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OFFICIAL REPORT
(HANSARD)

Thursday, December 2, 1999

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Thursday, December 2, 1999

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1010)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

NATIONAL HORSE OF CANADA ACT

Mr. Murray Calder (Dufferin—Peel—Wellington—Grey, Lib.) moved for leave to introduce Bill C-390, an act to provide for the recognition of the Canadien horse as the national horse of Canada.

He said: Mr. Speaker, I am pleased to reintroduce the national horse of Canada act to provide for the recognition of the Canadien horse as the national horse of Canada.

The Canadien horse came to Canada in 1665 from the stables of Louis XIV. The use of the French language ''Canadien'' is in respect of the breed's early ancestors in France and the fact that the horse was indispensable to settlers in New France.

For over 350 years this little iron horse has worked with Canadians, tilling our soil, carrying our soldiers through battle and providing the foundation stock for today's diverse equine industry. These sturdy little horses adapted to Canada's rigorous conditions, evolving into a breed that is noted for its strength, endurance and determination. Clearly the Canadien horse shares the qualities we all value, making it an excellent choice as the national animal.

● (1015)

The Canadien horse, currently classified as an endangered breed, would enjoy a greater profile and enhance marketability as the national horse of Canada. I hope I earn all hon. members' support for this bill.

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

* * *

PETITIONS

ANIMAL RIGHTS

Mr. Tom Wappel (Scarborough Southwest, Lib.): Mr. Speaker, I have a petition signed by approximately 200 people, mainly from my constituency of Scarborough Southwest.

Their plea is specific. They petition the Government of Canada to take the steps necessary to enact into law significant increases in the maximum allowable sentences which may be imposed upon persons convicted of cruelty to animals. I note that we have acted on that.

EQUALITY

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, today I take great pride in presenting a petition put forth by 1,273 concerned Canadians, mostly from the province of Quebec.

These petitioners ask our government to affirm that all Canadians are equal under all circumstances and without exception in the province of Quebec and throughout Canada. They wish to remind our government to only enact legislation that affirms the equality of each and every individual under the laws of Canada.

YUGOSLAVIA

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have been asked by some petitioners to present another petition on the bombing of Yugoslavia, even though at the moment this is a thing of the past. They believe it violates international law and undermines the United Nations.

They call upon parliament to use its influence within the United Nations and the Organization for Security and Co-operation in

Europe, OSCE, to establish a process of genuine negotiations intended to seek a fair and balanced solution to the crisis which still exists in Kosovo.

CHILD PORNOGRAPHY

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, I am pleased to present the following petition which comes from my riding of Nanaimo—Alberni and contains 226 signatures.

These petitioners call upon parliament to invoke section 33 of the charter of rights and freedoms, which is the notwithstanding clause, to override the B.C. Court of Appeal decision regarding child pornography and reinstate subsection (4) of section 163.1 of the Criminal Code to make child pornography illegal.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, Question No. 23 will be answered today.

[*Text*]

Question No. 23—**Mr. Randy White:**

With respect to incidents of drug overdose in federal correctional institutions in 1998: (*a*) what was the total number for all institutions combined; and (*b*) what was the number for each institution?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): With respect to incidents of drug overdose in federal correctional institutions, five incidents were recorded for the calendar year of 1998. They are as follows: April 2, 1998, Kingston Penitentiary, maximum, Ontario region; July 7, 1998, Bath Institution, medium, Ontario region; August 27, 1998, Elbow Lake Institution, minimum, Pacific region; September 2, 1998, Leclerc Institution, medium, Quebec region; and November 27, 1998, Millhaven Institution, maximum, Ontario region.

* * *

[*English*]

STARRED QUESTIONS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, would you be so kind as to call Starred Question No. 11.

[*Text*]

Question No. 11—**Mr. Peter MacKay:**

What criteria and evidence does the Department of Environment rely upon to substantiate the argument that PCB compounds are hazardous to your health?

[*English*]

Mr. Derek Lee: Mr. Speaker, the answer is as follows: The Department of the Environment works with Health Canada on the assessment of toxic substances such as PCBs. Environment Canada provides the environmental toxicology and Health Canada provides the health component.

PCBs satisfy all four criteria outlined in the federal government's toxic substance management policy, TSMP, for track 1 substances. Track 1 substances, such as PCBs, are predominantly anthropogenic, persistent, bioaccumulative and toxic under the Canadian Environmental Protection Act.

Mr. Speaker, I ask that all remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

● (1020)

BUSINESS OF THE HOUSE

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, there have been negotiations among all parties in the House and I believe you would find unanimous consent for the following motion. I move:

That, notwithstanding the provision of Standing Order 76(1) and (2), the report stage of Bill C-2 may be taken up on the second sitting day after the said bill is reported to the House by the Standing Committee on Procedure and House Affairs, provided that any notices of amendments at the report stage may be received on or before the day immediately before the report stage commences.

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

Some hon. members: Agreed.

The Speaker: You have heard the terms of the motion. Shall we proceed in this fashion?

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[*English*]

NISGA'A FINAL AGREEMENT ACT

The House proceeded to the consideration of Bill C-9, an act to give effect to the Nisga'a Final Agreement, as reported (without amendment) from the committee.

SPEAKER'S RULING

The Speaker: In the act to give effect to the Nisga'a final agreement, Bill C-9, there are many motions in amendment standing on the Notice Paper for the report stage of Bill C-9. The motions will be grouped for debate as follows.

Group No. 1, Motions Nos. 1 to 30.

[*Translation*]

Group No. 2: Motions Nos. 31 to 72.

[*English*]

Group No. 3, Motions Nos. 73 to 118.

Group No. 4 will be the rest of the motions.

I will now hear a point of order from the House leader of the opposition party.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker I rise on a point of order with regard to an amendment which I submitted to Journals and which did not appear on the order paper yesterday, nor did it appear on the order paper today. I assume because of that you considered it out of order.

I would like to comment on this particular amendment in some detail. I realize it was a task for the clerks involved in all of the amendments that we had submitted. We were in touch with the Clerk's office frequently. I think perhaps it is just a misunderstanding as to why this particular amendment has not shown up.

The one amendment attempted to attach the Nisga'a final agreement to the bill as a schedule.

I would refer you, Mr. Speaker, to Beauchesne's sixth edition, citation 690 which talks about new schedules in the context of how they are considered. The sequence in which a bill is considered is new schedules after other clauses and schedules.

Citations 702, 703 and 704 state that schedules are treated in the same manner as clauses; in other words in terms of acceptability and form. Erskine May states the same thing on pages 497 and 498.

Mr. Speaker, there is no prohibition listed anywhere in any procedural text against the inclusion of a new schedule in a bill. The important factor to be concerned with is relevancy. Certainly the Nisga'a final agreement is relevant since it is mentioned in just about every clause of Bill C-9.

In 1956 there was a Speaker's ruling discussing this very point. The Speaker said on page 568 of the Journals of that year:

> The hon. member's main objection is this. It is his contention that, because this bill refers to an agreement and the terms of the agreement not being a part of the bill and not being printed in extenso in the bill, the control of the House over the expenditures which may be involved therein is being denied.

The Speaker suggested on that same page that he cannot be expected to study every bill in an effort to find out whether or not something has been omitted.

● (1025)

The Speaker went on to say:

> Honourable members have taken care of that by insisting in their procedure that after second reading all bills be referred or committed either to one of their standing committees or to the Committee of the Whole.

He suggested that proper amendments may be moved and new schedules may be inserted.

In that case the complaint was that the bill did not contain the agreement. The Speaker suggested that it could be included as an amendment in the form of a schedule.

In the case of Bill C-9, which we are talking about today, the agreement is also omitted from the bill. I think it should be part of the bill so I am attempting to include it as the Speaker suggested could and should be done in 1956 and as Beauchesne's and Erskine May support.

I was not the only one concerned that the agreement was not attached, Mr. Speaker. Professor Stephen Scott of McGill University raised this in committee. Professor Scott, as we know, is a very knowledgeable individual on these matters. He said:

> I am concerned at what seems inadequate provision in the agreement and in Bill C-9 to ensure the continuing integrity and preservation of legislative and administrative archives in the Nisga'a government and indeed, the lack of obligatory provisions for publication of legislative and executive acts. In Bill C-9 itself, the Parliament of Canada has set the worst possible example since the final agreement and related instruments, though they are to be separately published, are not annexed to the bill itself. In practical terms the final agreement and other instruments will often be unavailable to users of Canadian statutes in Canada and abroad, even though by section 4 the agreement is given force of law, and by section 5, binds third parties and can be relied on by them. This is a travesty of the rule of law and a total disgrace. I feel so strongly about this as to think that no responsible that no responsible member of either House could vote for Bill C-9, at least until it is amended to annex the final agreement to the bill and, I think, the related agreements too.

That says it all of what the concern of the official opposition is.

Mr. Speaker, if you and the members of the House are wondering why I want to attach the Nisga'a final agreement to a bill that gives effect to the Nisga'a final agreement, I think Professor Stephen Scott articulated the need very well.

I was thinking about raising the fact that the bill did not contain the agreement at second reading but since Speaker's rulings, Beauchesne's and Erskine May suggest that such an omission could be rectified by inserting it later as a schedule, I do not want to waste the time of the House by making that argument.

I am concerned that today a new precedent will be set wiping out any opportunity to attach a new schedule to a bill in the future. There does not appear to be a sound reasoning to disallow it. Procedural authorities and constitutional experts support including Nisga'a final agreement as the schedule to Bill C-9, an act to give effect to the Nisga'a final agreement.

With respect to any minor, and I say minor, technical deficiency which may have existed with the amendment we submitted, the Speaker and/or Journals could have made the necessary corrections. This is done all the time. It has been done since we have been in the House of Commons and even recently. It would be improper

for the Speaker to choose to make minor corrections in some cases and not in others, or to choose to do it for some members and not for others. This particular amendment was brought to the attention of the clerk and it was made clear that I wanted to have the Nisga'a agreement attached to Bill C-9.

The Reform Party is alone in the House in opposition to this bill. We are faced with the tyranny of the majority when it chooses to close off debate. We do not need another obstacle to our opposition. We do not need another form of closure with respect to our amendments and the consideration of our amendments.

Not only do I think it is procedurally correct to attach the Nisga'a final agreement to Bill C-9, but I believe it is our duty in the House to attach it.

● (1030)

The Speaker: I thank the hon. member for his point of order. I will take it under consideration and I will get back to the House.

I would agree with him, perhaps as an understatement, that we did get quite a few amendments to this particular bill and we are doing our best to deal with all of them in a procedural way.

I will take his intervention under advisement and I will get back to the House.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, I rise on a point of order. I realize we are about to begin debate on report stage of this bill. Does the Speaker have a timeframe of when he may be back because it may affect which groups that we are going to be speaking on today and so on?

I do not want to pressure the Speaker too much, but could he give us some idea of when he would report back so we could know which amendments we would be speaking on, and adjust our speakers accordingly.

The Speaker: Well, I can say this with certainty. It will certainly be before we come to the votes. I want to give myself room. The hon. member has given me quite a bit to have to research from the perspective of the House.

I will get back to the House as soon as I have considered the matter and made a decision, but, yes, it will, of course, be before the vote.

MOTIONS IN AMENDMENT

Mr. Randy White (for Mr. Leon E. Benoit) moved:

Motion No. 1

That Bill C-9 be amended by deleting the title.

Mr. Randy White (for Mr. Rob Anders) moved:

Motion No. 2

That Bill C-9 be amended by replacing the title with the following:

''An Act to implement the Nisga'a Final Agreement''

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.) moved:

Motion No. 3

That Bill C-9 be amended by replacing the title with the following:

''An Act to give effect to the Agreement between Her Majesty in right of Canada, Her Majesty in right of British Columbia and the Nisga'a Nation''

Motion No. 4

That Bill C-9 be amended by deleting the preamble.

Mr. Rob Anders (Calgary West, Ref.) moved:

Motion No. 5

That Bill C-9, in the preamble, be amended by deleting lines 1 to 5 on page 1.

Mr. Randy White (for Mr. Leon E. Benoit) moved:

Motion No. 6

That Bill C-9, in the preamble, be amended by replacing lines 1 to 5 on page 1 with the following:

''Whereas it is desirable to resolve the land claims made by the Nisga'a people in order to facilitate the social and economic development of Canada;''

Mr. John Cummins (Delta—South Richmond, Ref.) moved:

Motion No. 7

That Bill C-9, in the preamble, be amended by replacing lines 4 and 5 on page 1 with the following:

''significant social and economic importance;''

Mr. Randy White (for Mrs. Diane Ablonczy) moved:

Motion No. 8

That Bill C-9, in the preamble, be amended by replacing, in the English version, line 4 on page 1 with the following:

''social and economic importance to''

● (1035)

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.) moved:

Motion No. 9

That Bill C-9, in the preamble, be amended by replacing line 4 on page 1 with the following:

''meaningful social and economic importance to''

Mr. Dale Johnston (Wetaskiwin, Ref.) moved:

Motion No. 10

That Bill C-9, in the preamble, be amended by replacing line 4 on page 1 with the following:

''significant social importance to''

Mr. Randy White (for Mr. Grant Hill) moved:

Motion No. 11

That Bill C-9, in the preamble, be amended by replacing line 5 on page 1 with the following:

''all Canadians;''

Mr. Ken Epp (Elk Island, Ref.) moved:

Motion No. 12

That Bill C-9, in the preamble, be amended by replacing line 5 on page 1 with the following:

''Canada;''

Mr. Randy White (for Mr. Richard M. Harris) moved:

Motion No. 13

That Bill C-9, in the preamble, be amended by deleting lines 6 to 9 on page 1.

Mr. Randy White (for Miss Deborah Grey) moved:

Motion No. 14

That Bill C-9, in the preamble, be amended by replacing lines 6 to 9 on page 1 with the following:

''Whereas reconciliation is best achieved through negotiation based upon the principles of equality, accountability and affordability;''

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.) moved:

Motion No. 15

That Bill C-9, in the preamble, be amended by replacing line 8 on page 1 with the following:

''mediation and agreement, rather than''

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I rise today to speak on Bill C-9 at report stage. I want to inform the House at the beginning of my intervention that I recently had the privilege, I suppose, if one wants to put it that way, of travelling to—

The Acting Speaker (Mr. McClelland): I am sorry to interrupt the hon. member. I have just been informed that we can dispense with the reading of one motion, but we cannot dispense with reading all the motions. We will have to dispense with each one as they come up individually.

This is the procedure that needs to be followed. We have Motions Nos. 16 to 30 and each needs to be moved, seconded and deemed to have been presented to the House. If it would be possible to have that motion, we will deal with it.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I was just going to suggest to you precisely that in an an effort to have the debate start as quickly as possible.

I move that all the motions in Group No. 1 be deemed to have been moved, seconded and read.

The Acting Speaker (Mr. McClelland): The House has heard the motion. Is there unanimous consent to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

Mr. Monte Solberg (Medicine Hat, Ref.) moved:

Motion No. 16

That Bill C-9, in the preamble, be amended by replacing line 8 on page 1 with the following:

''negotiation, rather than''

Mr. Chuck Strahl (Fraser Valley, Ref.) moved:

Motion No. 17

That Bill C-9, in the preamble, be amended by replacing line 9 on page 1 with the following:

''through litigation;''

Mr. Derrek Konrad (Prince Albert, Ref.) moved:

Motion No. 18

That Bill C-9, in the preamble, be amended by replacing line 9 on page 1 with the following:

''through conflict;''

Mr. Peter Goldring (Edmonton East, Ref.) moved:

Motion No. 19

That Bill C-9, in the preamble, be amended by deleting lines 10 to 15 on page 1.

Mr. Ted White (North Vancouver, Ref.) moved:

Motion No. 20

That Bill C-9, in the preamble, be amended by replacing lines 14 and 15 on page 1 with the following:

''achieve this reconciliation and to establish an improved relationship among them;''

Mr. Jason Kenney (Calgary Southeast, Ref.) moved:

Motion No. 21

That Bill C-9, in the preamble, be amended by replacing lines 14 and 15 on page 1 with the following:

''achieve this reconciliation;''

Mr. David Chatters (Athabasca, Ref.) moved:

Motion No. 22

That Bill C-9, in the preamble, be amended by replacing line 15 on page 1 with the following:

''new and improved relationship among them;''

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.) moved:

Motion No. 23

That Bill C-9, in the preamble, be amended by deleting lines 18 to 20 on page 1.

Mr. Charlie Penson (Peace River, Ref.) moved:

Motion No. 24

That Bill C-9, in the preamble, be amended by replacing line 19 on page 1 with the following:

''does not alter''

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.) moved:

Motion No. 25

That Bill C-9, in the preamble, be amended by deleting lines 21 to 27 on page 1.

Mr. Rick Casson (Lethbridge, Ref.) moved:

Motion No. 26

That Bill C-9, in the preamble, be amended by replacing lines 21 to 27 on page 1 with the following:

''Whereas the Canadian Charter of Rights and Freedoms applies to the Nisga'a Government in respect of all matters within its authority;''

Mr. Jim Hart (Okanagan—Coquihalla, Ref.) moved:

Motion No. 27

That Bill C-9, in the preamble, be amended by deleting lines 28 to 30 on page 1.

Mr. Maurice Vellacott (Wanuskewin, Ref.) moved:

Motion No. 28

That Bill C-9 be amended by deleting Clause 1.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.) moved:

Motion No. 29

That Bill C-9, in Clause 1, be amended

(a) by replacing line 2 on page 2 with the following:

''Agreement Act''

(b) by deleting the word ''Final'' wherever it occurs in the Bill.

Mr. David Chatters (Athabasca, Ref.) moved:

Motion No. 30

That Bill C-9, in Clause 1, be amended by replacing line 2 on page 2 with the following:

''Final Agreement Implementation Act.''

Mr. Randy White: Mr. Speaker, I rise on a point of order. I would ask that my hon. colleague, who has led this issue for the official opposition, be allowed to resume from the start because he was interrupted.

The Acting Speaker (Mr. McClelland): Agreed and so ordered.

● (1040)

Mr. Mike Scott: Mr. Speaker, again I rise to speak to the report stage of Bill C-9. I want to inform all members of the House and members of the public who may be watching this at home that I was part of the standing committee that recently travelled to British Columbia for a five day dog and pony show at which time we heard from a selected group of witnesses that were concocted primarily by the Liberals. British Columbians were denied and shut out of the process. They were unable to appear and provide their deeply held views on the Nisga'a treaty. That has been the problem with this treaty right from 1991 when the secrecy agreement between the three parties was signed that led into the process that brings us to this debate today.

In response to that cynical, arrogant move on the part of the government and the other opposition parties in collusion with one another, the Reform Party held its own meeting in Vancouver last Friday to which we invited all members of the public and anybody who had been denied an opportunity to speak at the standing committee so they could speak to us. We had a court reporter there. We put on the record the comments, remarks and observations that were made. My colleagues over the next hours and days in debate on the Nisga'a treaty will endeavour to read as much of that into the record as possible.

I wanted to say that at the outset so there would be some context to the amendments proposed by the Reform Party in this group and in the groups to follow. The main reason the Reform Party has tabled these amendments is that we are looking for some change to the agreement. We are primarily looking to decouple the self-government provisions in the agreement from constitutional protection.

In other words, we are saying that we do not think this parliament should be so arrogant and so self assured that it would know for all time what is good for the Nisga'a people, that it would entrench a third order of government and provide it constitutional protection under section 35 so that it can never be changed and will be there for all time. For years we have said that is a major flaw in this agreement and that needs to be changed. We are saying not only for the benefit of a united Canada, a Canada that works together and stays together, but we are also saying for the benefit of Nisga'a people themselves that is not the right way to go.

Incidentally, we heard that from an untold number of British Columbians over the last few weeks. We heard it at the standing committee. Even the Liberal standing committee dog and pony show heard that from a number of witnesses. As my colleague from Fraser Valley pointed out, professor Stephen Scott from McGill University, a widely recognized expert on law and constitutional matters in this country has said the same thing, as has Gordon Gibson, as has Mel Smith, as has Tom Flanagan, and the list goes on and on. These are names that are recognizable by many Canadians as being relatively expert in their fields.

As my colleague pointed out and as is the thrust of one amendment we have asked the Speaker to consider, we say that the treaty must be appended to the legislation. That did not come from the Reform Party. That came from the witnesses. The whole point of having a standing committee, the whole point of inviting expert witnesses to appear, because certainly we in this place are not experts, is to consider the advice that they provide us and then to incorporate that advice into the legislation we are dealing with. Here we have a pre-eminent legal scholar, professor of law at McGill University, who tells us in no uncertain terms that not only is it a mistake for parliament not to append the treaty to the legislation but that no member in the House should vote for Bill C-9 until and unless that is done. My colleague so eloquently quoted the professor there is no need for me to do that again.

The bottom line of what we are saying is that from the Reform Party's point of view, while we disagree with the treaty in many aspects, the most serious and fundamental flaws include the fact that the self-government provisions receive constitutional protection. That is the subject of at least two lawsuits right now in British Columbia. It is the subject of most of the concern that is coming out of British Columbia. That should be removed from the agreement and an addition to the legislation should be included which would say that the self-government provisions as delineated in chapter 11 of the agreement would not constitute an aboriginal or treaty right within the meaning of section 35 of the Canadian constitution. It would be that simple. We are saying that the treaty should be appended to the legislation.

● (1045)

We were told by a pre-eminent legal professor in Ontario that was the right thing for parliament to do. Regardless of whether or not we support the treaty in principle, that is the only right way to proceed from a procedural point of view.

Third, the Reform Party wants the removal of the commercial right to harvest fish from constitutional protection. We know the government wants to leave it in there. We know the Nisga'a want to leave it in there. We do not agree with it. We think it is wrong-headed. We think in the end it will not be of benefit to Nisga'a people. It will be contentious. It will be divisive in British Columbia.

We are saying that at least the constitutional protection should be removed from that part of the treaty. We should not create in effect a constitutionally protected business in the country. Nobody else in Canada has the right to a constitutionally protected business and it should not be created in this treaty.

Fourth, it is irresponsible for the government to proceed with ratification. The Reform Party could never in any way endorse or support any move to allow the bill to proceed until and unless the government sits down with the Gitksan and the Gitanyow people in an honourable way and comes to an agreement that is satisfactory to them, an accommodation.

This issue is so serious to these people that when they testified in front of the standing committee they said that they considered this treaty an act of aggression, not only by the Nisga'a but by this government and by the Government of British Columbia. It is irresponsible. It is inconsiderate. It is a huge error in judgment on the part of government to proceed with ratification until an accommodation is reached.

When the Gitksan and Gitanyow leadership testified in front of the standing committee they gave us reasonable options. They did not say they wanted to have their land claim resolved first. They did not say that this treaty could not proceed. On the contrary, they said to go ahead and proceed with the treaty but to put some amendments in.

They gave us proposals for amendments that the government did not even consider when the legislation was debated at committee after the end of the testimony from all witnesses. The government did not ever consider them. I want the Gitksan and Gitanyow people who are watching at home, as I know they are, to know for the record that at committee the government did not even debate for one minute the amendments submitted by the Gitksan and Gitanyow chiefs when they were in Smithers.

We are saying that not only is that a mistake, not only is that a huge error, but it is reprehensible and we cannot proceed in parliament until that is addressed.

Those are the four major points that the Reform Party wants to advance in the course of debate over the next hours and days on the amendments that we submitted. I appreciate that we have submitted quite a number of amendments, but I suggest that if the government and the other opposition parties were willing to consider those four changes, the Reform Party would likely be a lot more accommodating to deal with than we will be if there is no hope or sign of any amendment or any change whatsoever. From the Nisga'a leadership point of view there should not be any undue alarm or concern with the four main points I have outlined today.

I see that my time is up. I appreciate the opportunity to lead off the debate and to advise the House of the main thrust and intention of the Reform Party's position on debate during report stage of Bill C-9.

● (1050)

I look forward to listening to other members of the House, particularly my colleagues, as they read into the record some of the testimony we heard in British Columbia, independent of what the standing committee did not hear because it denied witnesses and British Columbians the opportunity to come forward and be heard.

Mr. Dale Johnston: Mr. Speaker, I rise on a point of order. Today we are debating Bill C-9, the Nisga'a agreement, which will

have huge implications on how Canada deals with native people in the future, and there is not one minister of the crown in the House.

The Acting Speaker (Mr. McClelland): The member for Wetaskiwin knows full well that we do not to refer to the absence or the presence of members in the House either collectively or individually. If the member wishes to call quorum he may do so, but the Speaker sees a quorum.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I want to talk about two questions today with regard to the Nisga'a agreement. First, what is an opposition party and what are its responsibilities? Second, what is a democracy? What is a democracy all about when we are facing issues such as this one?

When a problem or a concern of any kind about government legislation hits the House of Commons, there is a responsibility and onus on members in opposition to bring it to the attention of the public without concern for name calling or putting people down for what they think they should be challenging.

My colleagues have a detailed knowledge of the agreement. They know what they are talking about. They live the implications of these matters all the time.

We raised in the House financial concerns about future commitments in perpetuity for our young people. There is a commitment of dollars by the government on one land claim, not on the 40, 50, 60 or 100 that will be coming down the road. This one land claim involves hundreds of millions of dollars in cash payout that in today's dollars will amount to approximately $32 million in perpetuity on which young people, their children and their children's children will be taxed. That is a concern to me. I have the right to come here and express concern about the commitment the government is making, and so do my colleagues.

We have lived with the problem of the Musqueam reserve in British Columbia. We have seen people who live on property being charged lease payments which went from $300 to $400 a year to $26,000 a year. That is a concern. The Nisga'a agreement has implications on other things we are doing in the country. We have concerns about overlapping land claims on behalf of other aboriginal groups that have expressed those concerns.

Let us go back to my question on what is an opposition party. Why is it that only my colleagues in the Reform Party ask these questions? I have heard racial innuendo, bigoted comments and that sort of thing from other parties which should not even be articulated. An opposition party is in the House to question where things or going, why overlapping land claims are not being listened to, or why there are future commitments of millions and millions of tax dollars Those were the questions we had.

• (1055)

Where are the other opposition parties in the House? Why are they not speaking out? What do Canadians want as an opposition in the country? Do they want members who are afraid to speak out because they might be slandered with some kind of comment, or members like my colleagues who will stand and say they have some concerns which they want addressed. This is what one would expect from an opposition party. I find it strange that the other three parties find absolutely nothing wrong with the agreement.

What is in a democracy? When my colleagues and I came to the House we thought we would change things faster than we have. We have been forcing change on the people on the other side. When members first come to the House of Commons they think there actually is a real democracy in the country. However when they look at the effects of a majority government they begin to question that point, as have my colleagues and I. It is a joke to say that a majority government is a democracy.

Let me say what happens in a majority government. When we raised the Nisga'a issue we did not buckle down to the people across the way. We said that we wanted to debate it. After four and a half hours of allowed debate by the only party opposed the Liberals called time allocation to cease debate. Is that what a democracy is, four and a half hours of debate on one of the most important pieces of legislation brought before in the House since 1993? That is shameful. What is wrong with discussing this issue? It is disgusting that it is not being discussed.

