding to the member opposite I would like to clarify the rules that govern publication of names, because that was the specific question that he raised.

Under Bill C-68, publication of names will continue to be allowed in all cases where the youth is sentenced to an adult penalty. Publication will be prohibited when a youth is sentenced to a youth penalty unless the sentence is given for a presumptive offence such as murder. In those cases the presumption is that publication bans could not apply.

Adjournment Debate

There are however two situations when the name of a young person receiving a youth sentence for a presumptive offence would not be publishable. The first occurs when the attorney general does not seek an adult sentence. The second occurs when a judge considers an application by the youth or the attorney general and determines that publication should be prohibited based on the importance of rehabilitating the youth and the public interest. These rules will give judges the guidance and flexibility to enable them to take into account the particular circumstances of the young person.

It is important to note that publication will also continue to be allowed when it is necessary to apprehend a youth who is dangerous and wanted for a serious offence. The government believes in an open justice system. However, we must remember that youth are more vulnerable than adults. Their chances for rehabilitation are greater.

Publication is banned in all cases where a youth sentence is imposed for a non-presumptive offence. However, when a sentence is so serious that the youth is sentenced as an adult then the rules applying to adults must apply to youth, including the publication of names.

GOVERNMENT CONTRACTS

Mr. Jim Jones (Markham, PC): Madam Speaker, it gives me no great pleasure to rise on this issue tonight during adjournment debate because the Prime Minister continues to evade, avoid and delay on the important question of why close to \$9 million of government grants, loans and contracts end up in the hands of a select few: a criminal, a fraud artist and the Prime Minister's single biggest contributor in the last federal election.

The Prime Minister had the arrogance to stand before the House this afternoon and say that these shady Shawinigan shenanigans will help his re-election efforts.

I do not think the people of Saint-Maurice are all that impressed that the Prime Minister's office intervenes on behalf of a convicted criminal, with Yvon Duhaime getting close to \$900,000 in grants and loans. I do not think they are impressed that someone with a record of not paying his taxes, not paying his creditors, should get his hands on their money.

Let us not forget the hotel owned by Mr. Duhaime, which he bought from the holding company in which the Prime Minister has a financial interest, was in serious financial difficulty prior to the Prime Minister's largesse starting to roll in.

Montreal business consultant Yvon Plante, MBA, stated in a March 27, 1997 report that the Grand-Mère Inn had a long term debt of \$1.49 million, \$350,000 above a manageable level; lacked \$250,000 in working capital and required a \$350,000 investment; had compiled \$330,204 in unpaid bills, an amount considered by Mr. Plante to be three times an acceptable level for a company of

its size; had scheduled mortgage loan payments totalling on average more than \$210,000 annually between 1998 and 2002, payments which Mr. Plante viewed as unthinkable given the firm's financial situation at the time; had no well trained accountant; had no budget; and had no standard bookkeeping system, resulting in management not being able to obtain a monthly financial statement of the company's revenues versus expenses.

Furthermore, a final report submitted by Mr. Plante to the Government of Quebec on May 8, 1998, concluded that the Grand-Mère Inn's accounting system and budget planning had shown no improvement in one year.

If someone with a track record like Yvon Duhaime and the Grand-Mère Inn asked for more money from a bank or from private investors, they would be laughed off the street. Yet somehow the Prime Minister defends this type of government spending as working for his riding.

Is it working for criminals like Yvon Duhaime? Yes. Is it working for admitted fraud artists like Pierre Thibault? Yes. Is it working for Liberal Party financial donors like Claude Gauthier? Absolutely. Is it working for Saint-Maurice? Well, judging the high rates of unemployment and poverty in that region of Quebec, this apparent brand of "I'll scratch your back if you scratch mine" politics does not seem to be too effective.

• (1830)

Now the parliamentary secretary will no doubt stand up and say that everything was above-board with respect to the \$6.3 million CIDA contracts.

If this is true, I challenge the government to prove it by releasing all the documents related to the awarding of the contract. Certainly Markham Electric, a company in my riding which lost the CIDA bid to Mr. Gauthier's company, would appreciate a substantive answer. Certainly the taxpayers would appreciate an answer on whether it takes \$43,000 in donations to the Prime Minister's campaign and the Liberal Party of Canada to obtain multimillion dollar contracts.

Nobody wants to unduly besmirch the Prime Minister's name, but if everything was above-board, let him release all the documents related to these funding decisions and let them call in the auditor general to audit these deals.

Ms. Paddy Torsney (Parliamentary Secretary to Minister of the Environment, Lib.): Madam Speaker, if only there were not so many members so willing to besmirch the Prime Minister's name. Why do they not step outside the House and say all the things that they are saying in here?

Let me set the record straight. This contract is between the Government of Mali and a Canadian company. It was awarded

Adjournment Debate

through an open competitive process. This process considers the quality of the company's services to ensure the best possible results for the people of Mali, which is one of the world's poorest countries. The selection process gives top priority to the cost of the bids to ensure the best possible use of our taxpayers' money.

For some reason opposition members have chosen to disregard these facts. I believe members should be outraged had the contract been awarded to any other bidder since this would have increased the cost to Canadian taxpayers by at least \$2.5 million.

This debate cannot possibly be about patronage since the selection committee was made up of two officials from the Government of Mali, one independent Canadian expert specializing in electrical projects and one CIDA official acting as an observer. Responsibility for the choice of the contracting firm

rested with these representatives, not with the CIDA official who was there to ensure the integrity and transparency of the process.

It certainly did not rest with the minister responsible for CIDA, who was informed of the selection after the final decision was made. The lowest bid got the contract and the opposition has not offered up a shred of evidence to support its ridiculous allegations. It is more interested in slinging mud at a man who has spent the last three and a half decades serving this country.

The Acting Speaker (Ms. Thibeault): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:32 p.m.)

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