The British Columbia government, as unfavourable as that government is these days, allowed debate to go on and on so people could listen to it and understand it. For weeks and weeks that government talked about the Nisga'a agreement. It tried to get all the issues out. When it comes to big bold Ottawa, after four and a half hours of debate government members told us to get the issue out of here. That is not a democracy. That is not what this is about. They cannot just do what they want in the House of Commons because they have a majority.

After debate the bill went to committee where it was rammed through. Government members said that they did not want to travel anywhere and asked why on earth people in British Columbia would want to hear about it. This is the biggest issue in British Columbia for many years.

What did we have to do? We told members of the democratic government across the way that they were not going to travel on any committee, that we would debate every committee that wants to travel, and that we would hold it all up if they did not want to go to British Columbia. Then they said that they would go to British Columbia, but they were unhappy about it.

We said that we wanted them to go to communities affected immensely by the agreement. They did not want to go there. They did not want to go to Smithers. They do not like it there. Is that a democracy? They did not want to go to Kamloops because they are unhappy in Kamloops. They decided to go to Prince George. The people in Prince George are concerned too. We forced them to go to five places. This is democracy in this country.

They said they had to hear from witnesses who appear before the committee. They tabled a list of 62 or 64 names, all in favour of the Nisga'a agreement. My colleague from Skeena and I had to fight just to get people who were opposed to be heard. They were a small minority. When they got to Prince George members of this democratic government hauled in four or five witnesses who were not even from Prince George but were in favour of it. They say that is a democracy.

• (1100)

We put a vote to the House and asked at least to be given a referendum in British Columbia, one of the basic foundations of democratic principles. They voted it down and were supported by three other opposition parties.

What about the fact that this may happen in Ontario, Nova Scotia, Newfoundland or Saskatchewan? What will people say then? The precedence has been set in the House of Commons. We do not hold referendums here. They send people who are in favour of these things. It is not a democracy if the government acts like this. The attitude has to change.

It is time to ask for the unanimous consent of the House to hold a referendum in British Columbia. I will do that. Why not do that if this is a democracy? Give us what we are asking for.

A lot of my colleagues are from British Columbia. They represent the greatest part of that province, the third largest province in the country. Give them what they are asking for.

Mr. Speaker, I ask for the unanimous consent of the House to allow a referendum to be held in British Columbia to deal with the Nisga'a agreement.

The Acting Speaker (Mr. McClelland): The member for Langley—Abbotsford has asked for the unanimous consent of the House to hold a referendum on the Nisga'a agreement. Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Myron Thompson: Mr. Speaker, I rise on a point of order. When you ask for consent, Mr. Speaker, are members allowed to yell no from a standing position behind the curtain?

The Acting Speaker (Mr. McClelland): Yes. The established protocol is that the Speaker, upon recognizing a member, may recognize that member from any position, provided the member is in view, including the galleries.

Mr. Randy White: Mr. Speaker, now we can see the results of democracy in this country. They come slithering through the doors when it comes time to talk about a referendum. It is not democracy. It just will not work.

We are the opposition. We sit here as the official opposition. Where is the democracy in the Liberal Party which has a majority government? There is no proper democracy. It does not work.

Mr. Mike Scott: Mr. Speaker, I rise on a point of order. I would like the record to show that there is not one member in the House from British Columbia other than my colleagues in the Reform—

The Acting Speaker (Mr. McClelland): As I mentioned earlier today, it is not appropriate to refer to the absence or presence of members specifically.

Mr. John Finlay: Mr. Speaker, I rise on a point of order to suggest to the hon. member opposite that I stood to say I was withholding unanimous consent. Unfortunately the member was not able to see me because I was blocked from his view by the clerk. He saw this gentleman. That is fine. I stood and said that I disagreed—

The Acting Speaker (Mr. McClelland): Thank you. Given the fact that we go from one side to the other, I did not see the member on the other side on his feet and I should have. When we resume debate we will hear the member for Oxford.

Mr. Ted White: Mr. Speaker, the member for Oxford has a son who lives in my riding. He is depriving his son of a referendum on the Nisga'a deal.

The Acting Speaker (Mr. McClelland): That is not a point of order.

• (1105)

Mr. John Finlay (Oxford, Lib.): Mr. Speaker, my son is very supportive of some of the initiatives of the member for North Vancouver. He has written letters to him. I am quite aware of that. I also have a brother in Vancouver. I have known him for 68 years. He and I are at odds on many of these questions, the Musqueam leases being one and the Nisga'a agreement perhaps being another, although I have not discussed that with him fully.

The motions today are interesting. Most of them are frivolous; however, they do say that the bill will be changed to say ''an act to

implement'' instead of ''an act to give effect to''. I am not sure which is the more parliamentary term. I guess it does not matter very much since they both mean precisely the same thing in English.

When I first arrived here six years ago I did not know much about the Nisga'a or their land claims in the Nass Valley of British Columbia. I came to the House as the member representing Oxford County with a strong interest in the environment. I quickly had an opportunity to explore those interests as a member of the Standing Committee on the Environment and Sustainable Development.

As a member of that committee I had an opportunity to visit many of the northern regions of the country, places like Cambridge Bay, Rankin Inlet, Iqaluit, Resolute, Yellowknife and Whitehorse in Yukon. I spent some time in Vancouver and other parts of British Columbia, Kamloops, Okanagan, Shuswap and Vancouver Island, because, as the hon. member said, my oldest son and his family, my two grandsons, live there and I have a brother who lives there. I was able to learn a great deal about the incredible attachment of our native people to the land. Many of the northern environmental problems are also aboriginal problems.

As someone who cares about the environment, this was an attachment I was almost jealous of because I realized that no matter how much I learned, studied, travelled or used my training in the sciences I could never have the same spiritual connection to the land as native groups have across this great country of ours. I could, though, learn more about our first nations, work with them and for them to ensure their voices were heard. This would allow me to connect a little more deeply and a little more spiritually with our native people.

At this time I asked my party whip to move me to the Standing Committee on Aboriginal Affairs and Northern Development, a committee on which I continue to sit as the vice-chair. It is a committee I enjoy. I relish the opportunity to learn more about those who settled, survived and lived in this beautiful, rugged, and at times forbidding land before European settlers arrived.

Over the past year I have learned a great deal about the Nisga'a agreement. I have studied it. I have talked to the people who negotiated it and those personally affected by its provisions. I have come to the conclusion that the agreement deserves to receive the approval of parliament and of all Canadians.

The national chief of the Assembly of First Nations, Phil Fontaine, told our committee members just a week ago:

> Notwithstanding the best attempts of reactionary forces, both in British Columbia, certain political parties and elsewhere, to describe the terms of the Treaty in inappropriate and misrepresentative terms, the truth is that its contents are fair, just and reasonable, not only because each and every part of the Treaty is defensible but because the very process of its negotiation was transparent, civil and comprehensive in a model of modern governance.

The Nisga'a treaty negotiations predate the British Columbia Treaty Commission process, which only began operation in 1993.

● (1110)

The federal government began negotiations with the Nisga'a in 1976. These negotiations were bilateral and progress on land related issues could not be achieved until 1990 when the provincial government formally joined the other two parties at the table.

From 1990 onward the negotiators conducted extensive consultations with the public and third parties. Advisory committees included the Kitimat-Skeena Regional Advisory Committee, made up of a broad range of community, local government, wildlife, fisheries, business, resource sector, and labour interests; the Nisga'a Fisheries Committee, made up of province-wide and local commercial fishing interests, processors, unions and Terrace sport fishing interests; the Nisga'a Forestry Advisory Committee, made up of the area's forestry companies and the Council of Forest Industries; the Nass Valley Residents Association, made up of the existing private property owners and residents of the Nass Valley, who told us personally that they were delighted with the Nisga'a agreement and supported it wholeheartedly; the Skeena Treaty Advisory Committee, made up of local government representatives from municipal governments and the two regional districts, Skeena-Queen Charlotte and Kitimat-Stikine; the Treaty Negotiation Advisory Committee and its sectoral committees, established in 1993 as a federal-provincial, ministerially appointed committee of 31 organizations which has sectoral committees for government, fisheries, lands, forest, wildlife and compensation; and the Certainty Working Group, which was established to review and discuss approaches to certainty.

Yet, the official opposition rails day after day that consultations among the people of B.C. and the Nass Valley were inadequate. I ask them now, which group was under-represented? Which voice was refused a hearing since 1990 with one of these groups? There have been more than 450 meetings before and since the agreement in principle was signed in March 1996. That is a meeting about every two days.

Between November 14 and November 19 I had the opportunity to go to British Columbia with the Standing Committee on Aboriginal Affairs and Northern Development, which held hearings on the Nisga'a agreement. While there we met with representatives of both sides of the debate. We also had to deal with a roomful of protesters who were asked by Reform members to disrupt the meetings. It was a difficult process, but I came away from those meetings even more convinced that adopting the Nisga'a treaty in this parliament is the right thing to do.

Reform members disagree with me, and that is their right. However, I ask them whether the Reform member of parliament for Skeena, which riding includes Nisga'a lands, has effectively

represented the views of his constituents, the Nisga'a. Perhaps we should take the time to ask him how many times he visited and met with the Nisga'a tribal council, and how many times he held town hall meetings with the Nisga'a people. When we are finished asking him these important questions we may want to ask ourselves if this is effective representation. In my mind it is not.

How many of us have ignored over 5,000 people in our constituencies? It would be political suicide for most of us to do so, let alone shirking our duty as members of parliament for all of our constituents, whether they voted for us or not.

According to what the chief of the Nisga'a tribal council, Dr. Joseph Gosnell, told me and many others present at a breakfast meeting at the National Press Club, the member for Skeena met with the tribal council only once since his election in 1993, and I think it was in 1994. He could tell us that. That is one very short visit in six years. The visit was 30 minutes in length and he did not stay for lunch.

I am in favour of the Nisga'a treaty. I believe it is the right thing to do.

Day after day we hear members of the official opposition talk about how our native people want to be treated like other Canadians, how we are practising race based politics by making agreements with them. My answer is this. As a nation we must adhere to the principles for which we stand. It is fine to say that we must all be treated equally, but what if one portion of our society had their land taken, either by force or guile, had their children taken and placed in residential schools, had treaties signed and then forgotten? What of these people whom we have ghettoized to the point where their unemployment rate, suicide rate, drug abuse rate and infant mortality rate are far above the national average? Are we to say ''Sorry. We will treat you just like any other Canadian now. There will be no assistance and you can enjoy the same rights and privileges as everyone else''? Or do we stand up, admit our mistakes, apologize for them and seek to assist our first nations in developing their communities, their infrastructure, their spirituality, their culture and their land to the point where they can become full partners in the Canadian dream? This is what Nisga'a does. I am proud of this agreement and I will wholeheartedly defend it in the House of Commons or anywhere else in the country.

● (1115)

Ms. Louise Hardy (Yukon, NDP): Mr. Speaker, as a member of parliament and a member of the aboriginal affairs committee, I also travelled with the committee to B.C.

I do not think it helped parliament when the hon. critic from the Reform described the trip as a dog and pony show. I did not treat it as a dog and pony show and had in fact advocated early on last spring that it was important that the committee travel to B.C. because the treaty was so important in the area. Having come through a long negotiation and treaty process in the Yukon for self-government, I felt it was critical that we do go and hear from people in B.C.

Also, as a member of parliament, there were so many witnesses that I did not get on the list whom I advocated for and Reform members voted against them. It was a process to determine who we would put on the list. I think as a committee we did our best to hear from everyone. But to say that people were deliberately left off because they opposed the treaty is completely wrong. There were witnesses that I had proposed who were left off the list because there just was not room. It was a two way process. There were witnesses on both sides who did not get to be heard at all.

I was sitting here listening to the member for North Vancouver on a point of order talk about how the Reform Party is facing the tyranny of the majority and also speaking about what democracy is. We have decided on a democratic process in the country that we may not all agree with. I would prefer proportional representation myself, as a member of parliament, but we do not have that. We have a majority government. We have three other parties who support the treaty. At this point Reform is alone in opposing it.

There have been other times when the New Democratic Party has been alone in opposing government legislation. That is the democracy we face.

The comment made by the member for North Vancouver saying that Reform faces the tyranny of the majority is exactly what he is proposing for the Nisga'a people, that they should face the tyranny of a majority. These people, the first nations of the country, have faced the tyranny of the majority far more and in greater depth over this last century than we will ever imagine.

There is a very long and in depth paper on the history of discriminatory laws against first nations people. The discriminatory laws, as they are set out, infringed on their basic human rights.

I do not know if everyone here realizes, but there was a time on this continent when Indians were slaves. They were called Pawnee. It was perfectly all right under the British Empire for them to be slaves because they were Indian. They have been denied the vote. They have been denied property rights. They were denied the right to homestead. In fact, in B.C. there was a great scandal when an Indian tried to apply for land to homestead and was denied it. They have been restricted from the right to sell agricultural products. They have been restricted from the right to make a living. They have been restricted from a right to even write their own will. In fact if one was a woman one would face even worse conditions than anyone else. If a woman had a husband who died, she could not even inherit his property. If someone determined that one was a woman of poor moral character then she did not get anything at all.

I support the Nisga'a treaty because the Nisga'a people through incredible adversity have negotiated what they see as fit for them as a people. They have the support of their people to do that.

An hon. member: Not all of them.

Ms. Louise Hardy: Probably not all of them, but the majority of their people have voted that this agreement will give them a chance to determine their lives, their future and their government. There is room in the country for Nisga'a people to be Nisga'a and still be Canadians. There is no reason to fear the freedom of the Nisga'a people to determine what will suit them in their lives. I stand here to say I oppose the amendments made by the Reform Party because all it wants to do is slow down the process and deny these people the right to govern themselves. If they make mistakes, they will make them on their own merit and they will be responsible for their own mistakes. It will not be us who have nothing to be proud of when it comes to first nations people and telling them what is good or what is bad for them.

● (1120)

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, I have been sitting in the House listening to the debate at the report stage of Bill C-9. Most of what the previous member who spoke said pertains to the Indian Act. I do not think there is anybody in the House—

Mr. Gurmant Grewal: Mr. Speaker, I rise on a point of order. I am sorry to interrupt the hon. member. He is such a good speaker and he was going to say such a good thing about the Nisga'a treaty, but I do not see any Liberals except for two who are listening to the debate. I would like to call quorum.

The Acting Speaker (Mr. McClelland): Call in the members.

And the bells having rung:

The Acting Speaker (Mr. McClelland): We have a quorum.

Mr. Darrel Stinson: Mr. Speaker, I appreciate that intervention in regard to having a quorum in the House. After all, the government is supposed to listen, even though we know better. It has not happened in the House before. I do not expect it to happen now.

The previous speaker spoke basically on the Indian Act. I want to remind everybody who may be listening that the Indian Act, as we know it, has been strictly enforced by the Liberal government and by the previous Conservative government. The problem lies directly at their feet and at nobody else's. In regard to the Nisga'a agreement, nowhere in the agreement do I see that this will rectify the wrongs that have been done under the Indian Act.

● (1125)

I heard the previous government speaker talk about his travel to Vancouver and other parts of British Columbia. I live in British Columbia. I worked out of the New Aiyansh area in the Nass. I talked to a number of people there. I also had the opportunity and pleasure of having lunch with the Nisga'a chief and council and have met with them a number of times. We have politely agreed to disagree on this issue.

There are a number of concerns. I would also like everybody out there to understand that the hon. member for Skeena also has to represent many people in his riding. There is great concern in regard to the native populace, the Gitksan and the Gitanyow, about this so-called agreement. Their concern is that they are not being heard. They have claimed that parts of their land are being taken away. I can see nothing but ongoing confusion and ongoing law cases. As a matter of fact, I have come to the conclusion that the only certainty of livelihood in regard to the Nisga'a agreement will be the livelihood of a good living for the lawyers. I have absolutely no doubt that it will be an ongoing situation.

We also heard that this was the most studied and most heard piece of legislation in B.C. history. Let me give members an example of how the B.C. government worked with this. Very quietly it said is was going to hold consultations. There was absolutely no advertisement and no agenda. Nothing was put forward to the people of British Columbia so they would know who to get hold of or where to go for the hearings. When I found out about this I took the opportunity to advertise it in the local media in our constituency. They had no idea that this would be taking place. Through that advertisement, they were able to turn out for the hearings. Even the Government of British Columbia said the Salmon Arm turnout was the biggest it had in regard to the Nisga'a agreement.

Following up on that, we did a number of questionnaires and polls in the constituency of Okanagan—Shuswap on the Nisga'a agreement. Here are some of the results. I will read the questions so the people can understand.

Question one: ''Do you believe the public has had an adequate opportunity to provide input into the Nisga'a treaty?''; 1,010 no, 106 yes and do not know 15.

Question two: ''Do you believe that the people of British Columbia should have the right to vote on the principles of the Nisga'a treaty in a provincial referendum?''; 1,142 yes, they should have that right; only 92 voted no.

Question three: ''How do you want your federal member of parliament to vote on this treaty in the House of Commons?''; 1,134 to vote against it; 91 in support; 8 to support if changes are made; 5 do not know.

That is a rough idea of what it is like in British Columbia in regard to the Nisga'a treaty and the ongoing debate. The people of British Columbia are very concerned with the lack of consultation with them and the unconstitutional move of not being allowed to vote on the Nisga'a treaty.

Before I go further in this debate, I want to go on record as saying that if this attitude of the government keeps up and if it thinks it has trouble now with the separatist talk and separatist movement in Quebec, it had better be well aware of the feelings in British Columbia right now, which are along those same lines. This is what I hear in British Columbia and it really concerns me. They are forcing the people of British Columbia to sit back and say that Ottawa really does not care what happens beyond those mountains, let alone west of Winnipeg. The people of British Columbia have a legitimate reason to have these concerns. They feel that if they cannot get legislation from the government that is beneficial for British Columbia, then why do they need this part of Canada to represent them. I have to question that myself.

● (1130)

I have a number of letters from my constituents with regard to the Nisga'a agreement. These are from people who were not allowed to be heard in the travelling dog and pony show of the Liberal standing committee on this matter. The Liberals said they debated, but they chose who would be heard.

I and I think everybody should have great concern over who was chosen. When the Liberals refused to listen to an ex-premier of British Columbia who sat in on the negotiations of the Nisga'a agreement when he was premier, when the Government of Canada refuses to allow that gentleman to sit in on these hearings and have a say, I think everyone in Canada should be concerned, not just us on this side.

We have heard from other members about how good the Nisga'a agreement will be. I have had the opportunity to speak to many Nisga'a who are not in favour of the agreement, particularly the women. They have grave concerns. I do not understand the NDP in the House not meeting with these people and listening to their concerns. They have real concerns about what could happen to them if the treaty goes through this way, if these land claims are to be furthered this way. They have grave concerns about what is going on here. I really wish they had the opportunity and time to talk to some of these people.

I have also talked to members of the aboriginal community who have actually been threatened if they showed up at these hearings. If they say anything, threats are made against them and their children. I have not heard that mentioned in the House.

When people ask me if I have concerns with regard to the Nisga'a agreement, I tell them that I have many and my constituents have many.

I have a letter from Mr. Hal Finlay. He says that the white paper that was presented by Prime Minister Trudeau and the then minister of Indian affairs, now the Prime Minister, in the early 1960s was on the right track. We have gone off that track. He has grave concerns about where we are going here with regard to the Nisga'a treaty.

In conclusion, I just want to stress to the House that the path the government is following on this is alienating the people of British Columbia. It should remember that and remember that I said it here.

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, I am pleased to rise today and speak again to this very important issue, probably the most important piece of legislation that has come before the House maybe even in this century.

Some of my colleagues on this side of the House and in this party have talked today about the fact that as the official opposition we are the only party in the House that are standing against this legislation.

Sometimes people ask us why we are doing that. They want to know why we would stand against it when no one stands with us on it.

It is clear that there are times in one's life when one must take what might be considered an unpopular stand, one that perhaps may not win votes across the country and one that may engender hatred toward us, racial slurs, threats of violence and all kinds of things. They want to know why, in the face of all that, a party would take such an unpopular stand. We do it because we believe it is out of principle, the principle of fairness, the principle of equality and the principle justice. The former Premier of B.C. said that this agreement was a template for the many other agreements that are going to come along. If we do not take this stand now, I suggest things will not get better but will get a whole lot worse.

● (1135)

It has been my fervent wish that all British Columbians, indeed all Canadians, would have an opportunity to democratically state their opinion on the Nisga'a agreement. To date, only the Nisga'a people themselves have been afforded this opportunity. Even there it is not complete agreement by any means.

The government has tried to tell Canadians that the Nisga'a agreement is far too important and complicated for the citizens of B.C. to have a democratic vote. A lot of people would call this simply arrogance. The government prefers to keep its blinders on rather than listen to what the people of B.C., the people directly affected by this treaty, are saying to it.

I want to challenge, particularly the Liberal members from British Columbia, to listen to their constituents. I believe their constituents would like to say and are saying a lot of things but these members are not listening to them or hearing them.

The people of B.C. recognized long ago something that this Liberal government still ignores and fails to understand. The citizens of B.C. understand that the Nisga'a agreement will not solve the problems that are rife throughout the aboriginal system.

They see the very real damage that this agreement will cause in British Columbia and, by extension, all across Canada.

The Minister of Indian Affairs and Northern Development is out of touch when he says that the people have already had their referendum when they elected MPs sitting in the House. Perhaps he would then convince the government House leader to make it a free vote and allow the members to truly vote on behalf of their constituents, particularly the Liberal members from B.C.

This is not the only example of the government's undemocratic ways. This treaty is not just about bringing equality to our native peoples. It is also about democracy and the misuse of it in the country. Let us consider how many times the House has had closure and time allocation invoked by the government. By my count, it is close to 60 times since the Liberal government came to power. It will soon eclipse Brian Mulroney's record.

We have also allowed the Prime Minister to have incredible power. The shift in power to the PMO from the House of Commons traces its roots back to the nemesis of western Canada, Pierre Trudeau. The current Prime Minister has continued to expand upon the flawed foundation that Trudeau built up from fuddle duddle, the one finger salute, the dreaded national energy program and now the Nisga'a agreement. Western Canadians fully understand what the Liberals think about them.

Naively, many people assumed that the Standing Committee on Aboriginal Affairs' recent hearings would actually listen to the people of B.C. According to the member for Haliburton—Victoria—Brock, he stated ''We are only out in B.C. because of a tactic by the Reform Party''. The Reform Party is proud that it forced the Liberal Party to actually go out to B.C. What is shameful is that the Liberal members cannot think for themselves and take the time to listen to the concerns of the people of B.C.

One of my constituents followed the committee process. He submitted his name to the clerk and asked to make a presentation. Everyone knows what the answer to that was. Even though he has worked for many years with native people in his capacity as an RCMP officer and could offer his own insights from a grassroots level, he was denied an opportunity to present his views or ask any questions of the committee.

● (1140)

I have known Mr. Ken Conrad personally for some years and I respect his opinion. I therefore want to put his brief into the record of the House of Commons today. Ken says:

> I am 63 years of age and have been associated with native Indian people most of my adult life both here in B.C. and also in Saskatchewan. I have a great many close friends who are native Indians.
>
> The current Reservation way of life has never worked and I see nothing in your current treaty negotiations which would change it. Native people have never owned any real property on Reservations, they have no hope of even owning the homes they live in. How can you expect anyone to have any sense of pride under these circumstances? Native people have always been at the mercy of their elected Chiefs and Council. If they vocally disagree with what is taking place politically on a reserve; they suffer the consequences.
>
> At least in the past they could appeal to an outside agency in the provincial or federal governments. Under these agreements they will be at the mercy of a dictatorship. They will be forced off reserves when they find the political climate intolerable. They will be forced out of their homes rather than live under conditions which no other Canadian citizen would tolerate.
>
> All this is an ill-conceived creation of the federal Liberal and provincial NDP governments. From all that I can gather from discussing these agreements with my native friends, your governments have made no effort to reach out to the grassroots natives who must live with this decision. The only people you have consistently consulted with are the persons who you deem to be leaders of the communities.
>
> Do not use the excuse that they could submit their concerns direct to the Department of Indian Affairs. It is common knowledge that any adverse communication ends back in the hands of those being criticized. You have failed to communicate with these people directly and have lost their respect in any process which you are currently undertaking.
>
> Your decision to move ahead with this treaty process will have grave consequences in other areas. I see adverse reaction to these special status Canadians already and it will continue to get worse.
>
> The citizens of B.C. are questioning the process which you have rammed through without proper public discussion. I foresee a serious problem with racism, a problem that you and the B.C. NDP have created. You have made a very bad decision and unfortunately my children and grandchildren are forced to live with it.
>
> I have taken the time to attend all public meetings (there were only two of them) which were available to me regarding treaty negotiations. The first was held in Mill Bay quite a number of years ago. At that time, I listened to the various presentations by both governments and native leaders and I was not impressed. There were too many uncertainties. What was shocking was the refusal of this committee of any public input. We as an audience were told that we could not give a submission and were only permitted to ask one question of the panel. I was completely outraged by this so-called information meeting. I did take the opportunity to ask my one allowed question and received a very ambiguous answer followed with the comment that I could discuss my question privately after the adjournment of the meeting.
>
> The second occasion was a debate that attracted a large audience and one could see the serious concerns that were not being addressed by the panellists. The audience was not impressed by what they heard and became very vocal. The NDP representative did not seem too clear in his answers to such questions as cost to the taxpayers and the description of the type of government that would be controlling the reserves. He was vague on native Indian property rights. Instead of clarification he created even more questions to be asked for which he had no answers.
>
> You have seriously underestimated the consequences of your ill-conceived action and I feel certain that there will be considerable unrest in B.C. as the general population start to understand more fully the mess your governments have created for us. I just hope that you have a plan in place to deal with these problems which I believe you have created.

The people of B.C. have been demanding a fair say on this matter. We need to return true debate back to the House. Let us begin now. I would ask that the government immediately take steps to bring forward a binding referendum on the Nisga'a agreement to the province of B.C. Let us try to bring democracy back to Canada.

Mr. John O'Reilly (Haliburton—Victoria—Brock, Lib.): Mr. Speaker, my riding name was changed a couple of years ago. It was known as Victoria—Haliburton and has now changed to its official title to Haliburton—Victoria—Brock, recognizing the second largest riding in southern Ontario containing some 10,000 square kilometres. Together with the riding of Hastings, it makes up one-third of the land in southern Ontario. We do not cheer for the Toronto Maple Leafs.

● (1145)

I want to thank the previous member for mentioning the fact that the committee travelled to British Columbia and had all party representation. It had some fine input from other members in other parties, in particular, the member for South Shore, even though he was verbally attacked by the members of the Reform Party who showed up to disrupt the meetings and cause dissension. There was a member of the Reform Party standing in the parking lot in Victoria with a bullhorn telling people to disrupt the meetings and do whatever they could to make the Liberals look bad. What they did was make themselves look bad. They showed their true faces. A lot of times they are frustrated with the facts. The fact is that we travelled to British Columbia. I have been there about 13 times now. It is a great province. My son even celebrated his first birthday there, despite all the heckling of the Luddites. The fact is that the people of British Columbia that I talked to, and I talked to people who oppose, do we take the Fraser Institute versus the dilatory—

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, I rise on a point of order.

I heard the hon. member refer to I think members of the Reform Party and indeed members of British Columbia as being Luddites. I would like to have the member retract it. The reason why those people were complaining is because they were not allowed to speak. Their democratic rights were being trampled upon by the government.

The Acting Speaker (Mr. McClelland): No word is of itself unparliamentary. It is the form, the context and the tone. I would not rule the form, the context and the tone of the word Luddite in this instance to be unparliamentary.

Mr. John O'Reilly: Mr. Speaker, once again, a very wise ruling and one that recognizes the dilatory motions of the Reform Party to try to scuttle this agreement.

I went to British Columbia, as I said. We had some bad weather. We could not land in the airports where we were supposed to land. We had to travel by bus, but what that did was prove that one bad weather day in British Columbia is better than five good days in Ottawa. I love going to British Columbia. I am more than happy to relay to the House what actually happened, not what the Reform Party is talking about.

Let me quote from some of the people that appeared before the committee. Let me quote Mr. Bill Young, whose wife Norma and himself, and their company have registered fee simple to 160 acres of land in the beautiful Nass Valley. His take on the agreement is, and I quote:

> Two, the access to our property is guaranteed by the laws of British Columbia and the provincial highways authority.

Well, does that put out an argument.

> Third, concern regarding taxation is defined in the ''Taxation'' chapter, paragraph 1, page 217, which says our taxes will be levied and paid to the provincial government of British Columbia.

The fact that this third party negotiation and some kind of a nation that is going to appear out of the blue is just a bunch of hokey.

Let me quote from the presentation to the House of Commons committee by the mayor, Jack Talstra of the city of tariffs, right in the beautiful Nass Valley, the start of this area. He says:

> We as local governments want treaty settlements to be certain and final, meaning that the final outcome of treaty negotiations will be a completion of the process of addressing outstanding first nations claims, and that in relation to the question of the aboriginal right and title, the treaties will bring finality and certainty to the greatest extent possible, recognizing that self-government for aboriginals is a dynamic, evolving form of government, as it is for local governments.

That, along with other presentations we heard, only strengthened our resolve that what this treaty does is take us out of the Indian Act and into a treaty process where fee simple rights are going to be granted and people are treated equally. I do not think there is anything wrong with being treated equally, but let me go to Professor Foster Griezic who made a presentation in beautiful Prince George. He said and I quote:

> Nisga'a opponents favour assimilation, appear to reject the reality of history and prefer providing as little as possible for the Nisga'a and other first nations.

● (1150)

These are not my words. These are the words of the people who have appeared before us. The people who are against it, the Reform Party, in particular, question Nisga'a ownership of land, forgetting that when this occurred in 1887 a Nisga'a elder asked, and he is quoted:

> Who gave the land to the Queen. This has always been and always will be Nisga'a land.

One Chief named David MacKay asked how the government could say ''We will give you so much land'' when the land is already ours. The Nisga'a own the land. We are not giving them back something. We are recognizing their rights as human beings to have fee simple property and to act as a local government. Coming

out of municipal government where you deal with the rights of individuals and people who, God help them, are able to actually own their own land, I do not see anything wrong with that. Would this not be terrible to actually let people own their own land and be able to build a house on a piece of property and own the land that is underneath it?

As a former real estate agent, I find it passing strange that the Reform Party would be against that. Is it against fee simple? Is it against people being treated equally? Is it against everything? It voted against everything to do with native Canadians in the House and now it is going to tell us it is going to make everybody equal and everything will be wonderful.

Let me talk to the presentation given in Terrace, B.C. by another band who said: ''Our traditional territories cover approximately 13,000 square miles of the northwest portion of British Columbia, including the areas of Terrace and Prince Rupert. This nation compromises approximately 10,000 members. They think in here that we are neighbours with the Nisga'a and we have a common border between the Skeena and the Nass watershed''.

They stood in 1966 with the Nisga'a to enter into a very historical and traditional ceremony. They stand with them. That is contrary to what we have been hearing here.

Once again they talk about the Nisga'a treaty bringing many benefits to northern B.C. It will enable the Nisga'a to work with other jurisdictions to improve the quality of life for all northern British Columbians. Their direct assistance with education, health, economic and general community development issues will be positive.

We know that negotiations between third parties have taken place for a period of years. An agreement has been reached, the Nisga'a have ratified it and British Columbia has ratified it. Now it is the responsibility of Canada to accept and finalize the agreement reached in good faith between the parties.

If we go to the comments of Chief Phil Fontaine, he said:

> If there is a disagreement among natives, if there is a disagreement among aboriginals, let the chief of the Six Nations go and negotiate with the people that are involved.

Not the Canadian government, not the Reform party, definitely, and certainly, to a process that they themselves can best work out through their treaty negotiation that has carried on for thousands of years. They have a way of life that may be a little different than what the Reform Party wants, but they have a way of life that was established long before we as white people came to Canada.

Do not take my word for it, go to the B.C. Federation of Labour, a membership made up of more than 40 affiliated unions representing over 700 locals. It speaks on behalf of 450,000 working people in British Columbia. The federation is the single largest organization representing workers' interests in the province.

Mr. Jim Hart: What do the B.C. Liberals say?

Mr. John O'Reilly: I will come to that. I am being heckled here about the B.C. Liberal/Reform Party headed by Gordon Campbell, the B.C. Liberal/Reform member who swims from a very shallow gene pool when it comes to trying to get votes.

Bill Vander Zalm, the hero, the big reform guy out there in B.C. endorsed this. Now, flip flop, flip flop; it is worse than Stornoway. It is just another big flip flop by the Reform Party and Bill Vander Zalm. Get real. Bill Vander Zalm, man, that is sad. What people will not do in a leadership for votes. Where are they? They are running around to every camera. I will read this quote:

> It is especially important now for the labour movement to discuss the Nisga'a Agreement everywhere we can since David Black, who publishes 60 community newspapers in B.C., has given instructions to his editors to publish only editorials opposing the settlement.

● (1155)

I saw a member of the Reform Party's research department trying to find a *Globe and Mail* this morning so—

Mr. Jim Hart: Mr. Speaker, I request a quorum count.

The Acting Speaker (Mr. McClelland): The hon. member feels there may not be a sufficient number of members to hear the pearls of wisdom coming from the member opposite so he has called quorum.

And the count having been taken:

The Acting Speaker (Mr. McClelland): We have quorum.

Mr. John O'Reilly: Mr. Speaker, I am sorry to disappoint my friend that there are enough people here who actually want to listen, that he is not alone even though all his people have abandoned him in trying to not have a quorum. I understand those dilatory type motions they have.

Mr. Speaker, I do not know whether you are giving me the V-sign for victory or whether I have actually come to the end of my term here, so this will be my wrap-up.

Since 1993 when the B.C. treaty process was launched, treaty negotiations have been wide open, the most open and accessible process of its kind that the treaty commission is aware of. That is from British Columbia. That is what British Columbians think. They do not think of the three Rs of parliament that the Reform Party brought—

The Acting Speaker (Mr. McClelland): Resuming debate, the hon. member for South Shore.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, it is a pleasure to stand in the House today to speak at the report stage of Bill C-9. There has been a lot of work done in committee and a lot of debate in the House. There has been a lot of information put forth and certainly a lot of misinformation put forth. It is very difficult, but it is an interesting challenge to discuss this treaty with most of the members of parliament in this place and in other places where the committee has been.

The point that needs to be made and made consistently over and over again is that this is a very important piece of legislation, that it will be one of the major pieces of legislation to dictate and formulate policy in the treaty process in this country as we continue down the road of negotiation and treaty making. Although this is not a template, there are certainly many areas in this treaty that one would wish to be a template for other treaties.

It is important for the public and Canadian citizens at large to understand those areas that the Reform Party has spoken to on many occasions and that other members of the House have spoken to. One of those areas is whether the Constitution of Canada will prevail, and it certainly does prevail. Another area is whether the charter of rights and freedoms will prevail, and it certainly does prevail. And on and on it goes.

We could continue to debate single and numerous issues but I have listed a few. I was able to stand in the House on several occasions and debate this treaty. There were a few times after I had looked back over what I had said that I noticed I had actually missed a couple of points. It is important that we get all the points out there so everybody can understand them.

First I will speak to the areas of the agreement where Nisga'a laws will prevail to the extent of inconsistencies with federal and provincial laws. I have heard a lot of chest pounding and a lot of discussion and debate about the fact that there are 14—some days it is 14, some days it is 17—areas where Nisga'a law will prevail. Let us take a look at those areas.

There are no areas of exclusive jurisdiction for Nisga'a government. Instead Nisga'a laws are required to meet the minimum standards of federal and provincial laws except in the following areas. The Nisga'a government will be able to establish laws on Nisga'a lands concerning administration, management and operation of Nisga'a government. I do not think the world is going to come to an end on that one. I do not think the earth will crack open and people will be tumbling down this great chasm never to be seen again.

● (1200)

They control Nisga'a citizenship now. On the preservation, promotion and development of Nisga'a culture and language I do not think there is a hidden agenda. I do not think there is anything in it so far that I have read to members of the House that will significantly change the country of Canada that we all live in.

On the use and management of Nisga'a lands, who should be in charge of Nisga'a lands but the Nisga'a themselves in the same way that anyone who owns fee simple property has responsibility and ownership of that fee simple property? On planning and development of Nisga'a lands including operation of a land registry and expropriation, the same laws are due to any municipality.

The agreement refers to possession and management of assets other than real property, provision of health services, authorization and licensing of aboriginal healers, and child and family services on Nisga'a lands. I have made the point several times but I think it deserves to be made again that it is fairly clearly stated in the Nisga'a final agreement that the Nisga'a laws regarding children and families cannot be less than the provincial laws that are already in place. They can be greater than. They can be more beneficial and more protective of families and children but they cannot be less beneficial or less protective of families and children.

On adoption of Nisga'a children, pre-school to grade 12 education on Nisga'a lands of Nisga'a citizens, post-secondary education on Nisga'a lands, devolution of the cultural property of Nisga'a citizens who die intestate, federal or provincial laws will prevail. Other areas included are public order, peace and safety, regulation of traffic and transportation on Nisga'a roads, design, construction, repair, demolition of buildings and structure, solemnization of marriages within British Columbia, provision of social services, health services, prohibitions and conditions for sale, possession and consumption of intoxicants on Nisga'a lands, and emergency preparedness and emergency measures.

Except for adoption, social services and solemnization of marriages, the Nisga'a government will only be able to exercise its power on Nisga'a lands. For the three areas I mentioned there is an obvious need for laws to apply outside Nisga'a lands.

A number of fallacies have also been mentioned with regard to the Nisga'a final agreement. I have spoken about them at length in earlier debate and I have mentioned some of them already today. The application of the Canadian constitution and the charter of rights and freedoms are areas that need to be discussed and explained in a rational and straightforward manner with extensive and substantive debate. The issues should be raised, listed in priority, listed in order, discussed and explained, and then we should move on.

For instance, there will be no taxation without representation, which I have heard time and time and time again in the House. I think the record would show that every Reform member of parliament who spoke to this issue stated somewhere in his or her speech that there would be taxation without representation. That is patently untrue. There is no provision for that. It will not happen.

The taxation chapter states that the Nisga'a Lisims government may make laws in respect of direct taxation of Nisga'a citizens on Nisga'a lands. If a non-Nisga'a person purchases a parcel of Nisga'a land, that person will pay taxes to the provincial government rather than to the Nisga'a Lisims government. It is true that non-Nisga'a people will not be able to vote in elections for the Nisga'a Lisims government, but in areas where their interests are affected non-Nisga'a people will be able to have input and participate on boards.

● (1205)

It should be noted that there are hundreds of thousands of citizens, permanent residents and landed citizens who pay municipal, provincial and federal taxes and are not given the right to vote.

The very small minority, the 90 plus non-Nisga'a residents who live on Nisga'a land will not be taxed by the Nisga'a government. They do not have the right to vote for that government although there are provisions that could possibly change in the future. They will not be taxed by that government. I heard a member on the other side saying that perhaps that is not correct.

Obviously there is a fair amount of work required to get through the Nisga'a final agreement. There is a lot of reading but it is not that complicated. It is very straightforward. I would recommend that before those members stand in the House to vote against the agreement they should read it. That is one recommendation I would like to make.

That the Nisga'a final agreement diminishes the rights of non-Nisga people is patently untrue. On the contrary, they will have far greater input than currently allowed under the old Indian Act.

One of the best points about the treaty, one of the issues that makes it work, is that the Nisga'a will no longer be covered by the Indian Act. They will come out from under that archaic and perhaps racist piece of legislation. They will have their own laws, laws similar to those of any other municipality, with some quasi-provincial applications and some quasi-federal applications. They will become, if I can use the term, full and equal citizens before the law and full participants in the Canadian economy. They will receive the benefits that accrue from it.

I also had the opportunity to travel in British Columbia. Regardless of what some members in the House have said, I was not dragged kicking and screaming to B.C. I voted to go to B.C. I was happy to go to B.C. and I would certainly go back.

There is nothing to be ashamed of in this piece of legislation. There is a lot to be explained. It is the job of the government to provide that explanation and part of the explanation is travelling to B.C. and speaking to all those who want to appear before the committee. Unfortunately everyone who wanted to appear before the committee was not able to be heard.

I appreciate having had the opportunity once again to speak to this important subject.

[*Translation*]

Mr. Ghislain Fournier (Manicouagan, BQ): Mr. Speaker, I will begin by stating that the amendments proposed this morning strike me as useless, to say the least. They are not in the least intended to improve the bill, only to delay it being passed.

The number of amendments proposed by Reformers suggests to me that their sole objective is to slow down the process leading to the passage of Bill C-9. My colleagues and myself cannot endorse such action.

We support the Nisga'a agreement overall. Now that the committee deliberations are over and the bill has been thoroughly examined, we do not want to see it held up. It was important for a number of elements raised by the Nisga'a agreement to be discussed. But second reading, coupled with the committee meetings that were held in British Columbia, leads us to the conclusion that we have been able to examine the bill properly and that amendments are not appropriate.

I hardly need to reiterate that the Nisga'a final agreement was duly endorsed by the three parties that negotiated it. The Nisga'a nation gave majority approval to it in a referendum on November 19, 1998.

● (1210)

The Government of British Columbia signed and approved it on April 22, 1999 with the passage of Bill 51. As for the federal Minister of Indian Affairs and Northern Development, she ratified it this past May 4.

All that is left is the passage of Bill C-9 for them to finally have the necessary tools to develop as a nation. The Nisga'a are most anxious to see this happen, and they deserve it. They have been at the negotiating table for nearly 25 years.

Since the arrival of the first Europeans in the Nass Valley, the Nisga'a nation has attempted to negotiate on numerous occasions and to sign a treaty relating to their land claims. In the mid 1880s, aboriginal leaders started making representations to the authorities. However, their efforts met with no success for several decades, because the leaders at the time refused to recognize the aboriginal titles to the land they were claiming.

Following written and verbal claims, official meetings and court proceedings, especially in the Calder case in 1973, they managed to establish the likelihood of ancestral claims to these lands and the need to negotiate to establish their ownership.

In 1976, the federal government began negotiations with the Nisga'a tribal council. In 1990, British Columbia joined the negotiations. In February 1996, the three parties reached an agreement, which was finalized in August 1998 with the signature of the final agreement.

This agreement therefore puts an end to over a century of claims. It puts an end to many years of claims by this nation regarding its ancestral rights over land in the Nass Valley. It means a settlement of the land rights of the Nisga'a and a lessening of the economic uncertainty over the ownership and the use of the lands and resources in the region.

So, Bill C-9 is the last stone needed to give effect to the tripartite agreement among the Nisga'a, the Government of British Columbia and the Government of Canada. We want to reiterate once again the Bloc Quebecois' support for the agreement and its pleasure at participating in this historical moment for the Nisga'a.

The type of amendments proposed by the Reform members do not improve the bill in any way. Right from the outset, Reformers said they would do everything in their power to delay implementation of the agreement. With the amendments they are now moving, that is exactly what they are doing.

Given the nature of the bill to give effect to the Nisga'a final agreement, we feel it is parliament's role to debate, approve or reject the bill, not to amend the proposed agreement. I repeat, it has been duly approved by the three parties that negotiated it.

In fact, under the provisions of clauses 36, 37 and 38 of Chapter 2, the agreement may not be amended without the consent of the Nisga'a—the Nisga'a of British Columbia, obviously—and of the federal government. Amending the bill would, in our view, be a show of paternalism that we want no part of.

• (1215)

That is why the Bloc Quebecois will not be commenting on each of the amendments moved by Reformers.

We would simply remind the House that the Bloc Quebecois supported the main recommendations of the Erasmus-Dussault commission, the Royal Commission on Aboriginal Peoples, which proposed an approach to the concept of self-government based on recognizing aboriginal governments as having jurisdiction over how their people were governed and their well-being.

In addition, the entire report was predicated on recognizing aboriginal peoples as autonomous nations occupying a unique position in Canada. The Nisga'a final agreement fully reflects the spirit of the conclusions and recommendations of the Erasmus Dussault report, and therefore constitutes a positive step toward a healthier redefinition of relations between governments and the aboriginal nations.

The majority of the Nisga'a, or 61% of the eligible voters, voted in favour of this agreement, and we acknowledge their will in this. The agreement represents a compromise approved by the people. It is the result of close to 25 years of negotiations. It clearly reflects the will of a nation.

It is not a one-size-fits-all model. The first nations are very different one from the other, and there is no single way of negotiating that could meet the needs of all aboriginal peoples. It took many years to reach this agreement, and it would be unrealistic to think that all such agreements will follow a similar path. There may, however, be some similarity in the paths followed by other nations and, in our opinion, this constitutes a very positive step toward improved relations between aboriginal and non-aboriginal people.

We believe that the Reform Party's opposition is based on an erroneous concept of Canada's political history. No matter what they cost, they want all citizens to be treated on what they consider an equal footing, but they are on the wrong track. By so doing, they are completely closing their eyes to the particular characteristics of aboriginal issues. Equality does not equate with justice, and justice is what must be defended when culture, language and traditions are involved.

Recognition of the right to self-government is recognition of the right of aboriginal people to possess the tools required to develop as a nation. The Reform wants to give them nothing more than the powers of a municipality, while retaining federal control over all of their decisions. How could the Nisga'a accept having decisions affecting their daily lives and their culture entirely the responsibility of Ottawa?

The Reform is refusing to understand the realities of aboriginal peoples and their culture distinctiveness. They want to see a uniform vision of Canada at any price.

I will close by stating that the Bloc Quebecois supports Bill C-9, and opposes the amendments presented by the Reform Party.

[*English*]

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, I rise on behalf of the constituents of Surrey Central, British Columbia to speak at report stage of Bill C-9, the legislation which will implement the Nisga'a agreement.

• (1220)

For the people of Surrey, British Columbia and Canada who are listening, and for the sake of the record, I point out that the previous Liberal speaker, the member for Haliburton—Victoria—Brock, in response to a committee hearing in B.C., pointed out that if it was not for the Reform Party of Canada the committee would not have held hearings in B.C. This is the same member who said that the committee hearings in B.C. were a dog and pony show. That shows the arrogance of Liberals.

We are considering hundreds of amendments which my colleagues and I in the official opposition have introduced in our effort to change the bill. We are standing on behalf of aboriginal and non-aboriginal Canadians who know that this treaty, the treaty process and the bill are seriously flawed, and who want to avoid the

many problems that will result if the Liberals have their way and pass the bill in its present form.

I must add, as I did in my speech on the bill at second reading, because I want the record to clearly show, that the Reform Party is the only party in the House opposed to the bill. Reformers are the only members talking about the problems that will be created. We are the only members standing for Canadians and the Nisga'a people who have been forced to accept this treaty because, after decades of effort, this is all they will get. They are having to satisfy themselves with what is in this treaty, and the Liberals are in a conspiracy with other parties in the House to force the treaty on the Nisga'a people.

It was the B.C. provincial Liberal Party which opposed the bill, while the soon to be ousted NDP government in B.C. rammed it through the B.C. legislature. The process the bill has gone through is a democratic travesty. Democracy is not only marking an *x* on a ballot every four years; democracy is the continuous representation of the people, with continuous input from Canadians on all the decision making which affects them.

The Liberals across Canada are confused about the bill. They are in conflict over the bill. The Reform Party is the only party in the House that has a vision for the future. That is why we are the only members with the guts to raise the concerns being whispered by so many Canadians.

No one wants to offend the Nisga'a people or criticize their treaty. When we talk about the Nisga'a treaty we are not talking against the Nisga'a people. As a matter of fact, it is a tragedy that no other party in the House is acknowledging that the history of the government's treatment of the Nisga'a people is shameful. No other party in the House is admitting that this treaty is a very poor attempt to make up for the way the Nisga'a people have been treated and what they have lost over the course of decades. Most importantly, the Nisga'a will face a tough future as a result of this treaty.

The Liberals are continuing to deny the Nisga'a an equal partnership in Canada and full citizenship in our great country. This treaty will maintain their segregation. It tries to buy them off with millions of dollars in cash. There are many problems with the treaty which my colleagues will address.

I have put forward and seconded amendments on behalf of the people of Surrey Central, the official opposition and those people in B.C. and Canada who feel strongly that the Liberals are making a big mistake with Bill C-9. They are concerned with the coming into force of Bill C-9, knowing that the Liberals and other parties in the House will not likely permit amendments to be made to the bill in this concerted dictatorship that is being passed off as debate.

● (1225)

We have provided hundreds of opportunities for the government to rethink its position and delay the passage of the bill. We proposed the delay of the clauses of the bill which deal with the Nisga'a final agreement itself, the moneys to be paid out of the federal government's consolidated revenue fund and the taxation regime that will be created.

It is the intention of these amendments to allow time for the Government of Canada to wake up to what the lawyers, constitutional experts, historians and many other learned people are saying about the problems with Bill C-9.

I also hope that by forcing a time delay in the coming into force of the bill the Nisga'a people, by their own means or by any other means, can manage a better deal. I do not mean more cash, more land or resource rights based on race, but based on need. I refer to a better deal that provides a good blueprint for future negotiations with aboriginals that satisfies all Canadians.

Our sole interest in this issue is to establish a new and better future for the Nisga'a people in their relationships with each other and other Canadians. We understand that this agreement is all the Nisga'a people could hope to achieve. After years of negotiation, most Nisga'a leaders feel they have no alternative to this agreement and the principles on which it is based. We understand that. For them it is this or nothing. I am sad that they are forced to support it.

Rather than addressing the problems of our natives, our governments pretended that the problems did not exist and they hoped they would go away. Now, rather than addressing the problems appropriately, the government is going to make a serious blunder, a serious mistake. Two wrongs can never make a right. What we get is a double wrong. That is what we are doing in Canada through the courtesy of the Liberal government.

The magnitude of the consequences of the Nisga'a treaty may be so great that it will have the potential to spark a big fire of violence and threaten the peace, harmony and prosperity of our nation.

This agreement contradicts one of the key founding principles of the Reform Party, namely that we believe in the true equality of Canadian citizens, with equal rights and responsibilities for all. We want equality for all Canadians. We want a new start for aboriginal people in Canada. We want them to be full and equal participants in Canadian society, with the same rights and protections that every Canadian enjoys. We want aboriginal women to be full and equal partners on and off Indian reserves.

The Nisga'a final agreement does not meet these requirements. The treaty is not a perfect document because it is based on compromise and race, rather than on consultation and need. The flawed treaty process is driven by history. There is a need to undo the mistakes of past Liberal and Tory governments, but historians have not been included.

I would also point out that treaties, like diamonds, are forever. That is why it is folly for negotiators to assume omniscience and

produce voluminous treaties that attempt to cover every eventuality. What if the public attitude on these issues changes over time? Treaties should be based on need, not race. That is why the Nisga'a deal should be subject to the broadest and most careful public scrutiny.

● (1230)

Therefore, to not let British Columbians in on the deal, essentially negotiated in secret only after the initial ceremony and then told by those in authority that no change will be considered, is the height of Liberal arrogance. This is simply unacceptable. Every opportunity should be given to all Canadians to have their input. We are asking for a referendum on this treaty, which is so important to all Canadians, to maintain peace, harmony and prosperity in Canada.

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, in listening to the interventions by members from the Liberal Party the PC Party and the Bloc this morning, they talked about this agreement bringing certainty.

Listening to evidence from a Queen's counsel in Vancouver at one of the meetings on Friday, he said that the only certainty it would bring was certainty for the lawyers because he could make a living for the rest of his days off this treaty either by challenging it because it was wrong or defending it because he thought it was right. He said that either side would produce certainty of income for the lawyers.

Some of the members here, who are not from B.C. and, frankly, do not have the faintest idea of what they are talking about, said that it has been in negotiations for 25 years, as if that justifies signing it. Sure, it has been 25 years in negotiations but that does not automatically make it right.

The fact that it was supported by the politically correct Liberals and the politically correct provincial NDP in B.C., neither having more than 39% of the popular vote, is enough to show that it was negotiated by the elite not by the grassroots, neither by the grassroots non-natives or the grassroots natives themselves. It was negotiated by elites using formulas that have never worked and have no hope of working in the future either.

When I stood in the House on November 1 to speak on this bill, I specifically asked the minister to name a single Indian reserve anywhere in the country governed by a treaty where the standard of living is equal to or higher than off reserve. That minister stood and completely avoided the question. The reason is that he cannot answer it because there is not a single Indian reserve that has a higher standard of living.

I can use the example of the Samson Cree reserve, probably the wealthiest reserve in the entire country in terms of income: $100 million a year. Yet 85% of the members live in poverty and I believe 85% of them are on welfare.

Only time will tell who is correct about the Nisga'a treaty, but I do not see any way that the Nisga'a Tribal Council can pull off something that no other tribal council has been able to pull off, and that is a success in a treaty. All of the evidence is stacked solidly against it, and that 10 years from now we will have the same levels of poverty and the same repression of the women on reserve. These were exactly the same problems before the treaty existed. There is absolutely no justification to have it passed.

Not a single Liberal member from British Columbia has had the the gumption to stand in the House and say what needs to be said. They know what needs to be said. Every one of them has heard the message from British Columbians that this is such an important deal for British Columbia that it should be subjected to a referendum of the people, not just the Nisga'a but the non-natives as well.

As Noel Wright, a columnist in the Vancouver area said last weekend in his column:

> As the model for all future treaties with B.C. natives, it stands to result eventually in a province pockmarked with 50 or more tiny, apartheid-type independent ''nations'' wielding powers in some 14 areas that would supersede those of the provincial and federal governments.

That is the theme of many of the letters that I get from my constituents. They do not see the treaty as bringing Canadians together. It is separating Canadians based on race. It is creating these apartheid-type or segregated-type communities that we will pay a heavy price for promoting in the future.

I have also heard some of the members over there criticizing Reformers. They make implications about our motives. I will put a few things on the record here that may not be known by the people opposite, and I will give them the benefit of the doubt.

● (1235)

For example, the leader of the party worked for many years as a consultant for native bands helping them to set up native businesses and deal with the government. The member for Nanaimo—Cowichan has adopted native children into his family. The member for Vancouver Island North is married to a Métis. The member for Edmonton North lived and worked on a reserve for many years teaching native children. The member for Yorkton—Melville also worked and lived on a native reserve. The member for Wild Rose introduced a private member's bill in the House to cause an ombudsman to be established to help native Indians with the problems they have with getting help from Indian affairs to investigate corruption in the bands.

While I do not have any direct connection with native bands, in my riding more than 200 members of the Squamish band have approached me by writing, coming directly to my office, via petition and via telephone with their concerns about Bill C-49.

For anybody on the other side to say that we do not understand the issue, that we do not have connections with natives and do not

understand where the problems lie in things like the treaty or Bill C-9, is poppycock. We probably understand it a lot better than the politically correct who sit on the other side of the House and refuse to see that for every treaty that has ever been passed in the country evidence shows that they do not work. They create poverty. They continue with the process of repression because they are styled in a socialist manner. They set up a socialist style of community with collective rights that are rife with corruption. It does not work.

I have just been corrected. I apologize to the member for Vancouver Island North. His wife is a status Indian not a Métis.

When the Liberal government introduced enabling legislation for the Nisga'a treaty to parliament on October 21, the minister made it clear that there would be no committee hearings, there would be no travel to the provinces, there would be no amendments to the bill and the time for debate would be severely curtailed. What sort of democracy does that represent?

It does not help us, who are elected to represent the concerns of our constituents, to know that the outcome of every vote is predetermined, that we do not have a hope of making a single amendment no matter how many flaws we point out in the bill. It contains 252 pages. How can there possibly not be one single mistake in the 252 page bill? It is impossible. It is bullet-headed. It is arrogant for the government to assume that it is perfect in every respect. As I mentioned earlier, it is nothing more than certainty of income for the lawyers.

The auditor general himself has said that the longer the treaty, the more likely there will be legal challenges. At the moment we already have more than $9 billion worth of legal challenges under way to existing treaties. The Nisga'a treaty, which is not even law yet, is under challenge from five different groups.

The Liberal Party of British Columbia, the bedfellows of the federal Liberals, is challenging the treaty as unconstitutional. The Gitanyow first nation, as a number of other members on this side have mentioned, consider it an act of aggression. They are challenging it in court. The fisheries survival coalition and a group of Nisga'a people are taking this treaty to court. Where is the certainty? The agreement has not even gone through the House and there are five legal challenges against it.

How can members on the other side of the House have the nerve to stand and tell us that there is certainty? How do they have the nerve to tell us that it is a good agreement because it took 25 years, when every other treaty that has ever been negotiated in the country has been a failure? They have no logic to defend their position.

In my previous speech on November 1, I did bring up the issue of the treaty producing apartheid-like or segregated-type of communities. One of the Liberal members noticed my comment and brought it up in a committee hearing to the chiefs of the Nisga'a band. The answer from the chiefs was that they did not consider the deal to be apartheid-like because those affected freely voted for the system of government themselves.

Is apartheid not apartheid just because people voted for it? It is a totally ludicrous position to take. If we are separating people based on race, that is separation based on race whether we vote for it or not. This is creating segregated communities in British Columbia, not only non-native from native but there will be one native band segregated from another native band segregated from another native band. They will all have their own bylaws and rules.

● (1240)

What is British Columbia going to look like? We have more than 90% of all the Indian bands in the entire country. Nobody outside of British Columbia understands the impact of this treaty on British Columbia. The people of British Columbia should have been involved in the preparation of the treaty. The people of British Columbia should have had the right to vote on the basic components of that treaty making process.

The only way that the treaty would have had the support of the people of British Columbia is if they had genuine input into the basics for that treaty. Then, if necessary, the government could have negotiated a treaty that had public support and, if necessary, use the notwithstanding clause to silence the lawyers because it would have had the support of the people.

As it stands at the moment, we have a lot of big problems on our plate. When this thing gets rammed through the House next week, the law courts will open for business and we will see years and years of expensive legal challenges.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, it is quite an interesting debate today. I did want to respond to a couple of the comments that I have heard from the Liberal Party in particular regarding the Nisga'a final agreement.

The first thing that comes to mind is that one of the members said that it was just the Reform Party that opposes the Nisga'a deal. That is not true at all. If we look at the vote that the Nisga'a people had, there was not an absolute consensus on the Nisga'a final agreement even with the them. Neither was there a consensus or even a majority of people in the province of B.C. who thought that the Nisga'a final agreement would bring certainty. The official opposition in the province of B.C., the B.C. Liberal Party, also strenuously objects to the Nisga'a final agreement.

To enhance that argument, I point out that I have presented literally thousands of names of people in my riding of Okanagan—Coquihalla who are opposed to the Nisga'a final agreement. Through the office of petitions in the House of Commons, some of those are still being processed. There are many more people who are still rising up and saying that there are major problems with the

Nisga'a final agreement and they want to be heard. That is why the Reform Party of Canada is bringing forward a number of amendments to this very important piece of legislation that is being put through the House of Commons.

It should also be very instructive to the government that the majority of B.C. representatives in the Reform Party of Canada are opposing this. We would not be opposing it if we were not hearing from our constituents in our ridings that they have problems with this agreement. For the government, of which most of its members are from Ontario or other provinces, to argue that the Nisga'a final agreement is being accepted by the people of B.C., is just a ridiculous statement if we look at the democratic process that we live under. We are here to represent the province of B.C.

I have an interesting story to tell the House. Some seven years ago, my first trip to Ottawa before I was elected, I got on the phone to make the flight arrangements. I remember distinctly talking to the customer service representative of the airlines. She asked me where I was calling from and I told her that I was in the Okanagan Valley. She asked me where I wanted to go and I said that I was going to Ottawa. After looking on her computer screen she said that I could not get there from where I was. Although she made that comment tongue-in-cheek, and it was kind of humourous at the time and still is, that is the way a lot of British Columbians feel. Ottawa is so far away and so disjointed from the way we feel in the province of British Columbia that we simply cannot get through to the people here, in particular the Liberal federal government.

I have another example of how the Liberals deal with these types of situations. We have had a considerable amount of unfortunate incidents in my riding between non-native and native groups. It has affected our economy.

● (1245)

One of the most recent ones was when the Minister of Transport sent a Liberal senator to make a big announcement at the Penticton airport. The announcement was that the federal government would put $650,000 into repaving the runway at that airport. That in itself is not bad and the work needs to be done, but the fact is that for years now I have been telling the government that there is a serious problem which has caused division in the riding between the native and non-native groups, that is a specific land claim against the Penticton airport.

I almost felt sorry for that Liberal senator. He should have known, after years and years of attempting to get this message through to the Government of Canada, that they have to deal first with the root problem we are facing in Penticton, which is the land claim settlement and the issues with the native band regarding ownership of the land. They blew into town, dropped $650,000, blew out of town as quickly as possible, and left the problem with the local people who have no authority to deal with the issue.

What has that caused? It has caused a number of things. It caused more disruption at the Penticton airport. The band and the locatee families have stopped the paving company from fulfilling its work. It has caused all kinds of problems but this is typical of the Liberal government.

When we look at the Nisga'a agreement it is the same. They came to the province of British Columbia and said that this would solve all their problems and left town. They will push it through the House of Commons very quickly, and who will be left with the economic problems at the end of the day? First it will be the Nisga'a people and then the people of British Columbia. That is unsatisfactory.

I have heard from members in the House today that the agreement will not affect anyone else. In the research I have done I discovered a briefing note from the NDP ministry of agriculture to the minister of agriculture which confirmed that the former premiers of British Columbia continually see the Nisga'a final agreement as a template for treaty negotiations in B.C. I say former because they keep changing premiers as the NDP has trouble keeping someone in place there. Then it went on to state:

> Impacts on current agricultural uses of crown resources will result if the Nisga'a land selection and settlement model is repeated.

The briefing note then detailed what the impacts would be by stating that we could expect to see significant localized disruptions to individual ranchers within close proximity to first nations land. As an example it pointed out that 1,000 farms in the south Okanagan held crown tenures within 10 kilometres of existing Indian reserves. The same land holds 69% of the British Columbia agricultural land reserve. All this land will become the subject of land claims if the Nisga'a agreement is used as a template, which even the former premiers of British Columbia admit. The briefing note went on to state:

> —that the total land quotum to be transferred to First Nations would be in the range of 5% of the total land base, an area larger than the total Agricultural Land Reserve. This amount of land would likely consume the majority of Crown Agricultural Land Reserve, approximately 2.5 million hectares.

Given the dramatic impact of the Nisga'a final agreement in a riding that is so far away from the Nass Valley, the House must consider those problems. We must be very cautious. We must be very sure that we have processes in place to make sure that other economic industries, whether it is ranching, orcharding or natural resources such as mining and forestry, are not disrupted by this type of land settlement. Those areas are of great interest to the province of B.C. To say that this agreement brings certainty is far from the truth. The briefing note I have presented today is just one of the examples we have.

● (1250)

There has been a lot of talk in the House about private property. I stress that the Nisga'a agreement gives collective rights. The Reform Party would like to see it be individual rights.

We think there will be some problems down the road. What do we do when collective rights come in conflict with individual rights? That is the big question. As the Liberal government does time and time again with legislation, it will not spell it out clearly. It will leave it to the courts, which means more more economic uncertainty in the province of British Columbia.

My colleagues and I want to see certainty. We want to see finality to the whole issue of native land claims. Unless we have that we will have years and years and probably decades of more uncertainty in the province of British Columbia.

On behalf of the riding of Okanagan—Coquihalla and the people of B.C., I urge the government to look at our amendments very carefully and accept the express desires of the people of B.C.

Mr. John Duncan (Vancouver Island North, Ref.): Mr. Speaker, the member for North Vancouver asked me to correct a statement he made in the heat of debate in which he mentioned that British Columbia had over 90% of the bands in Canada. The number is actually about 30%.

As a politician I thank the Liberal government for being so stupid, clumsy and arrogant in how it is imposing this agreement since it is creating animosity toward the governing Liberals that will not scrub away. I am more concerned about what will happen to my family, my community, my province and the nation. The Nisga'a disagreement is the most important and the worst social and economic legislation and constitutional amendment in my lifetime.

I have been talking about the Nisga'a agreement since 1995. I am intimately familiar with the agreement. Much to the contrary of what some of its proponents have been saying, we have read the agreement. We have studied it. We are familiar with it. I wish they were as familiar with it. They are glossing over the real facts. I have done more than read it. I have analyzed it. My analysis is available at my website, www.duncanmp.com.

It is with a heavy heart that I speak to this agreement once again, knowing that the government is committed to what will be seen down the road as a monumental social and economic blunder.

I have talked to live audiences more than 25 times and sent out half a million householders across the province. British Columbians are well informed compared with people in other provinces, jurisdictions and territories in terms of the Nisga'a agreement. They are better informed than many members of parliament. I only had to witness some of the comments this morning to appreciate how true that is.

On Friday, November 26, I spent the afternoon in Vancouver at the official opposition sponsored hearings. I will briefly talk about three presentations that were made because they illuminate with some clarity what is going on. Mike deJong and Geoffrey Plant, provincial MLAs from the B.C. Liberal Party, the official opposition; Jeff Rustand, the lawyer representing Mr. Lloyd Brinson, a small landowner in the Nass Valley of British Columbia who is surrounded by Nisga'a lands; and Miss Kerry-Lynne Findlay, Q.C., a lawyer and Musqueam leaseholder, appeared as witnesses.

● (1255)

Interestingly both B.C. official opposition Liberals and Mr. Lloyd Brinson have launched lawsuits in attempts to bring accountability and common sense to this federal and provincial negotiated agreement which has excluded the public interest and flies in the face democracy, equality and constitutional principles. For starters, I will quote Kerry-Lynne Findlay:

> I am a Musqueam leaseholder. I live there with my husband and four children. I am a mortgage holder. I am also a lawyer and I seem to have found myself in the role of kind of general counsel and spokesperson for the Musqueam leaseholders. I have advocated on their behalf in many areas. Taxation without representation, Bill C-9, particularly the expropriation portions of that bill, and the treaty process in general. One of the comments I am always given, one of the answers I am always given by the federal government is that the Musqueam situation has no bearing on Bill C-9, which is separate legislation. It has no bearing on the Nisga'a Treaty, which is a separate matter.
>
> It has no bearing on the treaty process in general, which is a separate matter. I have a fundamental disagreement with that concept because I believe it is part of an overall approach of divide and conquer, which is very much alive and well in Canada in 1999. All of these legislative initiatives, the treaty process, what is happening through the transfer of taxation powers to aboriginals under the Indian Act, this is all about the transfer of power and authority and the setting up of new governance institutions and new governing systems. Of course the stakes are very high. . . There are many aspects of the treaty that concern Musqueam leaseholders.
>
> They include, if I can just highlight, the treatment of non-aboriginals on aboriginal lands; the fact that the treaty is one step away from giving taxing authority to the Nisga'a and, in our experience, could very well mean taxation without representation and all of what that entails because of the lack of vote that non-aboriginals have in Indian government; the lack of a timetable for this Nisga'a self-sufficiency; the open-ended financial commitment that all taxpayers are being asked to enter into and, of course, the constitutional level changes we are dealing with. . .all of this process reminds me very much of the discussions around the Meech and Charlottetown accord. At that time I was the National Chair of the constitutional law section of the Canadian Bar Association. I was very involved in those discussions and the process that evolved at that time. What happened there, of course, is not news to most people here, is there was the Canadian elite, those who headed up the large businesses, large monopolies of the country, big business and big government, got behind both of those and said that's the way this country should look, that is what we want.

Ms. Findlay continued:

> I say that, in part, as a Liberal, and I want to say that today because I think it's important. I have been a Liberal Party member nationally and provincially since I was a teenager. I worked for that party. I've actively campaigned for that party in elections. I have acted as a legal adviser to people who are now members of parliament. I am fundamentally ashamed of that party and its lack of vision. . .I use the word ''ashamed'' because it is the true feeling I have and I think many of us will have right now because of the way the government has shown its indifference and arrogance on this issue. It is a

> fundamental issue for the Canadian fabric and it is important to both non-aboriginals and aboriginals that it be handled well and clearly and that the guidelines be precise.

We had testimony from Geoffrey Plant and Mike deJong of the B.C. Liberal opposition. I will quote briefly from what they had to say:

> We have commenced a court action. We have concerns about what is in this treaty, we have concerns about the self-government provisions, we have concerns about a treaty that would purport to limit your ability to vote for a government that has responsibility over you and limit that right to vote on the basis of your ethnicity. We think that's wrong. We think a fishery, a commercial fishery, based on an allocation that is tied to ethnicity is wrong, and we think there are alternatives. . .We're asking the court to declare that the Nisga'a final agreement is unconstitutional. There are three basic pillars of the argument.

● (1300)

They went through them and concluded by saying:

> If we're right on any of those points, then what has happened is that the governments have tried to negotiate a document which is outside their constitutional authority to do so.

Finally, we had testimony from another very interesting witness, and these are only three of many, Mr. Rustand, representing Lloyd Brinson, a small landowner in the Nass Valley. I will quote a bit from his speech because I am running out of time. He said:

> Mr. Brinson owns a small patch of land up in the Nass Valley. The land that he owns is going to be if this treaty is implemented surrounded by what is known as the Nisga'a Lands. Now, what this means is that although Lloyd's land will remain technically part of the B.C. Land Title system and part of B.C. and subject to the laws of Victoria and Canada, all the lands about him will be subject to the laws and the administration of the Nisga'a government. To give you a microcosmic view of what this means for Lloyd and others who will be in his position, this means that everything related to his livelihood and his daily living will be under the purview of a government that is established for the purpose of administering to the needs of a racially defined group, on a communal basis, without an outsider. The issues that will come up for Mr. Brinson are such things as water. . .wood-lot rights, he requires wood for his heating. . .simple things like garbage disposal, business activities, commercial transactions, zoning, access to health, education, maybe not so much for Mr. Brinson, payment of local taxes. . . .Because Mr. Brinson lacks the bloodlines to qualify as a Nisga'a citizen, the treaty takes a giant step backward to something which, if this happened in any other community in Canada today, would be considered an abomination.

Rafe Mair said recently in a public meeting which I attended, ''Never assume that the people in charge know what they are doing''. That is what is happening with this Nisga'a disagreement.

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.): Mr. Speaker, I find it rather interesting that only members of the Reform Party seem to feel that this tremendously important legislation which is before us is worthy of debate. I do not know why we are not hearing, for example, from the British Columbia representatives in the Liberal Party. Perhaps they are a bit afraid to show their faces around here. I do not know.

This appears to have turned out to be ''dump on B.C. week''. We have a government which is using its heavy-handed powers to impose its will upon a province which freely entered into Confederation in 1871. I asked a fellow from B.C. the other day if he could tell me for sure if it entered Confederation in 1871 or 1872. He said ''I am not quite sure, but I will sure remember the day we leave''.

That is what really concerns me. Over here we have the so-called party of national unity, which expends a great deal of hot air telling us how it wants to keep Canada together, yet it has mounted a full frontal attack against one of our major provinces. Why, I do not know, but I find it extremely disconcerting.

When the Liberals purported to want to consult after the fact with residents of B.C., after they had already tabled their legislation for the treaty in the House, they went through a little dog and pony show, or some smoke and mirrors. They were going to consult with the people of British Columbia and they were going to have hearings out there.

We have already heard in the House today how that went. Only a very select group of people were allowed to appear before that committee. When the government could not find suitable pro-treaty people to appear before the committee in some of the smaller cities, it flew them in from Vancouver and Victoria to appear before the committee because it had to stack it. That is not my definition of democracy.

● (1305)

Fortunately, or perhaps it will not be fortunate because I do not know what good it will do when we live with an elected dictatorship, but nevertheless I will say fortunately, the Reform Party representatives from B.C. were able to hold their own hearings and they invited interested parties on both sides of the issue to address the treaty. They received many submissions. I just pulled a bunch of them off the Internet.

I want to quote from some of the eloquent testimony that was given at those hearings. I emphasize the word eloquent because these people were speaking from the heart. They were fighting for their lives, basically. If I ever hear the degree of eloquence in the House that came out in these hearings, particularly from over yonder, I will be a very pleased man indeed.

I want to quote briefly from some of the submissions that were made. Clearly there are some 60 pages of fine print. I wish I could read it all, but I am sure the Speaker would not permit that. The Speaker is nodding his agreement. Therefore, I will quote a few little highlights.

This is part of the submission of Mr. Doug Massey. Doug Massey is a fisherman. His father immigrated to Canada from Ireland. He got into the fishing business. His son came in and took up the business behind him. These are some of the comments which Mr. Massey made:

> I believe this land and resource known as British Columbia has been provided in trust to all inhabitants, past and present, to be used as a source of life and to be protected for the continuance of life. No one segment of the human race should be recognized as having claim merely by being here longer.
>
> In Ireland. . .to fish or hunt for wildlife or wild fowl was illegal, for every stream and forest was owned by land barons and anyone caught was a trespasser and a criminal. You can understand why, upon arrival in British Columbia, my father considered this to be a land of freedom, plenty and untold beauty. Are we heading in the direction of the Irish where we are not going to be able to even enter into our own forest to hunt and fish?

I could answer Mr. Massey. The answer is yes, because the Nisga'a treaty is widely acknowledged by people on both sides of the debate to be a template. More than 100% of the rural land of British Columbia is covered by land claims—overlapping land claims.

When Nisga'a becomes the pattern, as it must for future land claims agreements, we will end up with a situation where the average citizen of British Columbia will be excluded from entering what is now the public domain in the same respect that people in my part of Canada are now excluded from entering Indian reserves. The difference is that in B.C. most of the land will end up with reserve status if people follow the course they have been blindly following.

I heard somebody in the House this morning state that there are no dangers in the Nisga'a treaty for native women, that their rights will be truly respected; don't worry, be happy. I would also like to quote Ms. Wendy Lundberg, a status Indian from the Squamish Nation. She delivered a very long dissertation. She lives off reserve. She is unable, therefore, to claim access to many of the benefits, such as mortgage and rent-free housing, freedom from taxes and other benefits which reserve members enjoy. This is what she had to say about reserve governments and what she foresees for the Nisga'a government:

> In an attempt to build a better relationship between native and non-native Canadians a federal action plan called Gathering Strength was introduced by the former Minister of Indian Affairs. . . .To grassroots native people, particularly native women and band members outside the governing elite, Gathering Strength appropriately describes another tool used by male dominated councils to maintain their control over federal funding, programs and governance. Gathering Strength is exactly what our so-called native leaders have been doing to the detriment of their own people who remain oppressed under their leadership. While young native warriors are out on the front lines hunting, fishing and logging, native leaders armed with cell phones, lap tops and the Internet sit comfortably on padded, ergonomically correct swivel chairs, orchestrating their assertions from behind massive mahogany desks. They are secure in the knowledge of supportive fellow leaders with whom they have set up mutually beneficial advisory boards, joint ventures and partnerships.

● (1310)

Ms. Lundberg went on to say:

> The reason the Indian Act was put into place is because natives were considered to be stupid and irresponsible and the Indian Act allowed the government to control them. This is the same logic used by the chiefs today to control their own people. I assert that self-reliance and self-government must go hand in hand with responsibility, accountability and transparency. Native leaders say they must exercise what they believe is their inherent right to hunt, fish or log. They say they must do this in order to educate, house and feed their people, even though native programs are funded $3.6 billion annually by the federal government. Where does this money go to? This is a question that continually perplexes me.

I really do not think Ms. Lundberg is very perplexed, but she was being polite when she made her submission. This particular question has been raised many times in the House by members of this party. I think it is something that has to be taken into consideration when we talk about a treaty which will be constitutionally cast in stone if it is approved by the House.

The problem is the permanency, the perpetuity. We have to stop this thing before it is too late.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, it is with mixed emotions that I rise today to speak to Bill C-9.

From my perspective, it is a shame that the bill in its current form has come to the House without the adoption of solutions that my colleagues in the Reform Party have put forth, and in particular the member for Skeena, who in my view has done an excellent job on this particular bill.

I am going to take a different tack. I am going to look at what the government, aboriginal people and Reform would agree on with respect to this issue. If we looked at the heart of what we do not agree on, at the end of the day I think we would find that we agree on a great deal. However, we disagree on the way to pursue it. In fact, we would counter that what the government is trying to do in achieving this goal will do the exact opposite.

We agree with the emancipation of aboriginal people. In the words of an aboriginal gentleman who wrote an editorial countering mine in the Ottawa *Citizen* about a week ago, ''We agree on the integration, not assimilation of aboriginal people. We also strongly believe and support the ability and the right of aboriginal people, as guaranteed under our constitution, to engage in their traditional activities for traditional purposes''.

We agree with all of that. We also agree wholeheartedly in reversing the appalling socioeconomic conditions that aboriginal people find themselves them in: a suicide rate four to five times that of the non-aboriginal population; a diabetes rate that is three to four times higher than that of the non-aboriginal population; a high mortality rate; a shorter lifespan; a high infant mortality rate; and, in effect, socioeconomic conditions that rival those found in third world countries.

● (1315)

I can say from personal experience, having flown into reserves where the unemployment rate is 80%, there is a very high rate of

fetal alcohol syndrome, people living with many in a house thatdoes not have proper ventilation, where elderly people are sleeping in the middle of the living room on soiled mattresses. When I do house calls to these homes, it breaks my heart to see that and to watch the children with infections on their faces that I have not seen since being in a developing nation.

Let us take a look at what is going on here. The government wants to pursue a treaty negotiation. If it was good, let us take a look at what treaty negotiations have done. We need not look any further than what has taken place east of the Rockies where treaties have been signed.

If treaty negotiations were effective then we would find the people east of the Rockies who have had treaties negotiated with conditions that are a lot better. But their situation in many cases is as appalling as the conditions in British Columbia where treaties have not been signed.

Treaties in and of themselves and the way that they have been negotiated rather than integrating, not assimilating aboriginal people have actually been a boot on the neck of aboriginal people, causing their separation. This is the crux of the argument that my colleagues and I are proffering to the government.

The member for Yukon, an aboriginal lady herself, spoke eloquently and mentioned the important point we agree on, that aboriginal people want to be treated the same as everyone else. If that was the case, then all we would need to do is remove the barriers that governments in past years have instituted in law to separate aboriginal people from non-aboriginal people. If we remove those laws, instead of hindering aboriginal people with such things as the racist Indian Act, those restrictions on aboriginal people will be removed. It would still leave them with socioeconomic conditions that are appalling. It would still leave them far behind the eight ball, but instead of investing moneys into a bureaucracy, exemplified by the department of Indian affairs, and putting money into the sink hole, we could make sure that those moneys are used on the hard edge of helping aboriginal people help themselves. We could give them the tools, give them the ability to provide for themselves.

This brings to mind another problem that we have with this whole process. Members on the other side say ''This is going to empower aboriginal people''. Every member in the House knows that the powers do not go to individual aboriginal people. It goes to a collective.

We are not doing this out of spite, but there is a fundamental lesson. Regardless of racial background an individual human being cannot be empowered if the power is not given to them, but is given to a collective. The Nisga'a treaty in Bill C-9 is an extension of what the government and previous governments have been doing for decades. They have been empowering the aboriginal people on top at the expense of the individual aboriginal people.

A person living in Kanesatake, Kahnawake, Yukon or downtown Vancouver off reserve, how can that individual aboriginal person ever be able to have self-respect and pride if they are unable to provide for themselves, unable to provide for their families, unable to contribute to their society? How are they and their society going to get the pride and self-respect that they so richly deserve? They cannot. No one can. People cannot get pride and self-respect unless they take it. They cannot get pride and self-respect unless they have the power to be able to provide for themselves. They cannot do that by living in an institutionalized welfare state.

In point of fact that is what the government has been doing for years. This is the system that we have for aboriginal people today. We have an institutionalized welfare state. It has rotted them. What a profound tragedy that this has happened, not for all but for most. For those bands that have been successful, their leadership has acted in a very responsible way to share with and involve their people. Unfortunately, that is not the case in too many situations. In fact, of the 660 bands that exist in the country today, roughly, 150 of those or more had to be investigated by the department because of misappropriation of funds. There are bands into which millions of dollars are poured, yet the people live in abject poverty. Why? The department will turn its back on that.

• (1320)

There is no protection in the treaty for individual aboriginal people. What we would like is to make sure that aboriginal people do have the right to engage in their traditional activities for traditional purposes as protected under the constitution. We want to see them integrated, not assimilated members of Canadian society. We want to see the changes in those socioeconomic conditions and we want to see the money that is poured into the situation go to help the people, not to create a bureaucracy.

Nunavut may be a case in point to see what has taken place. Rather than creating a system where people who live in Nunavut can live according to their traditional ways congruent with their traditional activities, we are creating a society of pencil pushers. We are creating a society of bureaucrats. That is no more congruent to the history of a person living in Nunavut than it is for us to be hunting polar bears. It does not work that way. In the creation of Nunavut we are actually committing cultural genocide in slow motion.

The government needs to take a careful look at what is going on up there. It is rotting the heart and soul of a proud people. That is unfathomable and unforgivable.

We need to work with grassroots aboriginal people to make sure the limited resources that exist today go to the people who need them so they will have the tools to be employed, the health care they deserve, the educational opportunity, the employment oppor-

tunity, the housing opportunity and they will take charge, as individual men and women, of their destiny as an integrated, not assimilated, part of Canadian society.

We are not being spiteful by pursuing the course that we have. We are not being spiteful by standing alone in the House against the Nisga'a treaty. We do it because we care. We do it because we want to see, as all members of parliament do, the situation change. If we ask members from all political parties behind the scenes they will admit that we are creating a Gordian knot. We are tying ourselves up in a situation from which we will not be able to extricate ourselves and it will be a system that will affect all of us in an egregious fashion.

I hope that the government will listen to my colleagues' constructive suggestions that we have put forth so that all of us can work with all aboriginal people to ensure that they are empowered and have the same rights, responsibilities and hope for the future as non-aboriginals have.

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Ref.): Mr. Speaker, as you well know, I could probably fill the entire day of debate on some of the things that the Reform in general have been doing and I, in particular, have been doing. However, in the limited time that I have and as has been stated by our critic from Skeena, we would like to put into record some of the things that were provided to us by people who were denied access to the main committee by the Liberal government but came before the special hearings held by Reform to give these people an opportunity.

One particular individual, Ehor Boyanowsky, is a professor of criminal psychology at Simon Fraser University. His area of expertise is individual and group violence and inter-group violence and conflict. Mr. Boyanowsky stated that he is also a writer and he finds that sometimes things can be put in better perspective with a story than with a long string of facts and figures. Mr. Boyanowsky told us a story which is an extrapolation of current facts into a future scenario.

● (1325)

The year is 2025. A young woman has arrived in Vancouver with her small children to seek her fortune.

The azure of the sky and ocean, the green of the forested mountains filled her with exhilaration and hope. Not for long. Vancouver, bounded by Musqueam, Sto:lo, Squamish and other national territories, though vital at its core as a city-state, inhabited by an international population, was crumbling at its extremities where aboriginal government had the purchased land and incorporated it into the national territories ceded by recent treaties, thereby removing them from provincial and municipal tax base. Tenants faced with sky rocketing rents, no longer able to vote for local government, and no longer fully protected by the Canadian constitution, were bailing out. As a result, rents both on Indian lands and in the city centre were among the highest in the world.

Despite heavy subsidies provided by the federal government, since the signing over of over 5 treaties, aboriginal leadership claimed they could not finance the infrastructure for the rapidly expanding land base. Animosity toward treaty aboriginals was so high they no longer were safe to walk the streets of Vancouver unprotected. She decided to head up north. There were teaching positions advertised in the Nisga'a national territory, a vast area at the time of ratification of the treaty, about four-fifths of the size of Vancouver Island. With the recent expansion and incorporation of surrounding lands, the territory had now grown to 125 per cent of the size of Vancouver Island. It had taken two days passing through interminable aboriginal territorial check points to get there. Twice she had been checked by aboriginal militia for contraband, fish, wildlife, meats or plants prohibited from being transported from one tribal territory to another.

Twice she'd been fined for being in possession of goods without a bill of sale from an establishment in that territory. Twice she'd had to buy permits for legal access on to lands away from the highway. The countryside was littered with abandoned houses, those of white settlers, peoples whose families had been there for nearly a hundred years.

They'd suddenly found themselves, as a result of treaties, or through the expansion of aboriginal lands, either on or surrounded by aboriginal homeland territory. Ironically, those disenfranchised citizens of a diminishing Canadian nation regarded themselves as native Canadians born and bred over many generations. Now they were dispossessed and bitter living in city enclaves like Prince George and Prince Rupert. As she went farther north, the encounters at borders got more tense.

Young men of the various aboriginal militia dressed in camouflage fatigues sat on armoured all-terrain vehicles nervously fondling their assault weapons. There had been clashes among Gitanyow and Nisga'a militia and others, and the Gitanyow were specially bitter about the original Nisga'a Treaty ratified back in the turn of the century. They claim that they had been cheated out of much of their traditional territory. They cursed the politicians of the time, both white and aboriginal. She arrived in New Aiyansh, the major Nisga'a centre. To her surprise, it looked much like an Indian reserve of old, but bigger. Unprepossessing tract houses, most fewer than two years old, were scattered to the horizon.

Until she came to a very posh suburb of large, palatial houses more reminiscent of southern California than northern British Columbia, patrolled by uniformed security and guard dogs. It was where the chiefs and the executive council lived. The charming young man from the Nisga'a University explained to her that these standards of living were necessary to attract capable people into politics and administration. Since the resources were held in common, you couldn't borrow against individual land or resources to build a business.

She got the job and as she lived there, she discovered that individual Nisga'a trying to get ahead would move any finances they acquired off-shore buying condos in Hawaii, et cetera, to avoid them being reabsorbed by the nation when there was a change in the administration and a rival family got into power. She fell in love, got married and ended up living with the young Nisga'a man for four years. He spoke longingly of united native nations that would opt out of B.C. entirely, but several forces colluded and produced a crisis. Canada racked by the financial demands of treaties renegotiated across the country, reduced subsidies drastically.

The Nisga'a nation having expanded quickly, was over-extended and things grew worse as border clashes increased with the discovery of oil and gas in the disputed territories. Resources, especially precious, as the nation paid no royalties to the Canadian or B.C. governments.

Her partner was voted out of office and went into a downward spiral personally. Eventually he asked her to leave and she moved with her children into an empty house. Her lawyer informed her that under Nisga'a law she had no right to any support or compensation. She received notice she was being terminated in her teaching position. Non-Nisga'a did not qualify for tenure. The Nisga'a administration building was blown up soon after. A group of disaffected, displaced, residents calling themselves Canadians Against Racism claimed responsibility. As a result, all whites on Nisga'a land were told their movements would be severely restricted. Given the sudden instability, the Nisga'a deal with the Japanese oil developers fell through. She took her children and headed north and east, perhaps to Ontario or Nunavut, where she'd heard that a non-aboriginal still had rights.

● (1330)

Though this story may appear to be fiction to many readers, the conditions making it possible have already been created within the Nisga'a treaty operating in concert with recent supreme court decisions. We can prevent such an outcome by replacing the Nisga'a treaty with one that allows compensation without segregation, settlement without disenfranchisement. Canadians must act on the courage of their convictions if they believe that an egalitarian, non-conflictual vision of Canada should exist.

Those were the words that were presented. This is a very troubling vision but also one that he points out could come into reality because the conditions necessary are now being put in place by the government.

I would like to close with two points of my own because I mentioned the Gitanyow being concerned about a conflict with land. When the all party committee held its meeting in Smithers members of the Bloc Quebecois stated to the Gitanyow that they were interested in supporting an amendment to the treaty which would take the disputed lands out of the treaty at this time and hold them apart. I have yet to see that amendment come forth from them.

The government has told us that the people of B.C. will have a vote. We have called for a referendum. Government members state that the residents of British Columbia will have a vote through B.C. members of parliament. B.C. members of parliament, represented largely by the Reform Party, in consultation with their constituents are voting against this treaty.

I hope the government will honour its own words and allow B.C. MPs to represent their constituents, recognize that it is a B.C. treaty and withdraw this legislation. At the very minimum the government should give them a vote. If it will not allow their MPs to direct the government then those people should be allowed to vote themselves. It is a troubling word to the party on the other side but that is democracy.

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, I am very pleased to rise in this debate. It has been distressing for me to hear government members talk about how strongly B.C. supports the bill. In fact I would not be here if that were the case.

What is even more distressing is that members do not speak for native Indian people as they claim. I would like to read into the record part of a paper presented by Wendy Lundberg at the Reform hearings in Vancouver last Friday. If I do not finish and people would like to know where to reference this paper, they can do so on the Internet at www.reform.ca/scott and click on the Nisga'a link there. The text of the hearings last week in Vancouver are in their entirety. I would like to add that my colleague from Cypress Hills—Grasslands quoted previously from this paper and I will continue. Miss Lundberg said:

Native leaders say that the federal government has a fiduciary responsibility to protect their interests and their rights, but in a treaty of collectivity, how are the rights of the individual going to be protected? As a native woman, as a status member of the Squamish Indian Band, I can tell you that individual rights will not be protected. I know, because as recently as June 1999, my individual rights were not protected by the federal government that allowed Squamish Band Council to falsely represent me and enter into an agreement under Bill C-49, the First Nations Land Management Act.

● (1335)

I was legislated even without a treaty on to the path of self-government, whether or not I wanted to be there. My rights and freedoms are supposed to be protected under the charter, but native women in Canada know even without the ratification of any treaty, that the charter does not apply to them. In fact, after the passing of Bill C-49, the Native Women's Association of Canada had to resort to the filing of a lawsuit to bring forward the total failure of the federal government to provide any protection for native women's property rights. These rights which are protected for non-native women in Canada include the rights to an equal division of property on marriage breakdown, inheritance and expropriation on reserve lands. The rights of all aboriginal peoples, including aboriginal women, are supposed to be protected by section 35 of the Constitution Act, 1982.

And the rights and freedoms of all Canadians, native and non-native, are supposed to be guaranteed equally to male and female persons under section 28 of the charter. Already, though, we have seen that this is just not the case. The individual rights of my mother, Nona Lockhart, a native woman born on reserve, have not been protected. In 1947 she was stripped of her native status and Squamish Band membership because she married a non-native man. This discriminating rule of the Indian Act did not apply to native men, who could marry whomever they pleased without punishment or loss of their identity.

When her father died, my mother could not even live in the house where she was raised or inherit his two properties on reserve lands, despite the existence of an Indian Affairs approved will. My mother was theoretically reinstated pursuant to Bill C-31 in 1988, but Squamish Band Council has not returned her property to her, thereby denying my mother her rightful inheritance.

While thousands of native women in Canada suffer similar injustices at the discretion of their own band councils, the federal government ignores its fiduciary responsibility to them. My mother is a Canadian citizen, she should be protected by section 28 of the charter, which guarantees rights and freedoms equally to men and women and by section 15 which says that every individual is equal before and under the law without discrimination based on race, ethnic origin or sex. And although my mother's story is documented in my testimony before the standing Senate committee on aboriginal peoples in a hearing in May 1999, the federal government still has not exercised its fiduciary responsibility to her and litigation is not an accessible option to native women.

In debates on Bill C-49, some female members of parliament, non-native women, whose rights are enshrined in the charter said that each native band would determine these issues in their communities, based on unique native cultures. History will show that in 1999, the Canadian government allowed the perpetuation of discrimination, alienation and injustice of native women under the guise of cultural freedom, unique rights and unique cultural identity. Clearly, treaties and self-government issues have personal significance to me.

And in preparation for debate with my own band, I have studied Nisga'a treaty documents, the most comprehensive being the agreements between Canada, British Columbia and the Nisga'a Nation. Although the Nisga'a constitution makes reference to the charter, it is the wording of the proviso: ''Bearing in mind the free and democratic nature of Nisga'a government'' under section 6(2), which is the most disconcerting to me. The Nisga'a treaty is not just about a northern territory of British Columbia, it's about the future of Canada as a whole, and how peoples and communities, native and non-native will co-exist. While the chiefs will argue that all treaties will be different and unique to each native band, ultimately it will be the same leaders who will have the

resources to protect their interests and take their cases to the courts seeking interpretation of the precedent setting words in the Nisga'a Treaty.

Native women, powerless, penniless and unable to access the courts for their individual rights will be at home, if they have a home, anxiously awaiting the court's decision. And I'd just like to add a couple of footnotes to that. The properties on reserve lands under claim by inheritance belonged to my grandfather, the legendary lacrosse goalie, Henry Hawkeye Baker, who was inducted into the Canadian Lacrosse Hall of Fame in 1966, and the B.C. Sports Hall of Fame in 1999. Hawkeye, a Squamish born native man, also played for Canada with honour, pride and dignity in the 1932 Olympic Games in Los Angeles, where the team won a bronze medal.

● (1340)

And my second footnote, I would like to say that my mother, Nona Lockhart, lives in Richmond, B.C. and is a constituent of the Secretary of State for Asia-Pacific. I would like to comment on something I saw on CPAC last week. It involved Question Period on November 22, 1999, and the Minister of Indian Affairs and Northern Development was commenting on the protest against the Nisga'a treaty in Vancouver last Friday. He said, and I quote from *Hansard*: ''Mr. Speaker, I just got back from visiting British Columbia on Friday, Saturday and Sunday. One of the things I noted was that Reformers tried their hardest. I have never seen them work so hard. In a huge metropolitan city like Vancouver they managed to get a whole 200 people out to say they were opposed to the Nisga'a deal.

When I was in the labour movement I could do that with one phone call and I would get 500 people out''. Well, I would like to suggest to the minister of Indian affairs that the reason there were so few native women out in Vancouver last Friday demonstrating their opposition to the treaty is because they did not know about the hearings taking place and they have probably not had the benefit of reading the treaty documents, and even if they did know about the hearings, they. . .could not afford even the bus fare to get there. The Native Women's Association of Canada receives nowhere near the amount of funding that the Assembly of First Nations does.

And lastly, I would also like to table to the committee and these proceedings a copy of a letter dated November 1, 1999, that I received from the Secretary of State for the Status of Women, in which she acknowledges the legislative gap of native women's property rights, and in which she supports the government's position and belief that native women's rights will be addressed by First Nations communities. In other words, her acknowledgement that her rights as a non-native Canadian woman are protected and guaranteed under the charter, while I, my aunt and other native women have to fight for our rights. And I would just like to table that document to this hearing please. Thank you—

Then in a footnote she said:

I would say that the ministers and the government are totally ignoring the issues. They are not listening to the grassroots people and they are not exercising their fiduciary responsibility to us. They only speak and deal with the chiefs and councils, and I have documented in black and white. . .many of the problems and issues that we face. I am not making problems come out of the air. These are evidentiary matters documented and presented to the government and still they ignore the native women and the grassroots members.

This paper was presented by Wendy Lundberg last Friday, a native Indian woman and member of the Squamish band.

Mr. David Chatters (Athabasca, Ref.): Mr. Speaker, I am pleased to rise today to join in this debate. Primarily this morning and this afternoon speakers from our side have been from British Columbia, and rightly so. The Nisga'a agreement is first and foremost of concern to British Columbians but that is not exclusive.

Some two years ago the former minister of Indian affairs landed in my riding and reopened one of the traditional treaties, Treaty No. 8, for renegotiation and what is termed modernization of the treaty. The Nisga'a agreement gives us a glimpse of what the government's concept of a modern day treaty will be and entrenches that concept in the constitution of Canada.

I think that my constituents and those in other parts of Canada should pay attention and have a vested interest because the whole movement to entrench self-government in modern day treaties will at some point in time affect them just as it is now affecting British Columbia. On that basis I am pleased to raise my concerns on the Nisga'a deal.

In a Supreme Court of Canada decision in the Lord Elgin Hotel case the court says that the constitution of Canada does not belong to parliament. Nor does it belong to the provincial legislatures. It belongs to the people of Canada. What we are talking about here is modifying the constitution without due consideration by all involved members.

● (1345)

This is primarily a constitutional change by the government without due consideration for the others involved, namely the Nisga'a people, British Columbians and Canadians. I do not believe that this piece of legislation acts in the best interests of any of the involved parties. Although it claims to present the Nisga'a with greater freedoms, it will in fact entrench greater controls on their society as a whole.

The legislation will act as a template for up to 50 other treaty negotiations within British Columbia. As I said, after British Columbia it may very well be the template for modernizing the traditional treaties that have existing for 100 years in this country.

To ignore the needs of the Nisga'a could result in numerous other treaties that drastically diminish the rights of other bands across the country. For the sake of the Nisga'a and for other bands who entering into negotiations, this cannot happen. It behoves us to get this first treaty right so that it deals fairly with everybody involved.

Currently within the Nisga'a final agreement, the rights of the Nisga'a people granted under the Canadian Charter of Rights and Freedoms may be substantially diminished. I would refer the House to the fact that the treaty grants supreme legislative authority in at least 14 areas, so parliament or the provincial legislature cannot ever override Nisga'a law in these areas. Quite frankly, that makes me nervous and should make others in this country nervous.

As well, section 3 of the treaty expressly states that the entire agreement, including the self-government powers that I just mentioned, are to be defined as aboriginal and treaty rights within the

meaning of section 35 of the constitution. As our critic pointed out this morning, that is one of the major concerns we have with this treaty.

Section 25 of the constitution requires courts to give higher weighting to these section 35 aboriginal rights, which are of course collective rights over their charter rights. What this means in simple terms is that the collective rights of the Nisga'a government, including its vast legislative powers, can most definitely be used to overpower the individual charter rights of rank and file Nisga'a members.

Ideally, such a situation would never be of concern, and we want to believe that the individual rights of Nisga'a people will never be in jeopardy or compromised, but is it really wise to pass legislation that is based on the mere assumption of fair treatment. History would say otherwise.

Can the government absolutely guarantee that at no time in the future will the individual rights of members of the Nisga'a band come into conflict with the collective rights of the Nisga'a government. I do not believe that such a promise can possibly be made and, because of this, section 3 of Bill C-9 must not go forward in its present form. The rights of present and future Nisga'a are far too important to disregard them on a wish and a prayer.

If this treaty is enacted, effectively a third level of government will be formed that is created exclusively along ethnic lines. It seems to me that this is another dangerous precedent that this legislation will set. The Nisga'a government will hold absolute control in 14 areas and share jurisdiction in 16 fields. Because these powers will be entrenched in a treaty, it will amount to a third order of government in Canada.

Members from other parties in the House have claimed that the Nisga'a government would be municipal in nature and that it conforms to the constitution. In at least 14 specific areas of the treaty, the treaty reads ''in the event of an inconsistency or conflict between a Nisga'a law under this paragraph and a federal or provincial law, the Nisga'a law prevails to the extent of the inconsistency or conflict''.

When this ruling applies to areas such as health services, chapter 11, paragraph 84, page 174 of the agreement; child and family services, chapter 11, paragraph 89, page 174; and adoption, chapter 11, paragraph 96, page 175, the ramifications are staggering. It is obvious that under these arrangements the federal and provincial governments are proposing to permanently cede legislative authority. No municipal government in this country has the powers that even approach the levels of the Nisga'a government.

The creation of a third order of government also raises constitutional questions, for what this treaty proposes is to amend the constitution without due process or regard.

Section 91 and 92 of our constitution thoroughly divides legislative powers in Canada between the federal and provincial governments. Without amending the constitution, the federal government and B.C. do not have the right to cede legislative authority to the Nisga'a government. In order to amend the constitution, a referendum would automatically occur in British Columbia which, as we have heard, has not happened and will not likely happen.

● (1350)

I mentioned at the beginning of my comments that our constitution does not belong to parliament or the law makers. It belongs to the people of Canada. Only with the consent of Canadians can legislative authority be changed or ceded. However, the government is completely ignoring the constitution in its rush to approve this treaty. In doing so, it is doing a great disservice to all Canadians.

Until this point in my comments, I have focused primarily on how Bill C-9 is an irresponsible piece of legislation due to how it will impact on the Nisga'a people. However, Canada is an interconnected nation and what affects one group of people inevitably and strongly impacts on us all.

The reality is that in its present state, the Nisga'a treaty will grant the Nisga'a band collective ownership of 1,992 square kilometres of land in the Nass Valley. An additional 10,000 square kilometre area is designated as the Nisga'a wildlife management area, and access by forestry and mining concerns to this area may be seriously restricted or cut off. The Nisga'a will also be granted a priority commercial fishing allocation on the Nass River. If future negotiations take the same path as the Nisga'a treaty, it could result in 50 or more governments in British Columbia. This is an area that would also transfer certainly with concerns to my part of Canada, the northern part of Alberta, and how such an agreement would impact on the provincial ownership and management of resources.

In recent weeks, months and years efforts have been made by the aboriginal groups in my area to gain exactly this same kind of control over what they term as traditional territory and will have huge impacts on natural resource management and development in that area.

This lack of consistency that we see in this particular section in how the province is governed will have ramifications for economic development not only in British Columbia but also in Alberta and other provinces in Canada. Long term development of natural resources may be impeded, causing long range impacts that will affect all British Columbians and Canadians from coast to coast in the country.

Canadians as a whole also face serious impacts should this treaty go through as it presently exists. The federal government has estimated the total cost of the Nisga'a deal at around $490 million. This includes $312 million in cash costs and $178 million in land

and other costs. In addition, the Nisga'a government will receive $32.1 million annually in perpetuity under the deal. These are federal figures but, as we have seen time and time again in the House, the real figures are generally much higher. Many experts estimate that the cost will be much higher and possibly well over $1 billion.

I have several more points to make but I will have other opportunities in other groupings of amendments and I will continue my comments at that point.

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, I wish to comment pretty well exclusively on what other people have said about the Nisga'a treaty. Some people have said ''The only people who are opposed to this treaty are people in the Reform Party''. I want to make it abundantly clear that that is not so.

I want to refer to two major documents. The first one has to do with the transcript of the record of the presentations that were made to the committee in Vancouver last Friday. I also want to refer to one of the senior columnists with the *National Post* and then refer further again to one of the transcripts from the committee in Vancouver.

I will begin by referring to the comments that were made by Mr. Plant who accompanied Mr. deJong, the MLA from the British Columbia legislature. He reviewed very briefly the three arguments that were presented in the court case that the opposition in British Columbia has given to the courts. Here are the three arguments to why the Nisga'a final agreement is unconstitutional. First, that it is not open to the federal and provincial governments within the existing constitution of Canada to create a new freestanding third order of government. The question is: Does the government even have the authority to do that?

• (1355)

Second, that it is not open to the federal and provincial governments by negotiation with the Nisga'a or in any other way short of a constitutional amendment to confer upon a new order of government paramount legislative power. This is what the Nisga'a treaty does in at least 14 areas.

Third, that the Nisga'a final agreement violates the charter because it denies non-Nisga'a the right to vote for a government which will have the power to make decisions that affect their lives. As the House knows, the charter guarantees every citizen of Canada the right to vote. That is being denied to the people of Canada.

Those are the three arguments that have been presented to the court that is currently examining this particular treaty.

I will refer to an article in *The National Post* dated November 20. It was written by Diane Francis. The headline reads ''Land claims will be the next big crisis: Political correctness is costing Canadians a bundle.'' The article states:

> This country's next crisis will be about aboriginal claims.
>
> Already, aboriginals have taken the law into their hands and seized private property belonging to others involved in the fishing and forestry sectors. These actions should be met with the full force of the law, in my opinion, and have nothing to do with promises by the British Crown decades ago that aboriginals could fish the waters and hunt in the forests they traditionally used only for their own consumption. Anything more than subsistence rights may be upheld by some courts but these decisions should be immediately struck down with new legislation limiting aboriginal claims.
>
> But we ain't seen nothin' yet.
>
> A precedent-setting treaty in British Columbia negotiated by the feds and province behind closed doors is about to become law. The NDP in B.C. has approved it already and the Liberals want to ram it through by Christmas. The treaty gives the Nisga'a band some 2,000 square kilometres of land, $253 million in cash and self-government powers.

And that is just the beginning.

> That is a handout of $101,200 in tax dollars to every one of the 2,500 members of the band and title to a land mass just slightly smaller than the country of Luxembourg.
>
> Not only does this constitute a hideous giveaway—

The Speaker: My colleague, I think this would be a good place to break up the speech. The hon. member still has six minutes left and he will have the floor when we resume on this matter.

As it is almost 2 p.m., we will go to Statements by Members.

STATEMENTS BY MEMBERS

[*English*]

EDMONTON BALL HOCKEY

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, today I rise to pay tribute to a championship ball hockey team. The team members epitomize determination, good character, perseverance and exemplify the best of team effort.

The team members grew up in Edmonton's inner city. They faced poverty's challenges straight on. They have practised together at sport, not crime, and brought honour to the community of McCauley with their championship win.

They won the right to take great pride in their achievements. They won the respect and admiration of their community's youth

which is so very important to encourage the young away from inner city ills. They have become inner city role models.

They won the right to represent McCauley in the January Florida World Championship. Unfortunately, they won the right and not the funds.

Hats off to Raeo Dempsey and the boys of the Skidrow Dog'z for a job well done. First rate, I say. Edmonton, truly the city of champions.

* * *

JUDSON SIMPSON

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, I bring to the attention of the House the recent honour bestowed upon the executive chef of the House of Commons, Mr. Judson Simpson.

Last week he was appointed to the position of manager for the Culinary Team Canada, which will compete in the Culinary Olympics in 2004 in Berlin. Mr. Simpson was part of a team from Toronto which won gold in the 1988 culinary olympics.

• (1400)

Over the next year he will travel the country to put together a team of 10, which will represent the culinary excellence and variety of Canada. Canadian teams have captured overall gold in 1984 and 1992 and ranked in the top five since 1984. I am sure Mr. Simpson and his team will live up to this high honour and make us all proud.

I ask all my colleagues in the House to join with me in wishing Mr. Simpson the best of luck and congratulating him on receiving this great honour.

* * *

[*Translation*]

INTERNATIONAL YEAR OF OLDER PERSONS

Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.): Mr. Speaker, as the International Year of Older Persons draws to a close, I would like to pay tribute to the seniors in my riding who have become involved through their organizations, some thirty of them, in activities I have proposed for them.

Our program concluded with a round table where our seniors prepared the following message. First, they consider themselves and want to be considered full fledged citizens, with all the ensuing rights, obligations and responsibilities.

While they are not a homogenous group, seniors demand respect first and foremost. This means access to quality, humane and appropriate health care, a contribution to society, the opportunity to live among family and friends so long as their health permits, access to appropriate social, cultural and physical activities, reasonable incomes and information on services available. They also want the attention they deserve from the next generations.

In short, seniors are now looking for quality of life and not just an extension of it. On the other side of the coin, the government has a responsibility to make the means available and, in particular, to support those of our seniors who are most vulnerable.

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WORLD AIDS DAY

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, yesterday on the occasion of World AIDS Day, the Government of Canada announced $50 million in aid to fight AIDS and HIV in Africa. This money will be paid out in amounts of $10 million annually over five years.

In some African countries, AIDS has already killed half the labour force. Over 11 million Africans have died, and over 22 million adults and children are infected with the disease.

In addition to what it is doing here in Canada through research and development, the Government of Canada intends to play its role fully internationally through CIDA. In this regard, it will be hosting an international conference on HIV and AIDS in 2000.

* * *

[*English*]

AGRICULTURE

Mr. Rick Casson (Lethbridge, Ref.): Mr. Speaker, the government has promised over and over that it will make the reduction of international agricultural subsidies a top priority. For six years farmers have been waiting for the government to act and nothing has happened. Even if subsidies are reduced by the WTO, and it is a real possibility that they will not be, it will take years before the result is felt at the family farm.

Time has run out. Farmers need a government prepared for what is happening today, not 10 years from now. The Prime Minister must immediately lead a Team Canada trade mission to the U.S. and European Union to demand an end to their protectionist agricultural policies that are contrary to the letter and spirit of the international free trade agreements and are killing our farmers.

The government is relying on a risky, long term plan with no guarantee of success to address immediate problems and our farmers are paying the price.

The government has let Canadian farmers down far too often. The bleeding must stop before our farmers are bled dry.

S. O. 31

STRATFORD FESTIVAL

Mr. John Richardson (Perth—Middlesex, Lib.): Mr. Speaker, it is my honour to rise in the House today to pay tribute to one of Canada's cultural cornerstones, the Stratford Festival. Now ranked among the great classical theatres like the Royal Shakespearean Company, the Stratford Festival has clearly become one of Canada's premier theatrical centres. What started out as a small theatre festival in 1953 is now responsible for a full 12% of southwestern Ontario tourism, drawing over 590,000 visitors this year alone.

This remarkable festival contributes over $185 million in economic benefit to the province of Ontario, generates $71 million in tax revenues and creates over 6,000 jobs for the regional economy. The Stratford Festival is beyond any doubt an economic and cultural powerhouse for the whole of Canada.

I would like to congratulate the festival staff for their hard work and to wish them continued success in the new millennium.

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[*Translation*]

REFERENDUMS

Mr. Paul Mercier (Terrebonne—Blainville, BQ): Mr. Speaker, for several days now, the Prime Minister has taken a veritable delight in quoting from the bylaws of organizations such as the CSN or the constitutions of political parties such as the Reform Party. With respect, we would like to remind the Prime Minister that there is a big difference between the constitution of a government and the constitution of an organization or a company, such as the Grand-Mère golf club, to take an example. Perhaps he did not know this.

• (1405)

The Prime Minister should know, and if he does not, we are reminding him, that the only justification for departing from the 50% plus one rule is when the vote is by elected representatives of the public, rather than the public itself.

When the public is consulted, here as elsewhere, the rule of 50% plus one applies. That is democracy.

* * *

[*English*]

CULTURE

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, I recently had the opportunity to see the new English Translation of Governor General award winner Michel Tremblay's play, ''For the Pleasure of Seeing Her Again'', at the National Arts Centres.

This production represents the first collaboration between the Canadian Stage Company of Ontario and the Centaur Theatre Company of Quebec, to produce a truly national tour.

Directed by Montreal's Gordon McCall, starring Vancouver's Nicola Cavendish, and Parkdale—High Park's Dennis O'Connor, this Canadian masterpiece speaks of the relationship between a mother and her son and the nurturing of that relationship through the good times and trying times. This play focuses on who we are and what influences contribute to the formation of our identity as individuals and as Canadians.

The Ottawa portion of the tour winds up on December 4 and will then move on to Vancouver, Toronto and Montreal. I encourage everyone to see this uniquely Canadian production and experience the wonder of Michel Tremblay.

* * *

HIGHER EDUCATION

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, almost all the provinces have raised college and university tuition fees in recent years. Some provinces have greatly increased those fees. This is one of the causes of student debt. Tuition fees have now become so high that they are a serious barrier to students from lower income families.

I realize that the federal government has taken some steps to alleviate this, for example, the millennium scholarships and improvements to the Canada student loans program. But I believe that much more must be done. We cannot stand by while provinces such as Ontario place barriers between Canadian children and a good education. We need to harness every ounce of talent in Canada and our children deserve every opportunity.

I urge the government to give even more priority to the growing problem of limited access to higher education.

* * *

FINANCE

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, he steps up to the contestant's chair. It is the finance minister. Who wants to be a billionaire? ''I do'', said the finance minister.

Is it (a) grab the money from taxpayers using bracket creep for $40 billion? Is it (b) grab the money from the civil servants getting $30 billion from their pension fund? Is it (c) grab the money from the EI fund getting a cool $26 billion or so? Is it (d) all of the above?

The finance minister holds his glasses in his hand, thinks and says, ''(d) all of the above''. Is that your final answer? ''Yes.'' says the finance minister, ''It's my final answer''.

He wins. He grabs it all, billions and billions taken from Canada's poor, beleaguered taxpayers. The finance minister walks away from the podium, a slight glint in his eyes. He has billions of

dollars to spend any way he wants. The only problem is he does not realize he has killed all of his lifelines.

* * *

VIOLENCE AGAINST WOMEN

Mr. Reg Alcock (Winnipeg South, Lib.): Mr. Speaker, there are watershed events in the history of every nation, events that both challenge and build national character. December 6, 1989, was the date of such an event for Canadians, the tragic killing of 14 young women at L'École polytechnique in Montreal.

It was an unparalleled act of violence, terrible to contemplate and difficult to comprehend. It shocked the nation and burned its way into the hearts and minds of Canadian women and men. It was the turning point, a wake up call. The silence on violence against women was forever broken and the pervasive scope of the problem revealed.

The public will to change our social environment was galvanized. On Monday, women, men and children across Canada will join together on this national day of remembrance on action against violence against women. It is a day for sober reflection and a day to renew our commitment to ending violence.

The government stands with our partners in civil society and individual Canadians across the country in pledging ourselves to ending violence against women.

* * *

DISABILITY TAX CREDIT

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, the Minister of Finance is on record as saying Canadians with disabilities must rank very high on everybody's priority list. However, he sets policy on the disability tax credit, which is so narrowly defined that persons with schizophrenia do not qualify, even though 1 in 100 Canadian families have a member with schizophrenia.

Furthermore, a doctor has told me that patients with cystic fibrosis, who spend a good deal of their day just trying to breathe, are also disabled from the current policy.

Hundreds of thousands of Canadians with disabilities who desperately need financial support to deal with the crushing costs which stem from their disabilities find it easier to get through the eye of a needle than to get help from the government. If the minister is truly committed to assisting disabled people to become fully functional citizens, he must broaden his rules around the disability tax credits and the medical and the infirm dependent tax credits so that they will provide real refundable benefits for all disabled Canadians.

• (1410)

[*Translation*]

QUEBEC'S ANGLOPHONE COMMUNITY

Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ): Mr. Speaker, it is downright shocking the way certain Liberal members from Quebec in this House never miss an opportunity to run down the services available to Quebec's anglophone community, when they know very well that these services are in fact far superior to anything available to francophone and Acadian communities in Canada.

The Government of Quebec decided to go it alone with respect to funding health and social services in English for the anglophone community, and accordingly terminated an agreement with Canada. The Government of Quebec announced that it was making no changes to existing programs and budgets.

What was disgraceful yesterday was not the behaviour of the Government of Quebec, but the cries of indignation from the member for Notre-Dame-de-Grâce—Lachine.

* * *

JOB CREATION

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, thanks to the Canada Jobs Fund, more than 80 jobs will be created in six businesses in the riding of Rimouski—Mitis with projects totalling $720,000. There are apparently four more projects being examined, representing over $250,000 in funding and 30 more jobs.

In order for a project to qualify for this funding from Human Resources Development Canada, it must create a minimum of three sustainable full time jobs lasting at least six months of the year.

This is a concrete initiative of the Canadian government to encourage regional development and job creation, even in ridings represented by members of the opposition.

* * *

CHILD LABOUR

Ms. Diane St-Jacques (Shefford, PC): Mr. Speaker, the ministers of 135 countries have been meeting in Seattle to prepare the agenda for the next round of negotiations of the World Trade Organization.

The Canadian Minister of International Trade has already indicated that the meeting would be addressing a number of controversial issues. In his exchanges with his counterparts from other countries, I would encourage the minister to keep in mind the child workers of the world.

According to the International Labour Organization, there are close to 250 million children between the ages of 5 and 14 working

today, half of these full time. It is unacceptable that some of the goods involved in commercial exchanges are produced by children.

I call upon the federal government to ensure that this issue is indeed on the agenda of the next round of WTO negotiations.

* * *

[*English*]

FIREARMS CONTROL

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, December marks the first anniversary of the Liberal government's firearms control program, a new system already paying dividends for public safety.

Last year 462 firearms licences were revoked for public safety reasons and 578 license applications were refused by provincial chief firearms officers.

The government is getting guns out of the hands of people who should not have them. In west Quebec a number of valid firearms license holders were linked to local police records for domestic violence. Provincial authorities were notified and licences were revoked.

This is one example that demonstrates the efficacy and importance of the registration system. It also makes me wonder, if the members opposite refuse to face the facts and prevent crime, are there grounds for a united alternative? Maybe the PCs and Reform can join the flat earth society together.

* * *

HEALTH

Mr. Cliff Breitkreuz (Yellowhead, Ref.): Mr. Speaker, last week the health minister brought American Hollywood to the Canadian House of Commons.

After watching the movie *The Insider*, the health minister became star struck. The minister hired American Jeffrey Wigand whose life the movie is based on. Let us review Mr. Wigand's resume: refused to pay child support; a huge arsenal of handguns, gun powder and ammunition; charged with spousal abuse.

Why does the health minister have a double standard when it comes to gun owners? The health minister hired an American with enough artillery to stand an army when Canadians farmers and hunters are made criminals for legally owning shotguns and 22s.

The health minister has euthanized our health system by slashing $21 billion from medicare. Has the minister hired Dr. Jack Kevorkian as a special adviser as well?

● (1415)

Instead of hiring Hollywood stars to fix his tattered and torn image, the health minister should allow the Alberta government to restore the shambles largely caused by the Liberal government.

ORAL QUESTION PERIOD

[*English*]

TAXATION

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, according to Mary in Halifax the government is forcing her small business to pay $869 in GST quarterly tax payments for business she has not been paid for yet. Who is the creditor? None other than the federal government.

This is standard Revenue Canada policy set by the finance minister. Could he explain to Mary why he is forcing her to pay taxes on income she has not yet received?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, under most income tax regimes one pays tax on an instalment basis which anticipates income that comes in. This is pretty standard practice in all tax jurisdictions in the country and throughout most of the western world.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, the minister completely misunderstands so I will say it again. This is money that Mary has not yet received. They are receivables. Very interestingly a lot of the money that she is owed is owed by the federal government.

My question is again for the minister. The situation is that Mary has a small business and is being forced to pay GST on income she has not yet received. This is standard practice by the federal government. Mary is in a tax crunch right now. Will the minister quit this unfair practice of taxing Canadians for income they have not yet received?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, quite obviously I do not have the details of this case. As I have explained to the hon. member, the fact is that businesses pay tax on the instalment basis. I am very interested in Mary's case and would be delighted to look into it.

I am also interested in Doreen and all the other people whom the hon. member raised last week. The real issue they would like to know is why Reform members are standing in the House and talking about cutting taxes when their own party program said they would not have cut taxes until January of next year.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, I wish the minister would get control of himself and take the issue seriously. It is a serious issue.

This is one business in hundreds of thousands. It is not just an isolated case. All businesses in Canada are in the same boat. They are forced to pay taxes on income they have not yet received.

The minister does not have to wait for a letter from me. He simply has to consult with his own officials. He knows very well this is the case.

My question is straightforward. Does the minister think it is fair that Canadians should have to pay taxes on income they have not yet received?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I made it very clear. Businesses pay tax on the instalment basis, but I would be delighted to look into that issue along with the Minister of National Revenue.

The real question is: Do members of the Reform Party think it is fair that they would have delayed any tax reductions for three years after we had eliminated the deficit?

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, the government's high tax policies are not only driving talent south. They are driving jobs south as well. Executives fed up with their tax bills are taking entire departments or companies with them.

Canada is sitting next to the biggest industrial country in the world, which also happens to have a much lower tax rate. Yet the government keeps on hiking taxes. Why is it the policy of the finance minister to drive Canadian jobs south of the border?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, not only is that not our policy but, if we take a look at what our policies have done since we have taken office, there have been 1.7 million new jobs created in the country, 700,000 jobs created in the last year alone.

When we look at all the projections that came out this week in terms of the increase in our gross domestic product, in terms of job creation and in terms of business profits, it is very clear that the Canadian economy is firing on all cylinders. We now have the best record of any of the major industrial countries. Those are the facts.

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, what is perfectly clear is that the government's policies are causing this great country to become a farm team supplying talent to the United States.

● (1420)

Young professionals are leaving Canada to find work in the United States with American companies. The Prime Minister says good riddance to them if they do not like to pay taxes in Canada.

Can the finance minister not see the long term harm his policies are causing for Canada and Canadians?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, Canadians are entitled to more enlightened debate in the House than the Reform Party is prepared to put out.

The fact is that the Reform Party's program would not have cut taxes until the year 2000. The Reform Party would not have cut EI premiums for workers. The real fact of the matter is that the Reform Party would not have eliminated the deficit until the year 2000.

We did it two years earlier than it would have. It would not have cut taxes until the year 2000. We began to do it two and a half years before it would have. The real problem with the Reform Party is that it has—

The Speaker: The hon. Leader of the Bloc Quebecois.

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[*Translation*]

REFERENDUMS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, we learned this morning in the *National Post* that the bill the Prime Minister is preparing in order to oversee the next referendum in Quebec is apparently totally biased.

The federal government, it seems, is preparing legislation to suit itself in order to make its own interpretation of the referendum result legal.

How can the Prime Minister think that anyone will put their faith in his interpretation of the next referendum when they know that, throughout his career, he has continually attacked Quebec, even going so far as to deny the existence of the Quebec people?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the government intends to introduce an initiative in the House of Commons, and it is the House of Commons that will reach a decision. All members will have the opportunity to speak out.

Once again, however, I would prefer not to have to introduce a bill or a resolution, because, again yesterday, Mario Dumont said that Mr. Bouchard should accept the proposal I made Sunday that we stop talking referendums, as 72% of Quebecers do not want one. If they do not want to listen to me, let them listen to Mario Dumont at least.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, by rejecting the democratic rule of 50% plus one and by refusing to set another, because there is none set apparently, is the Prime Minister not in the process of telling us ahead of time that, whatever the outcome of the next referendum, it will never be enough to satisfy this Prime Minister?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, on the contrary. I am saying that they must be very clear with the people: ask a question on the separation of Quebec, the desire to form an independent country and no longer be a province of Canada. That is the plan.

They are uncomfortable about telling Quebecers the truth, while I want them to know exactly what is involved.

If the vast majority of Quebecers support separation, if there is a broad consensus, then I would recognize it, but not at 50% plus one. We have to be reasonable.

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YOUNG OFFENDERS ACT

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the strongest proof that the Prime Minister does not have Quebec's interests at heart is his handling of the issue of young offenders.

The National Assembly of Quebec, in a unanimous motion, and all of those in Quebec who work with youth, are calling on the federal government to backtrack but it is turning a deaf ear.

My question is for the Prime Minister. If the distinct society resolution the Prime Minister keeps throwing in our face so often in the House meant anything for Quebec, would the government not respond positively and immediately to the national assembly's unanimous motion?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, it is indeed very important to have a flexible federation, capable of taking into account the interests of all provinces, including Quebec as a society with its own unique character.

That is why the minister is completely open to the desired flexibility in her bill.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, unfortunately, the Prime Minister's handling of the issue of young offenders shows once again how he is ignoring the consensus of Quebec in order to keep the rest of Canada happy. This is not surprising—he has been doing it for 35 years.

When all is said and done, is the Prime Minister's tack not to introduce legislation with respect to the rules of the referendum that will be to the liking of the rest of Canada, just as he intends to jeopardize the distinct way in which Quebec enforces the Young Offenders Act, once again to keep the rest of Canada happy, at the expense of Quebec?

● (1425)

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I am sure that somewhere there are Bloc Quebecois members capable of seeing the big picture.

We are trying to improve the situation of young offenders in Canada with legislation that will be flexible enough to serve everyone's interests.

On a completely different note, as a Quebecer, I say that we are just as Canadian as other Canadians and that we cannot break up our country because of an unclear procedure that would force us to answer an unclear question, that would take us somewhere we do not want to go.

That is something Bloc Quebecois members have to understand, because the interests of Quebecers are at stake.

* * *

[*English*]

WORLD TRADE ORGANIZATION

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, based on the NAFTA experience it is no wonder Canadians are uneasy about the government actually getting enforceable labour and environmental commitments at the WTO.

Enforcement provisions of NAFTA do not apply to labour standards or to the environment, and the Prime Minister knows that. In fact labour and the environment are not even in the agreement. They are relegated to side deals that have no teeth.

Why should Canadians expect that the government would seek at the WTO what it has abandoned in NAFTA?

Mr. Bob Speller (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, the hon. member should know, if she has read the standing committee report in this regard, that the standing committee wanted the federal government to make sure there was more co-operation between the WTO and the International Labour Organization and, in terms of the environment, to make sure that environmental standards were high on our list.

The Government of Canada has certainly done that. It has brought forward these issues and has supported the idea at the WTO that there be a working group on labour so that we can talk about these issues and make them a priority in the WTO.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, at the WTO the government has been weak-kneed wimps. Yesterday the Prime Minister told the House that they insisted before they agreed to NAFTA that labour and environment conditions be in the agreement. This is dead wrong.

There are no labour and environmental standards in NAFTA, even to this day. It is the difference between enforcement and no enforcement, the difference between teeth and no teeth. When it comes to labour and the environment why does the PM think only of PR?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the parliamentary secretary gave a very good answer. We are

very preoccupied with the environment, labour conditions and so on. It is a wide negotiation.

I know the hon. leader of the New Democratic Party is not weak-kneed at all. Yesterday she took eight days to have a position on the big question on the referendum.

Yesterday she made a big statement, not in the House, in which she claimed that all New Democratic Party governments were on her side in that regard. Perhaps she should call Manitoba and Saskatchewan before getting up next time.

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[*Translation*]

EDUCATION

Mr. Jean Dubé (Madawaska—Restigouche, PC): Mr. Speaker, since 1992 there has been a 44% reduction in transfer payments to the provinces for post-secondary education. The student debtload has increased 130% since 1982 and tuition fees have gone up 126%.

Can the minister tell us when post-secondary education is going to be accessible to all Canadians, rich and poor?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the hon. member must be aware that in the 1998 budget, the opportunities budget, the government spent in excess of $7 billion to guarantee access to knowledge, including the millennium scholarships, the 17% credit on student loans, and the $3,000 grant to single parents to enable them to go back to school.

It is our intention in future budgets to assist students, to assist—

The Speaker: The hon. member for Madawaska—Restigouche.

[*English*]

Mr. Jean Dubé (Madawaska—Restigouche, PC): Mr. Speaker, young Canadians often find themselves in a catch-22 situation at the beginning of their careers with no experience, no jobs; no jobs, no experience.

• (1430)

Older Canadians could be in the same position at the end of their careers if they have not kept up with new technologies. We cannot stress enough the importance of having training available for both groups. The average monthly number of beneficiaries for training fell from 68,000 in 1995 to 31,000 in 1999.

Can the minister tell us why this is happening, doing less for youth and doing less for older workers?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, it is quite the opposite. What we understand on this side is that when it comes to ensuring that Canadians have jobs, it takes more than just employment insurance benefits.

That is why we are investing in Youth Service Canada. That is why we are investing in youth internships. That is why we are investing in the permanent youth employment strategy and the Canada opportunities strategy. That is why we have an agreement with the provinces to focus on the issues facing older workers.

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NATIONAL UNITY

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, this morning the Reform Party once again laid out clear rules for any future referendum and the consequences of a yes vote. We also laid out a clear and comprehensive plan to make the federation work better on behalf of all Canadians.

Some hon. members: Oh, oh.

The Speaker: Order, please.

Mr. Chuck Strahl: Mr. Speaker, the Reform Party laid out a clear plan for a referendum and the consequences of a yes vote, but we also laid out a clear and comprehensive plan to make the federation work better on behalf of all Canadians. We believe the government should be spending more of its time and more of its energy on more creativity and positive solutions that would make the federation work better on behalf of all Canadians.

This morning we once again put forward a clear, comprehensive plan which we think would make Canada work better. We have tabled our plan. Would the Prime Minister table his?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I smile today when I see the Reform Party. Last week they were giving me hell because I stood for Canada. After that they saw a poll in western Canada, and suddenly there was a big flip-flop. How can we take them seriously?

Of course we will have a plan, but at least our plan has been studied. We are moving and there are a lot of people coming on side. For example, a great parliamentarian in St. John's, Newfoundland, John Crosbie, said ''I agree entirely with Jean Chrétien''.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, I am not sure what he said, but I am quite sure that he did not bring any clarity to the question, which is what we are trying to get at today.

Again today the Prime Minister says that he does not know what a clear question should be on a referendum. He does not know what a clear majority should be. He is not too sure about the timing of any future legislation. If he is trying to bring clarity to the situation, the Prime Minister is doing a very poor job.

If he wants to bring forward something called, say, a new Canada act, something to make Canada work better, I can send him a copy. It is available any time.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have been working since 1993. In our red book we said that the best way to have the federation working well is to have good government, government that deals with the problems of all citizens. We have balanced the books. We are cutting taxes. We are putting money toward research and development, for innovation, for medical research. We have given money to the students. Now we are working on a children's agenda. This is the type of government and programs that the people of Canada are looking for, not a phony program like the one of the Reform Party.

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[*Translation*]

AIR TRANSPORTATION INDUSTRY

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, up until August 13, when the Minister of Transport made a commitment to the Onex bid to acquire Canadian International Airlines and Air Canada, InterCanadian was completely profitable. Since that time, there has been a dramatic 20% drop in reservations with InterCanadian.

Is the minister not demonstrating a considerable lack of knowledge of the issues when he tells this House that InterCanadian's difficulties are linked to its acquisition of Air Atlantic?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, I believe the hon. member is in error in his question when he refers to the profitability of InterCanadian.

The Government of Canada is, however, keeping close tabs on the InterCanadian situation, and we are aware that the company is trying to make arrangements with its creditors, which might enable it to resume operations next week.

• (1435)

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, since the problems of InterCanadian are directly related to his mishandling of the Onex bid to acquire Air Canada and Canadian Airlines, does the Minister of Transport not have a responsibility to step in now in order to save the 900 jobs his incompetence has jeopardized?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, what I find amusing in all of this, is that the Bloc Quebecois has been systematically against any form of assistance to Canadian Airlines right from the start, but now this same party is demanding that the government step in to deal with the InterCanadian situation. This is a ridiculous state of affairs.

* * *

[*English*]

TRADE

Mr. Rick Casson (Lethbridge, Ref.): Mr. Speaker, instead of going to bat for our beleaguered Canadian farmers, the international trade minister, to the applause of the Prime Minister, is now spending his time chairing the working group on developing countries. Other countries have made it crystal clear that the reduction of agricultural subsidies is their primary goal and are insisting that they be on the table. Instead of the trade minister spending his time promoting his personal agenda, why is the Prime Minister not insisting that he show some intestinal fortitude and fight for our farmers?

Mr. Bob Speller (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, it is somewhat surprising that the hon. member's question is inconsistent with his party's position. How can he on the one hand say that the Government of Canada should be giving more aid to western Canadian farmers when on the other hand his party is asking us to let go of all the barriers that protect some of the farmers in eastern Canada?

This party stands for all Canadian farmers and we will continue to do that around the international trade table.

Mr. Rick Casson (Lethbridge, Ref.): Mr. Speaker, that party's aid package to western Canadian farmers is working so well that its agriculture minister said he would have 100% of the money to Canadian farmers by Christmas, but only 17% of that money has been delivered. Canadian farmers in western Canada are hurting, and they are hurting bad. That kind of answer is irresponsible. Where is the Prime Minister when my question was directed to him?

Other countries have made it crystal clear that they are going to stand for their farmers. Why is our trade minister not doing it for our guys?

Mr. Bob Speller (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, the Canadian government and the Minister for International Trade are in the forefront on this issue in trying to get the Europeans and the Americans to get rid of their export subsidies. It is those export subsidies which are hurting Canadian farmers.

Why is it that his party is the only party not supporting the united front of all farmers across this country which supports the position of the Canadian government at the WTO? Why is his party the only party not supporting that united front?

[*Translation*]

MINISTER OF INTERNATIONAL TRADE

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, in connection with the very serious allegations against the Minister for International Trade, the chief electoral officer responded, on the content of his election report, that the time frame was prescribed and that he could not act on the complaint lodged with him.

Given the seriousness of the allegations, does the Prime Minister plan to hide behind this restrictive interpretation of the Canada Elections Act in order to keep his Minister for International Trade?

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I do not think the interpretation is restrictive. I think the chief electoral officer has the confidence of the House as to his work practices. I hope the member is not saying otherwise.

In the meantime, the member knows as I do that this is an allegation by one individual against another in a divorce case. The minister is not accused.

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, this looks oddly like the principle of no evil seen, no evil done.

Could the Prime Minister tell us whether he referred to his ethics counsellor in making his decision to keep his Minister for International Trade on, since the minister would not have been caught in time under the time frame set out in the Canada Elections Act?

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the member opposite has just made a rather serious accusation. He has said the minister was ''not caught in time'', intimating that the minister was already guilty.

• (1440)

This is a gratuitous allegation against an hon. member of this House and cabinet minister, and I do not think the member opposite should make allegations and especially accusations of this nature against one of his colleagues.

* * *

[*English*]

HEALTH

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, every day in my office we receive many letters from Canadians who are suffering and on waiting lists. One man wrote about his father, who had cancer and waited six weeks for radiation therapy. For six weeks he waited in agony, lying on the floor, because he could not get the therapy he needed.

What guarantee will the Minister of Health give to cancer patients that they will not have to wait six weeks for the cancer therapy they need?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, part of resolving the issues facing medicare is more money. That is the reason we significantly increased transfers to the provinces some months ago, only after they promised to use it all for health.

Another important part of resolving problems like the one described by the hon. member is better organizing and delivering services. That is why I am working my with provincial partners to make the changes needed in the health care system for the 21st century, and we will continue with that work.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, this is nothing new. Since this government came to power waiting lists have increased 10% per year. There are over 200,000 people on waiting lists. In the province of Quebec there are cancer patients who have to wait two months for radiation therapy and they are being sent to the United States.

What would the Minister of Health say to the patients in Quebec who have to wait two months and are being sent to the United States to get the cancer therapy they require? Will he guarantee that these people can get their cancer therapy in Quebec and not in the United States?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I have already answered that we need changes in the system, which I am working on with the provinces.

I can tell the House one thing, the answer does not lie in the approach which this member and his party favour. This is the man who said that a two tiered health care system would strengthen health care in Canada. He said that we need a private system. This man would have us take the American style two tiered system of health care and leave people out in the cold. That is not the kind of approach this government will ever take.

* * *

[*Translation*]

CANADIAN HERITAGE

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, we have learned that André Juneau, of the National Battlefields Commission, received compensation from that organization for a donation he made to the Liberal Party of Canada at a fundraising cocktail.

In an attempt to defend himself, he said that he was not the only one to have done so, and that he was not worried about the morality of spending taxpayers' dollars this way.

Can the Minister of Canadian Heritage tell us whether she intends to put a stop to this unacceptable practice for once and for all, or must we continue to bring all the cases to light one by one?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, in this specific instance, as soon as I became aware of the allegations, I asked that the matter be referred directly to the ethics counsellor.

As for the general practice, the Treasury Board issued a directive a number of weeks ago.

* * *

[*English*]

HOUSING

Mr. John Finlay (Oxford, Lib.): Mr. Speaker, my question is for the minister responsible for the Canada Mortgage and Housing Corporation.

In light of the social housing agreement which the federal government signed with the province of Ontario and our current problems associated with affordable housing and homelessness, could the minister comment on instructions given by Ontario's minister of municipal housing affairs to the Ontario Housing Corporation to reduce spending?

Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.): Mr. Speaker, that the Ontario minister of housing gave instructions to the Ontario Housing Corporation has nothing to do with the social housing transfer agreement we made a few weeks ago.

The social housing transfer agreement is very clear. The province of Ontario cannot change any condition unilaterally. All of the existing contracts have to be respected until they expire.

I can give some examples of what the agreement says: all federal moneys received must be used for housing; funding targeted to low income people must remain targeted; the CMHC set income limits; the agreement requires an annual performance report—

The Speaker: The hon. member for Nanaimo—Cowichan.

* * *

● (1445)

FOOD INSPECTION AGENCY

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, dairy manufacturer, Parmalat, was to be inspected by Canada's food safety watchdog after 800 children got sick with salmonella poisoning last year. But the watchdog was told to sit on it after Parmalat complained to its local MP. Guess who? The agriculture minister.

Ian Ferguson, president of Parmalat, also wrote to the health minister over there.

Why is the Canadian Food Inspection Agency subject to political interference by the agriculture minister?

Hon. Andy Mitchell (Secretary of State (Rural Development)(Federal Economic Development Initiative for Northern Ontario), Lib.): Quite the contrary, Mr. Speaker. The food inspection agency is not being influenced by the minister. It carried out its inspection in the way that it should and the case was handled appropriately.

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, I believe the hon. member should consult the auditor general on this.

It is not good enough to tell Canadians ''Your food is safe as long as it wasn't produced in the agriculture minister's riding''. Canadians should have complete confidence in the Canadian Food Inspection Agency's ability to test the food supply. They cannot when ministers are able to block inspections.

Why were 800 sick children not enough to convince this agriculture minister to let the inspectors do their job?

Hon. Andy Mitchell (Secretary of State (Rural Development)(Federal Economic Development Initiative for Northern Ontario), Lib.): Mr. Speaker, the reality is that the inspections were carried out and the process did take place. If the member would read the full auditor general's report, the auditor general said clearly that the food inspection agency had a very different recollection of the events that occurred, and the auditor general put that right in the report.

* * *

BANKS

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

The six big Canadian banks have now announced profits of some $9 billion for the last year, up 30% over last year, an all time record. At the same time, they are now planning to eliminate some 20,000 jobs and close hundreds of branches.

Will the Minister of Finance screw up his courage and use the authority that he has to protect these jobs and empower communities to block the closure of branches in their own areas?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, this is exactly what we have proposed and the legislation will be coming forth very soon. We have proposed, as the member very well knows, that for any closure of a branch it will require four months notice. Where that branch is the only one left in a community, it will require six months notice. This is so the community can have time to react and alternative banking relationships can be established.

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Notice is not exactly power, Mr. Speaker.

These same CEOs, who are eliminating some 20,000, are boosting their own incomes through exorbitant stock options. In fact, the top 24 CEOs, because of these options, will be making in

excess of $250 million next year, in excess of the income of 12,000 bank tellers.

Will the minister look at the effect of these obscene stock options on the ability CEOs to balance their own personal interest with the interest of the community from which they have drawn an income in the first place?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, in the minister's response to the task force on the future of Canada's financial services sector, there is a provision that banks will have to account on an annual basis for the services that they provide and the relations that they have had with their various communities.

We have also opened up, in a very big way, the financial services sector to new entrants. We have decreased the amount of money that has to be paid for a bank to set up in Canada. We have allowed the foreign banks to come into Canada through branches to create greater competition.

* * *

HUMAN RESOURCES

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, yesterday I gave the Minister of Human Resources Development the opportunity to condemn the practice of those companies receiving funds from the TJF and then making donations to political parties, but he refused to say that the practice was even inappropriate or that a problem even existed.

I will give the minister a second chance to say that this is wrong for companies that have accepted money from the Canada jobs fund and then give money to political parties and government. Will the minister stand in the House today and say that this is wrong?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, it is important to note that this party seems to be following the approach of their kissing cousins, the Reform, in using shoddy research to make inappropriate accusations in the House.

● (1450)

If she has real proof of wrongdoing, she should register it with the appropriate authorities. Otherwise, this party should be very careful about the companies and the names it draws attention to. Yesterday, it mentioned a company named Rougier Inc. Despite its shoddy research, I confirm to the House that no transitional jobs fund money was received by that company.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, the changes to the Employment Insurance Act by the government have created more problems than they have solved.

There is inflexibility in the act that does not take into account the special needs of women. Because of the new system, less women qualify for EI. This has had an negative impact on their families.

Will the minister initiate a full scale review of this legislation and commit to make the changes required to correct the injustices against women and their families?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I do not know where the hon. member has been because part of the 1996 amendments included a monitoring and assessment report that looks at the impact of the legislation every single year.

I am looking forward to receiving the next report to see if the trend of changes and the data supporting evidence about women being excluded in the process are confirmed. As I have said in the House on a number of occasions, we will act on it.

* * *

[*Translation*]

FRANCOPHONIE

Mr. Claude Drouin (Beauce, Lib.): Mr. Speaker, earlier this week, the countries of La Francophonie met in Paris for a ministerial conference chaired by the Secretary of State for La Francophonie.

Can the secretary of state share with the House the impact of the decisions taken at that conference?

Hon. Ronald J. Duhamel (Secretary of State (Western Economic Diversification)(Francophonie), Lib.): Mr. Speaker, when they were in Moncton, the member countries of La Francophonie set out the main thrusts for such themes as youth, women, cultural diversity and economic development in developing countries.

Later, in Paris, they gave concrete expression to youth programs. For instance, one third of the committed amounts will go to youth. Decisions were also made regarding the women, democracy and cultural diversity programs.

The meeting in Paris gave me an opportunity to see that Canada, its government, its Prime Minister, and his entire party are highly respected by their partners when it comes to democracy and to the other issues discussed.

* * *

[*English*]

CSIS

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, yesterday the solicitor general told Canadians that CSIS always investigates any people who enter this country.

When Corporal Read took his Hong Kong visa scam investigation to a CSIS China specialist in early 1997, his allegations were not of any interest to CSIS. Does the House know why? It was

because CSIS was already aware that Canada had lost control of its foreign missions around the world. It was old news and it was not prepared to investigate.

Can the solicitor general understand that we need a special investigator on this case?

[*Translation*]

Mr. Jacques Saada (Brossard—La Prairie, Lib.): Mr. Speaker, I would like to begin by reminding my colleague that the RCMP has a mobile three-person investigative team available to investigate Canadian offices abroad.

Second, as far as Hong Kong is concerned, I want to remind my colleague that there are two investigations under way at the present time. The first is a criminal one on which I cannot comment, and the second is an internal one, ordered by the RCMP Commissioner. The high-ranking officers responsible for that investigation are completely excluded from the list of those mentioned in the allegations of problems.

I think it is high time that the Reform Party took more care with the questions it asked so as not to mislead the Canadian public.

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CANADIAN FORCES

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, last May 1, the Standing Committee on the Environment and Sustainable Development recommended the government declare a moratorium as of January 1, 2000 on live firing by the Canadian forces at Lake Saint-Pierre.

My question is for the Minister of National Defence. Does the government intend to accept the committee's recommendation and prohibit the use of shells and artillery at Lake Saint-Pierre to give the lake back to the people living on its shores?

Mr. Robert Bertrand (Parliamentary Secretary to Minister of National Defence, Lib.): Mr. Speaker, as my hon. colleague knows, the matter has been under study for a number of years and remains so. Once a report has been prepared, we will release it.

* * *

• (1455)

EMPLOYMENT INSURANCE FUND

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, in 1986, the auditor general requested the unemployment insurance account be integrated with the government's general fund.

On Tuesday, the auditor general criticized the size of the surplus in the employment assurance fund and said it should be kept to a maximum of $15 billion instead of the current $25 billion.

Is this government going to listen to the auditor general as it did in 1986 and reduce the surplus by increasing the number of unemployed eligible?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, from the outset, we have continually reduced employment insurance contributions. Today, they stand at $2.40, down from $3.07 in 1993. This is progress, and we will continue.

* * *

RCMP

Ms. Diane St-Jacques (Shefford, PC): Mr. Speaker, I have consulted an official RCMP report entitled ''Proposed reorganization of operating structure—C Division''.

This report, which was submitted to the solicitor general, recommends the closing of seven RCMP detachments in Quebec: Granby, Saint-Hyacinthe, Valleyfield, Îles-de-la-Madeleine, Roberval, Baie-Comeau and Joliette.

Will the solicitor general be following up on this report and, if so, is closing RCMP detachments the government's new strategy for combating organized crime?

Mr. Jacques Saada (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I wish to thank the member, as well as the members for Beauce and Brome—Missisquoi, for their work on this issue.

One point is in order. The document referred to is a working document and in no way a report to the solicitor general. The solicitor general has seen no report in this regard, and no decision has been taken on this matter.

I want to make this extremely clear. As I said yesterday, during the debate on organized crime, no decision has been taken.

* * *

NORTHERN IRELAND

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs.

[*English*]

It appears that after decades of sectarian strife in Northern Ireland, the two sides of this historical conflict are finally moving toward a lasting peace.

What role has the Canadian government played in the peaceful political resolution of this conflict?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, I am sure all members of the House will want to join me in

congratulating both parties in Northern Ireland for their historic sharing of power agreement.

In terms of Canadian involvement, as we all know the Prime Minister paid a very important visit to Northern Ireland a few months ago at a strategic time. At that time, he announced a major contribution to the Ireland fund to help with the peace process.

There is also the magnificent work being done by John de Chastelain on the decommissioning environment, Professor Shearing on the crime commission and other Canadians who are making a major contribution in bringing peace to that country at long last.

* * *

CSIS

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, Corporal Read went to CSIS twice. First, when he discovered the evidence of the loss of control in Hong Kong, and second, when he concluded that a cover-up had been put in place above him in the RCMP.

His allegations of cover-up and obstruction of justice pointed to specific superiors to him in his chain of command.

How can Corporal Read, how can Canadians, how can anyone have confidence that this will be uncovered without the appointment of a special prosecutor?

[*Translation*]

Mr. Jacques Saada (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I thought I made myself clear, but apparently I did not, so I will say it again.

The internal investigation now under way was not launched at because the member opposite caused it to happen. It was launched at the instigation of the RCMP commissioner, who appointed senior officers in no way associated with the allegations to conduct the investigation and submit a report.

This brings up a fundamental problem I think bears looking at. Every time the Reform Party wants to go after a specific issue, it attacks the institutions in question.

* * *

HAITI

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, my question is for the Minister of Foreign Affairs.

The Americans have already announced their intention to withdraw their troops stationed in Haiti by the end of this month. This decision may result in the withdrawal of members of the UN peace forces.

• (1500)

This is truly a policy of abandonment that would further jeopardize the fragile peace in that country and could lead to a situation worse than the one that prevailed before 1994.

Could the Minister of Foreign Affairs update the House on the peacekeeping operations in Haiti and indicate whether he intends to ask the security council to extend—

The Speaker: The Minister of Foreign Affairs.

[*English*]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, at the United Nations we have been part of a group that has put together a resolution which will be put to the general assembly that will extend a new mission into Haiti. Our primary role will be to support the development of police activities. CIDA is providing major support in developing the police capacity of Haiti. We will continue to be engaged in other major developments in that country.

I can assure the hon. member that Canada is still directly and clearly committed to maintaining the peace and building the peace in that country.

* * *

EMPLOYMENT INSURANCE

Ms. Louise Hardy (Yukon, NDP): Mr. Speaker, my question is for the Minister of Human Resources Development.

Considering that women have borne so much of the brunt of changes to the EI program and she has initiated extended maternity benefits, there are so many women who are now on benefits who would love to stay home with their children. Would the minister extend those benefits and make an early intervention so that they can stay home with their children now?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I am pleased to see that the hon. member and her party are supportive of our approach of extending parental benefits to a year. We are looking forward to having this implemented, as the Prime Minister has indicated, before the beginning of 2001. I am glad to see that they will be supportive as we proceed with that initiative through the House.

* * *

FISHERIES

Mr. Mark Muise (West Nova, PC): Mr. Speaker, when I hear the Minister of Fisheries and Oceans saying consultation involving all stakeholders is required to find a solution to the east coast fishing crisis, I ask myself: if this is true, why did DFO purposely ignore non-native fishers' participation in Wednesday's meetings in Halifax where a recent controversy over the Acadia band's

decision to withdraw from an agreement with non-native fishers was being discussed?

Is this consultation process an indication of things to come?

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I am happy to report to the House that our officials are working with the Acadia band. We are also keeping the commercial fishermen involved. I think it is important to bring the parties together. That is exactly what DFO officials are doing. I am confident we will have a resolution to this problem very quickly.

* * *

POINTS OF ORDER

QUESTION PERIOD

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, I rise on a point of order arising from question period. I believe you would find that the parliamentary secretary, in answering my question, accused the Reform Party of misleading Canadians. I believe that word is unparliamentary. I would ask you, Mr. Speaker, to have him withdraw it.

The Speaker: My colleague, I will check the blues and I will see what was said during the course of debate. If necessary, I will come back to the House.

* * *

BUSINESS OF THE HOUSE

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, it is our favourite time of the week, the Thursday question. I know the government House leader is going to enlighten us very shortly as to the nature of the business for this week and the week following.

I was wondering if he might also be able to inform the House whether or not the government would see fit, in its wisdom, to allow several days of debate on the very important piece of legislation which affects all British Columbians and Canadians, that being Bill C-9, the Nisga'a legislation.

● (1505)

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I would be pleased to answer the last question first.

I am pleased to inform the House that by the end of the day today the Nisga'a agreement, Bill C-9, will have been debated in the House and committee for no less than 61 hours and 40 minutes. This shows the tremendous openness of this government. I thank the hon. member for having given me the occasion to state that.

[*Translation*]

This afternoon, we will continue the debate on Bill C-9, the Nisga'a Final Agreement Act. Tomorrow, we will consider second reading of Bill C-17 dealing with amending the Criminal Code.

[*English*]

In the unlikely event that we do not complete the Nisga'a bill today, after 61 hours and 40 minutes of debate, we would then return, as unlikely as that is, to the report stage of Bill C-9 on Monday. When this is complete on Monday, we will then turn to the report stage of Bill C-2, the Elections Act.

On Tuesday, I would offer to the House Bill C-2, the Elections Act, again.

The back-up bill on Wednesday, if we have completed Bill C-2 by then, would then be Bill C-15.

Thursday, December 9, shall be an allotted day and the last day in the supply cycle.

ROUTINE PROCEEDINGS

[*English*]

WAYS AND MEANS

NOTICE OF MOTION

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, pursuant to Standing Order 83(1), I wish to table a notice of a ways and means motion respecting amendments to 16 acts: the Excise Tax Act and a related act; the Bankruptcy and Insolvency Act; the Budget Implementation Act, 1997; the Budget Implementation Act, 1998; the Budget Implementation Act, 1999; the Canada Pension Plan; the Companies' Creditors Arrangement Act; the Cultural Property Export and Import Act; the Customs Act; the Customs Tariff; the Employment Insurance Act; the Excise Act; the Income Tax Act; the Tax Court of Canada Act; and the Unemployment Insurance Act, as well as explanatory notes. The enormous breadth and scope of these legislative changes bear testimony to the progressive, forward looking approach of Canada's beloved finance department.

I ask that an order of the day be designated for consideration of this motion.

* * *

COMMITTEES OF THE HOUSE

JUSTICE AND HUMAN RIGHTS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I

rise on a point of order. Following consultations of the House leaders, I think you would find unanimous consent for adoption of the two following motions.

The first deals with the existing mandate of the House of Commons Standing Committee on Justice and Human Rights. The motions reads as follows:

That the Standing Committee on Justice and Human Rights be designated as the committee for the purposes of section 233 of the Corrections and Conditional Release Act.

The Speaker: Does the hon. parliamentary secretary have the consent of the House to put the motion?

Some hon. members: Agreed.

The Speaker: The House has heard the terms of the motion. Is it agreed?

Some hon. members: Agreed.

(Motion agreed to)

● (1510)

PROCEDURE AND HOUSE AFFAIRS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the second item involves the previously tabled report of the Standing Committee on Procedure and House Affairs regarding the televising of our standing committees. I move:

That the fourth report of the Standing Committee on Procedure and House Affairs in the First Session of the Thirty-sixth Parliament, be deemed to have been laid upon the table in the present Session and concurred in, provided that, for the purposes of this Order, the date ''June 30, 1999'' in the said Report shall be read as ''June 30, 2000''.

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

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[*English*]

NISGA'A FINAL AGREEMENT ACT

The House resumed consideration of Bill C-9, an act to give effect to the Nisga'a Final Agreement, as reported (without amendment) from the committee; and of Motions Nos. 1 to 30.

The Speaker: When I interrupted the hon. member for Kelowna just before Statements by Members, he had six minutes left. The hon. member for Kelowna now has the floor.

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, I will continue with my presentation, in particular with the reference to the Diane Francis column of November 20 in the *National Post* on the Nisga'a treaty:

Not only does this constitute a hideous giveaway based on unproven claims that their ancestors roamed around the area, but there are overlapping claims by neighbouring bands that also claim their ancestors roamed around there too. Some are threatening violence.

Counter-claims are hardly surprising given the flimsy ''evidence'' behind the exercise. . .

My ancestors roamed around the United States for a couple of centuries and Europe for millennia but that doesn't give me any claim to a piece of Dublin or Chicago.

What we have now is a questionable collective memory of entitlement, and governments that fail to meet their responsibilities to the public interest.

Simply put, the Nisga'a treaty is the beginning of turning much of Canada into a series of ''balkan'' principalities often run by feudal chieftains.

Worse yet, the Nisga'a claim is one of 30 being cobbled together in British Columbia—

Other authorities would say more like 50:

—even though treaties were never signed between the British and locals as in other parts of Canada. Many other land claims are justifiable because deals were inked with the Crown.

But this type of ad hoc treatism is dangerous because it also abrogates the basic values of this society. Its only result will be to create privileged franchises for self-defined ethnic groups with questionable provenance, who already get excessive and unjustifiable special entitlements out of the public purse such as tax-free status.

Nisga'a ignores the rule of law.

Nisga'a ignores democratic rights.

Nisga'a disdains transparency of process.

She is speaking of the treaty:

Unfortunately, political correctness has set in on this one. The Canadian establishment has ganged up against the public just as it did behind the attempt by Ottawa to railroad Canadians into voting for the Meech and Charlottetown accords. The only ally the public has federally is the Reform party, which is clearly aligned with the public interest on this one.

Unlike those sweeping accords, Canadians will not get a chance to vote on the matter in a referendum, nor will British Columbians.

This is because the rest of the federal parties—Liberals, Tories, NDP and Bloc Quebecois—are in favour of the treaty.

Most worrisome is the support for this treaty by the Bloc Quebecois. It means the Liberal government is being led into an ambush by Quebec secessionists who support passage of the Nisga'a deal because it circumvents the Constitution and gives an ethnic group self-government and vast lands.

To ram through the Nisga'a treaty in Parliament may be to unravel the Supreme Court of Canada initiative undertaken by the federal government in the case of Quebec secession.

It is a serious allegation that Ms. Francis states here. She goes on to say:

The court ruled that any referendum on self-government by Quebecers would have to be passed by a clear majority responding to a clear question and involving all parties pertinent to the issue.

> Nisga'a is not being offered up to the public for its approval and therefore all parties pertinent to the issue are not being involved, except indirectly through the Liberals in Ottawa and the NDP in Victoria.
>
> Plenty of constitutional experts maintain, as does the Reform Party and the B.C. Liberal Party, that the people of British Columbia have a right to vote on this matter in a referendum. Some 78% of the people of British Columbia oppose Nisga'a.
>
> Without a doubt, most Canadians oppose any special deals for anyone. Privileges already exist and should be dispensed universally on the basis of need, and not on race—

● (1515)

That almost brings to a conclusion her statement except that she ends with this sentence:

> Instead, we have the Liberals and NDP heaping more unnecessary burdens on to taxpayers in order to unfairly reward a few vocal, politically correct and taxpayer supported ethnic organizations.

So much for what Ms. Francis had to say about the Nisga'a treaty.

I will continue to reference Squamish women and their concern about the provisions of the Nisga'a treaty. I have the verbatim report of what was heard by the committee on Friday of last week. A Ms. Baker said:

> I am Maisie Baker from the Squamish Nation, and I'm one that don't just sit back and let everybody else do the work for me, I got to get up and do my own fighting. I fight my chief and council every day, and when they see me coming, they say, oh, no, is that Maisie coming after who, and I said well, if you're on my way, look out. But I'd like to say that the Squamish nation is so corrupt, it's unbelievable. The money that comes from the government gets stuck in our band office and it stays there. We never see it, and I am very angry at my Squamish Nation's so-called chiefs and councillors for putting me into this Bill C-49. Not only our chiefs and council, but I'm angry at the government for putting me in this position, because it doesn't give us any rights at all. We can't fight them, we have no money, we have nothing but I'm really angry at government for not listening to the grassroots, when we are the most important people.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I rise again today on one of those occasions when I wish I could say I am pleased to rise in this debate. However I have to be blushingly cautious in that statement because I am not really very happy to be standing here under these circumstances.

I have observed over the years how different people fall out of sorts with each other. We call them human relationships. I have noticed people fall apart even in their marriages. A couple of things lead up to that, according to the reading I have done, but one of them is that there is an indifference to the other partner. The partner starts thinking ''I just don't matter. I just don't care''.

In Canada these days we are once again consumed with the question of national unity. I would simply put forward the notion that national unity, the unity of our citizens, is not being served by Bill C-9 at all. That is because of the indifference the government is showing toward people who are so greatly affected by the bill.

I cannot help but observe that even right now not a single member of the government is paying attention to what I am saying. Not one.

Mr. Peter Adams: I am.

Mr. Ken Epp: Oh, there is one back there. He happens to be reading his book but he says he is listening to me. There is another one back there who is actually listening. I cannot mention his name. That is great. There are two of them. That is wonderful.

Out of 301 members of parliament, the Reform Party is trying to put forward some debate. We are trying to persuade some empty seats to come to a different point of view. What a shame.

I will say a bit about the process that is involved. We have a very strange anomaly with respect to the democratic process. It is a matter of record that the majority of seats in western Canada, the majority of seats in British Columbia, are held by Reform Party members. We in the Reform Party have undertaken a very creative initiative in politics in Canada by representing in the House of Commons the wishes of the people who elected us.

● (1520)

A majority of members of parliament from British Columbia are Reformers who are listening not just to the chiefs but to the grassroots people. They are getting the message both from grassroots natives and from grassroots non-natives that there are serious flaws in this process and in what is being jammed down their throats.

The democratic system is failing because of the way democracy does not work in Canada. Most Liberals on the other side of the House, most of whom are represented by green foreheads again today, do not live in British Columbia. They will rise on command and vote the way they are told to jam the legislation through even though they do not represent, by any stretch of the imagination, the people who are most vitally affected by it. I am speaking of the people of British Columbia.

I should also hasten to add that inasmuch as every deal like this one creates a precedence and a pattern for future agreements, it affects every Canadian. However the Liberals are not listening to that. They say they do not need to listen to that. They have a majority and can do whatever they want. They just thumb their noses at us and do whatever they wish.

Even though the New Democratic Party government in British Columbia held a majority of seats in that house, it obtained a lesser percentage of the votes in British Columbia than did the Liberal Party. It is intriguing the Liberal Party of British Columbia, a party with the same name as the governing party here, came to the conclusion after studying the bill and consulting with the people

involved that it was not a very good bill and should be amended, changed, fixed or defeated.

Admittedly the New Democratic Party government gave it a lot more debate time in its house than we are getting here. I guess we can give the NDP a back-handed compliment for at least permitting that. However just permitting debate is meaningless.

I know my party is saying that we ought to be able to debate this bill. I am not content with that. I am not content with just standing here and talking. I would like to change the minds of the people on the other side. What can I do to force them to actually listen to me? I do not know what I can do.

Maybe we should change the rules of the House. Maybe our salaries should be contingent on us actually physically being present in the House when debates are being held. Maybe that should happen. Maybe we should do something that forces members to participate in a debate like this one.

How many speeches have we had from the disinterested green foreheads over there today? I believe we had one or two. I was at finance committee for a while so I may have missed one of those important speeches, but there is mostly indifference.

I remember reading a long time ago that the opposite of love was not hate, that the opposite of love was indifference. Members opposite are totally indifferent. They do not care. They do not raise their heads to speak. They do not talk to the people in any meaningful way. When the time comes for voting they will indifferently rise on command, collect their salaries and go home.

I am not in a position to prognosticate and predict what will happen, but I would be very surprised if the number of Liberal members from B.C. in the next election was not cut by one-half, one-third or one-fourth. I do not think that they will carry the support of the people because it is evident that they are not being represented here by those Liberal members.

• (1525)

We have evidence that between 60% and 90% of people in different ridings are opposed to the agreement. I will ask a simple, reasonable question. If there is such opposition to it, why can government members not exercise a shade of humility and say that perhaps they are not perfect? Just imagine if they would confess that and admit that perhaps they are not 100% perfect.

We are dealing with Bill C-9. I know I cannot use props, but I was trying to guess how thick the books were. I just felt them and they are thick, the two books we are talking about today. Surely in there somewhere we could have made a few little amendments to satisfy the deeply held concerns of British Columbians and other Canadians in this regard.

What we have is a government that says it is 100% right and there is no room for change. It feels that it does not need to consider any amendments. In fact the bill has come to the House without the possibility of amendment. We are not doing our jobs as parliamentarians if we just simply rubber stamp a flawed document. Also, the ramifications of this decision will be with us, our children and our children's children for generations. Therefore it is important that it is done correctly.

I remember one of my bosses at the Northern Alberta Institute of Technology who had a parchment in his office. Every time I went to see him I would see that parchment which contained a very fitting statement: ''If you don't have time to do it right, when will you find time to do it again?'' That is a very good principle for how we do things. We need to do it right. In this instance it is doubly and triply important because the ability to change the agreement once it has been enacted is not very hopeful at all. It will be virtually impossible to do so.

We are rushing into it. We are not doing it well enough as parliamentarians. I should be explicit. The Liberals and other opposition parties that are standing with them in jamming the bill through are failing the Canadian people. They are failing the people of British Columbia. They are failing the natives, because even they are telling us that they have serious concerns about the legislation. They are not well served. They are not at all happy with what is happening.

In conclusion, I urge members opposite to use their own brains and their own conscience and do what is right and what is necessary in terms of the bill. For once they should use the clout available to them. They are so close to being able to put the government in a position of having to deal with it, why do they not do it? Let them show some integrity and do it.

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, as the member for Vancouver Kingsway, B.C., I am pleased to join in the debate. The Nisga'a treaty offers the opportunity to begin the process of reinvigorating economic growth in the province of B.C. through an agreement that will provide certainty for the benefit of British Columbians.

The amendments to Bill C-9 proposed by members of the Reform Party are puzzling because they would defeat the certainty we worked so hard to achieve. Those amendments would lead to uncertainty because they would make Bill C-9 inconsistent with the Nisga'a treaty. The amendments will lead to further uncertainty by making Bill C-9 inconsistent with key aspects of the provincial legislation which gives effect to the Nisga'a treaty. The amendment proposed by the Reform Party would eliminate or impair the ability of third parties to benefit from terms of the Nisga'a treaty which were carefully negotiated for their benefit. The Reform Party has called for consultation but does not seem to realize that its

amendment would defeat the result of consultations held with third parties.

● (1530)

Members of the Reform Party will have to explain why they are choosing to ignore the views of British Columbians who were consulted during the treaty negotiations.

The Nisga'a treaty contains key certainty provisions which provide for the modification of Nisga'a aboriginal rights and title. Reform Party suggestions that those provisions be deleted or changed would defeat those certainty provisions. The members opposite must not realize or care about the impact of those proposed amendments which would leave the Nisga'a with the same aboriginal rights and title they may currently have under Canadian law. Members of the Reform Party must not realize that the certainty approach was developed with extensive consultation in British Columbia and modifies Nisga'a rights. This is the key part of the certainty approach. The amendments proposed by the Reform Party would make the certainty provisions inconsistent with the treaty and with the language that third parties expect based on our consultations in B.C.

Members of the Reform Party have proposed amendments which could defeat the transfer of lands and lead to uncertainty of title. Members of the Reform Party do not seem to realize that third parties have made it clear many times that a key goal of treaty negotiations is to create certainty as to ownership of lands.

Once again, members of the Reform Party have proposed amendments which are directly contrary to the advice our negotiators received during consultations. We value the advice and assistance we received from knowledgeable third parties during negotiation of the Nisga'a treaty obviously much more than the Reform Party.

Let me remind members of the Reform Party how Bill C-9 and the Nisga'a treaty provide certainty. Let us talk about full settlement. The Nisga'a treaty is a full and final settlement of Nisga'a claims to aboriginal rights and title and through this agreement those rights will be known with certainty. In future we will all be able to use the treaty for a precise description of Nisga'a rights. All of us will be able to use the treaty because the treaty says that it can be relied on not just by government and the Nisga'a, but by other persons.

Let us talk about future development. The Nisga'a will be able to develop Nisga'a lands. Businesses that are interested in economic development opportunities on Nisga'a lands will know from the treaty that the Nisga'a own those lands. Outside Nisga'a lands, the province of B.C. will be able to develop lands and know precisely the scope of Nisga'a rights and the procedures to follow to develop lands. Businesses that are interested in development opportunities outside Nisga'a lands will similarly benefit from knowing the province's authority to develop those lands.

● (1535)

Those who oppose the Nisga'a treaty risk losing, for all of us, this opportunity.

As in other areas of B.C., without the Nisga'a treaty there would be considerable uncertainty in the Nass Valley as to the scope and location of aboriginal rights and title. Section 35 of the Constitution Act, 1982 says ''the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed''. Section 35 does not define the scope, content or location of any existing aboriginal rights.

In the case of many first nations in B.C. like the Nisga'a, there is uncertainty as to where aboriginal title applies. Apart from the uncertainty as to aboriginal title, there is also uncertainty as to where aboriginal rights to harvest resources such as fish and wildlife apply. There is also uncertainty as to where an aboriginal right of self-government might apply.

Apart from all of this uncertainty as to the location of aboriginal rights and title, there is uncertainty as to the scope of aboriginal rights for any particular group like the Nisga'a. In a particular location a first nation might claim aboriginal rights, such as the right to harvest wildlife, to gather medicinal plants, to carry out traditional religious practices or to carry out a variety of other activities.

Speaking of negotiation and litigation, it would be costly and time consuming to use the courts to examine each claim of an aboriginal right for each location in B.C.

In the Delgamuukw case the Supreme Court of Canada commented on the disadvantages of litigation and encouraged negotiation as the best way to resolve these issues. Some members might remember that the Delgamuukw case took more than 10 years to go through the courts and in the end the supreme court ordered a new trial. There is still uncertainty as to the aboriginal rights of the Gitksan and the Wet'suwet'en who were involved in that case. The Nisga'a treaty shows the advantages of negotiating those issues instead of going to court.

The Nisga'a treaty negotiations were not an attempt to define Nisga'a aboriginal rights, but instead to address uncertainty by exhaustively setting out and defining, with as much clarity and precision as possible, all the section 35 rights which the Nisga'a can exercise after the Nisga'a treaty is concluded.

In the past Canada has achieved certainty through an exchange of undefined aboriginal rights for defined treaty rights, using the language of cede, release and surrender. Objections by first nations to this surrender technique have been a fundamental obstacle to

completing modern treaties. The Nisga'a treaty provides for a modified rights approach.

Using the modified aboriginal rights approach, Nisga'a aboriginal rights, including title, continue to exist, although only as modified to have the attributes and geographic extent set out in the Nisga'a treaty.

The approach to certainty is primarily set out in the general provisions chapter, which contains its basic elements. However, certainty is also achieved by the precise description of rights throughout the text of the Nisga'a treaty.

● (1540)

I urge Reform members opposite to come to their senses and to recognize that the amendments they propose would defeat the goal of certainty—

The Deputy Speaker: I am sorry, the hon. member's time has expired.

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, I do not know what the member thinks consultation means, but consultation does not mean taking the industrial parties which were involved in chasing the treaty negotiators out of the picture in the last two weeks of the negotiations so that the treaty could be completed without their input. That is the kind of consultation Liberals believe in.

The other part of consultation they do not believe in is the committee process of the House. We ended up last week, a week ago tomorrow, having to go to Vancouver to permit people who have qualified opinions on this topic to put their thoughts on the record.

Because the government chose to exclude some very important people in British Columbia who had valid opinions from the committee process, I will put on the record some of the comments these people made at the hearing which we conducted last week. I will be quoting two people.

The first person is Mr. deJong. Mr. deJong is the aboriginal affairs critic for the Liberal Party in the province of British Columbia. The second person whom I will be quoting is Mr. Geoff Plant, who is the attorney general critic for the Liberals in British Columbia.

It is unusual that persons belonging to the party of that name in this place have so little in common with the Liberals of British Columbia.

Mr. deJong said:

> I guess the first thing that needs to be said is it is unfortunate in my view that this hearing was necessary. But it is, because of what has transpired, not just over the past couple of weeks, but what has transpired over the past couple of months, a process that has been designed from the outset, Mr. Chairman, to cut people off from these negotiations. And you didn't need to look much further than the hearings that several of you were involved with, just last week, the federal standing committee that travelled to this province, largely because I think of the efforts of several of your caucus members.
>
> But when you are a British Columbian and hear the kind of comments that we heard from certain members of that committee, representing the federal government, it was difficult not to get angry. When members of the federal government are quoted as saying that this is a dog and pony show that will have no impact and is a waste of time and money, you really begin to wonder about whether or not people in Ottawa care about the views of British Columbians about a topic that is going to profoundly impact the way we live and are governed in this province.
>
> This is a process that, beginning back in the 1980s, has been designed to cut people off, to restrict their access, to restrict their input. Previous governments, and I think you heard from a former premier earlier today, set in motion a process, a closed process. That was designed, I think, from the outset to guarantee failure, and it has.

I remind the House that this is the Liberal aboriginal affairs critic of the province of British Columbia speaking:

> So here's what we would like to do today, Mr. Chairman. We would like to comment on that process. We would like to outline for you quickly what our main concerns with this document, this Nisga'a treaty is, and Mr. Plant will provide you with a brief summary of the court case that has been commenced by Gordon Campbell, Geoff Plant and myself in the Supreme Court of British Columbia questioning the constitutionality of the deal, and then we have some thoughts about how this process can be made better because, make no mistake about it, we do have to settle this issue. We do have to settle these negotiations.
>
> But you don't do it by employing the kinds of tactics that we have seen by the government of British Columbia and the government of Canada. The invoking of closure, time allocation by both governments cutting off the ability of elected representatives, Mr. Chair, to scrutinize this all-important document, is the single most pathetic excuse for the democratic process I have seen in the time that I have been involved in elected life.

● (1545)

> We were told, all of us as British Columbians, that we would have an opportunity to question, critique, profess support or non-support for each and every clause of this agreement. The government of British Columbia, the NDP government, broke that promise. Mr. Chair, I was in Ottawa when the federal government prevented more than half of the members of parliament from this province from even speaking to this document, from even indicating what areas, what clauses, what principles, they believed this treaty should reflect and doesn't reflect. How can British Columbians have any confidence in any exercise that muzzles their elected officials, and it did just that, Mr. Chair.
>
> So when we get to discuss the substantive provisions of this agreement and we are met by a wall of silence from the two levels of government, you are compelled to ask yourselves this question, Mr. Chairman, what is it that the federal and provincial government is afraid of in allowing this debate to go forward? They either don't have the answers to the fundamental questions that people are asking, or they do and they don't want people to know what those answers are. In either case, it is in my view a recipe for disaster.
>
> We have commenced a court action. We have concerns about what is in this treaty, we have concerns about the self-government provisions, we have concerns about a treaty that would purport to limit your ability to vote for a government that has a responsibility over you and limit that right to vote on the basis of your ethnicity. We think that's wrong. We think a fishery, a commercial fishery, based on an allocation that is tied to ethnicity is wrong, and we think there are alternatives. And we have, as you know, Mr. Chair, members of your panel, taken the matter to the Supreme Court, so if I can defer to my colleague, Mr. Plant, he will provide you with a summary of the basis for those submissions and that argument to the court.

We then hear from Mr. Plant who is the Liberal attorney general critic in the province of British Columbia.

> Thank you very much, and thank you for the opportunity, Mr. Chairman, to speak to you and the other members this morning. The lawsuit is an action commenced in the Supreme Court of British Columbia. It's commenced in the name of three members of the official opposition, who are Mr. Campbell, Mr. deJong and myself, as representatives of the official opposition. The lawsuit is what lawyers will call a declaratory action. We're asking the court to declare that the Nisga'a final agreement is unconstitutional. There are three basic pillars of the argument. The first is an argument that is not open to the federal and provincial governments within the existing constitution of Canada to create a new freestanding third order of government.
>
> The second argument is that it is not open to the federal and provincial governments by negotiation with the Nisga'a or in any other way, short of constitutional amendment, to confer upon a new order of government paramount legislative power. And as I'm sure you are aware, the Nisga'a final agreement does expressly purport to confer upon Nisga'a government legislative power in 14 separate areas of lawmaking that is paramount to federal and provincial legislative power.
>
> The third argument is that the Nisga'a final agreement violates the charter because it denies non-Nisga'a the right to vote for a government which will have the power to make decisions that affect their lives and as you know, the charter guarantees everyone, every citizen of Canada, the right to vote. Those are the three arguments that are the basis of the lawsuit. We are asking the court to rule, as I said, that the treaty, the Nisga'a final agreement, is unconstitutional on each of those grounds. So the question is what is the significance of that. If we're right on any of those points, then what has happened is that the governments have tried to negotiate a document which is outside their constitutional authority to do so.
>
> In effect, they will have tried to amend the constitution of Canada by the back door, and in British Columbia, and I think it's important that people in other parts of Canada understand this: we have in British Columbia a made in B.C. process for ensuring that if you want to amend the Constitution of Canada—

The Deputy Speaker: Order, please. The hon. member for Winnipeg North—St. Paul on a point of order.

● (1550)

Mr. Rey D. Pagtakhan: Mr. Speaker, I rise on a point of order. I do not wish to interrupt the hon. member while he is speaking but, on a friendly note, I would seek your opinion, Mr. Speaker. If we are debating a lawsuit that is before a court, is this proper or not?

The Deputy Speaker: I think the hon. member was reading from various proceedings. I do not know that there is actually a debate going on in the House about a lawsuit. In any event, unless I knew more of the existence of the lawsuit, and I have heard nothing of that except for the casual mention in debate, I do not think it is something that cannot be discussed here.

The hon. member for Kootenay—Columbia has the floor with one minute remaining in his time.

Mr. Jim Abbott: I might clarify for the benefit of the member and the House that this lawsuit has been set aside temporarily until the treaty comes into effect. I am simply reciting the points of the lawsuit that are being put forward by the B.C. Liberal Party. It is the plaintiff in this case.

What I have basically done, and I have just started to scratch the surface, is bring to the table, to this debate, to *Hansard* and to the record of this debate, the arguments being put forward by the B.C. Liberal members of parliament, people in responsible positions, people who are the aboriginal affairs critic and people who are the critics for the attorney general of the province of B.C., the B.C. Liberal members who form the opposition in British Columbia. They were excluded from representing themselves and getting their points of view on to the record in the committee process. I think more is the shame for this Liberal government.

Mr. Cliff Breitkreuz (Yellowhead, Ref.): Mr. Speaker, here we go again with such a far-reaching bill before the House. It is probably the most important bill perhaps in this century, certainly during my time here in the House of Commons, and there are hardly any members in the House.

Mr. Peter Adams: Mr. Speaker, I rise on a point of order. I thought it was the custom of the House not to refer to the fact that members are or are not here. It seems to me there is a comfortable quorum here. Is the hon. member objecting?

The Deputy Speaker: Whether or not the quorum is comfortable, there does seem to be a quorum. I know that the hon. member would not want to go beyond that.

Mr. Cliff Breitkreuz: Mr. Speaker, I appreciate your understanding.

Here we are again with the governing Liberals, the NDP, the Bloc and the fifth party all supporting the bill and the Reform Party standing alone in opposition to this bill. It reminds me somewhat of the Charlottetown accord when Reform stood alone. We were the only national party in the country that stood alone against the Charlottetown accord. Yes, we were on the side of Canadians from coast to coast, including many natives.

We have the rest of the parties extolling the Nisga'a treaty, which is a template for many settlements to follow. It is a tragedy that the Nisga'a treaty is cast from the same mould as most other treaties that have formed the reservation system in the country.

The reserve system must be a shining light, just an extolling example of how well the system works. Let us have a short look at one of the wealthiest reserves and bands in the country, which is in my home province of Alberta at Hobbema. It is one of the four bands in my riding. It is the Samson Band. It has lived under a treaty for over 100. I believe it was Treaty No. 7 that that created this particular reserve system. We should look at this to understand a modern reserve to see whether a reserve system is a good example to follow, to perpetuate. This should be a model reserve, a shining example.

● (1555)

There was a recent study of the Samson band which really shatters any notion that the reserve system is a shining light. We should examine whether the reserve system has worked in the past,

whether it is currently working and whether it has the potential to work in the future.

The Samson band receives millions of taxpayers' dollars in addition to the millions from their oil and gas revenues. In 1996, the Samson band had an income of about $100 million for just over 5,000 people. However, most of the members live in wretched poverty in one of the wealthiest bands in the country.

Let us talk a little about their leaders. They jet off to Paris, London and Geneva. They hold council meetings in Las Vegas with all expenses paid while 80% of the members of the band are on welfare and 85% are unemployed. This was in 1996, just a few years ago. The majority live in shacks, many without windows and many without any form of heat whatsoever.

How did it come about that we are perpetuating the reserve system in the Nisga'a treaty, because we are forming another reserve in British Columbia, or at least verifying the reserve system through a treaty? I will comment on the framework of how this bill has come about and on how other legislation comes about in the House.

One of the country's most alarming attributes is the expanding gulf between the views of the Ottawa establishment, the bureaucracy and some politicians, in other words the Ottawa court party, and the views of the average taxpaying Canadian who lives out there in the general populace.

This gulf is discernible in many areas of government, from the state of government wasteful spending to the state of the huge debt that Canadians are facing. Nowhere is this huge expansive gulf more evident than on the whole issue of native affairs. Hence, we get Bill C-9, the provisions of which are entirely divergent, completely out of sync and out of step with the views of the average Canadian.

If average Canadians were familiar with the provisions in Bill C-9, they would think that these provisions came straight out of coo-coo land. Let us look at some of the most basic provisions in Bill C-9.

The treaty calls for a a big injection of cash of almost half a million dollars to be handed over directly to the Nisga'a in the Nass Valley. It does not stop there. There is an annual payment, which goes on for years and years, that could well bring the total cash injection by Canadian taxpayers to around $1 billion. That is a huge cash injection.

The other issue is the land mass. What about the land mass, the kind of reserve that is being set up? It is approximately 2,000 square kilometres. To put that a little more in tune with the way people can understand it, that is almost a half a million acres. That is the size of the reserve. In addition to that there are 10,000 square kilometres that are given over for the Nisga'a to control: the resources, forestry, timber, fisheries, whatever resources there are. That is given to the Nisga'a to control.

• (1600)

Those 10,000 square kilometres are two and a half million acres. Put it together it is three million acres, a big percentage of B.C.'s land mass that is turned over in just one settlement, one treaty. There are between 50 or 60 more that are to be settled in the province of British Columbia alone. As is well known, the claims call for over 100% of the total land mass of British Columbia.

I want to read into the record comments of submissions made to our own Reform Party hearing in Vancouver last Friday. This is from a former premier of British Columbia. In his submission he states:

> That natives have been discriminated against is self-evident. Entrenchment of the reserves, which have kept natives apart from the rest of us has clearly been a disaster. The reason many have had to live in third world conditions in the midst of a land of prosperity is that they have been demoralized by a welfare state which has denied them the same opportunities as everyone else, and by essentially making many of them prisoners to remote, isolated reserves with little economic opportunity and even fewer business opportunities. Native people have been forced to live in poverty, whether they want to or not. The Nisga'a Treaty will entrench the situation even more deeply than it is now. It will Balkanize our province into groups of people based on the colour of their skin.

I see my time is up, Mr. Speaker, but I want to ask one question of the government opposite. If any member can show me one reserve in this country that has at least the average living conditions of a non-native community, I would like to see it.

Mr. Rob Anders (Calgary West, Ref.): Mr. Speaker, many times have I walked arm in arm with my colleagues, even last night on some of the amendments to Bill C-2, the elections act, which I think is an onerous bill. Many times have I warmed the cockles of my heart by their fire, but this is not one of those times.

I see by my watch and by the clock on the wall that it is time for a change and change we shall have. I should go so far as to say I think we should damn this agreement. More than that, I think we should damn those who do not damn this agreement. More than that, I think we should damn those who do not sit up at night not damning those who do not damn this agreement.

If I had but one reason why Nisga'a was a failure that would be a mighty one indeed. If I had two, then certainly people would say there was a case to be made. If I had three, the government would seriously have to reconsider its intentions. If I had four, the government members should put their tail in between their legs and run from this place with the agreement in their hands, never to bring it forward again. But I have more than five. I have far more than five reasons why Nisga'a is a failure.

One, Nisga'a does not recognize private property rights. The whole idea of wealth, of progress, of ownership is negated in the Nisga'a agreement. It does not recognize, it does not respect the idea of private property rights, something people have fought for over thousands of years, to maintain, to gain the idea of private

property rights. Nisga'a abrogates, undercuts and instead puts forward collective group rights, rather than the rights of individuals, rather than the rights of individuals to own property. Shame. That is the first point.

● (1605)

Point two, the Nisga'a final agreement permanently entrenches the same essential elements as the reserve system of the modern day. The reserve system of the current day has numerous problems. Part of the problems that it has is that rather than trying to address the aspirations of individuals toward creating better lives for themselves and their families, instead it hives people together on reserves and gives them collective ownership of land, negates their ability to do something with it of their own creative abilities individually.

Indeed, every time that the natives have come to the government asking for some sort of redress to these problems, instead the crown, the federal government, has doled out money instead, rather than solving the fundamental problems. Every time there has been a knock on the door, the cash infusions have come out.

Instead of helping the situation, it has helped to undermine the sense of self-reliance that individuals within that community could develop. That is point number two.

Point three is the idea of taxation without representation. Revolutions and civil wars have been fought over these very ideas. Whether we go back to the idea of Magna Carta and King John, whether we go back to the idea of the American revolutionary war, the idea of taxation without representation is what representative democracy and indeed this very institution that we stand in today is about. It is the cornerstone.

I represent taxpayers. I come here on their behalf to argue their concerns and to try to keep government within its rightful boundaries which, I would like to add, currently is not within those boundaries and has trampled upon the good intentions of the people who have helped to set it up and is taking far more out of their wallets and out of the blood and sweat and tears of their labour than it should.

The whole idea that the Nisga'a agreement will not be a truly representative government but instead be taxation without representation is a shame. I know that as people have fought over centuries and over a millennium to go ahead and achieve a form of taxation with representation, so indeed the seeds that Nisga'a sows are bad seeds. The fruit that it will reap is that of despair. It will eventually lead to natives themselves rising up in terms of these very issues. That is the third reason.

The fourth reason is that we already have too much government in the country. We have two levels of government that are recognized in the British North America Act as of 1982 in the patriation. Some may question how it was done. Nonetheless there were two levels of government that were laid out in the constitution act. The provinces created a third: municipal government in the country.

We have now the creation of what amounts to a third, if we look at the constitution act or if we look at the totality, a fourth, level of government in the country. That in itself is a problem but it ties into another. That was my fourth problem with Nisga'a.

My fifth problem with Nisga'a is that this issue has been put to the people. It was called Charlottetown and it failed. At the time all the parties in this place got their ducks in a row and put Charlottetown to the people and said ''It is good. Vote for it''. They outspent their opposition 13 to 1 in order to propagandize their aims, but at the end of the day they were not victorious. They lost, and rightly so, because the constitution should and does belong to the people. They rightfully said that they did not want to see these types of provisions in law and entrenched for time to come.

● (1610)

What has the government done? It has gone against the very explicitly expressed will of the people. It has gone against what people across the country said they did not want to see constitutionalized and put into law. The government is going ahead and doing it instead through a step by step piecemeal process through the back door. That is what this is about, a government overriding the will of the people who have already expressed it on a constitutional referendum. That is the fifth reason why I have problems with the Nisga'a treaty.

The sixth reason why I have problems with the Nisga'a treaty is because it hinders future economic development. It helps to deter and it hinders future economic development in British Columbia. There are mining companies and forestry companies. Indeed, when we look around the House we see murals depicting miners and foresters in the committee rooms. They are some of the foundations upon which the country was built, the main industries that helped give Canada its start. Those very companies and industries are pulling up shop in the province of British Columbia because of the uncertainty over land claim agreements such as this. Rather than go ahead and help to access the resources of the country and to help build it, they are taking their skill, equipment and ingenuity to other countries in South America and other places around the world. I know some of these companies even in my own backyard that have reservations with regard to what is going on with these developing issues. They are leaving Canada, and so go the jobs. Shame.

Point number seven is that not only will it deter economic development but there are huge costs that are directly implicit with the agreement. The massive payouts, millions of dollars just for this individual claim, never mind the hundreds of others, are simply unaffordable. The Nisga'a treaty is an unaffordable and untenable situation. If the government sets it up as a precedent for future land claims, woe the country.

Point number eight is that the Nisga'a treaty helps to build barriers. I only have but a minute of time, yet there are so many problems with this bill.

Point number nine is that the government knows it is a flawed bill. It would not, and will not, give consent to put this bill to the people of British Columbia because it knows it will fail. The government knows that as it put this question in Charlottetown and it failed, if it put this question in the province of British Columbia the people would once again turn it down. Shame on the government when it knows that what it does is wrong, the people would not support it and it would not carry the will of the land.

Point number ten is the idea of an inherent right to self-government. I believe in self-determination, however, think not of a municipal level of government but instead something that would help to set up hundreds of separate nation states. Lord Durham wrote of Canada that it was two nations warring within the bosom of a single state. Imagine a country that was hundreds of nations warring within the bosom of a single state. I put to the House that such a nation would have a very difficult time surviving indeed.

Those are just ten reasons and I could go on, but I leave it at that. I put to the government, if it knows the Nisga'a treaty will not pass the test of the people, and it knows it already failed the test of the people, leave it be and pull the bill from the House.

● (1615)

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, essentially my remarks today will be on the fisheries component of the Nisga'a treaty. Fisheries issues have been of some concern to Canadians from coast to coast in the last little while, and for good reason. On the east coast with the Marshall decision the supreme court has acknowledged or put in place a process similar to what is government policy on the west coast with separate native commercial fisheries.

The substance of my address today will be to point out, by quoting from documents I received under access to information, that back in 1987 the Department of Fisheries and Oceans was arguing against the policy the government has put into place in the Nisga'a treaty with a separate native commercial fishery. The department was effectively arguing against the same policy the Supreme Court of Canada imposed on the east coast with the Marshall decision.

The first document I would like to bring to the attention of the House is a March 6, 1987 letter sent by Mr. Laurie Gordon, who at the time was assistant district supervisor in district 8 in Prince Rupert, to Mr. Paul Sprout, who was assistant area manager in the north coast division of Canada's Pacific coast.

Before I refer to the letter, the point I must make is that back in the mid-eighties the treaty negotiators had proposed a fisheries component for the Nisga'a treaty that was under negotiation at that time. It was similar to the treaty we ended up with just a couple of years ago. It is the treaty we are arguing before the House. This proposal was made by the treaty negotiators at that time and the department was effectively speaking out against it.

These are some of the reasons the Department of Fisheries and Oceans was opposed to the Nisga'a treaty back in 1987. It said that if it proceeded there would be no area 3 fishery for non-Nisga'a in poor areas and only moderate fisheries in good years. The letter goes on to state:

> We are concerned that this will be an incentive to have fish caught in the Nisga'a fishery recorded as having been caught in the all citizen's fishery.

There was concern about the transfer of fish from a separate native commercial fishery to the all-Canadian commercial fishery. In talking specifically about sockeye it stated:

> In some years of low returns there would be no all citizens fishery for sockeye. . .Depending on migration routes and timing we would therefore likely have to adjust our fisheries, particularly Area 4 and the outside of Area 3, to allow more sockeye into 3Z.

That is the zone the Nisga'a would be fishing in. It continued:

> In most years the first few weeks fishing, mid-June to mid-July, would have to be Nisga'a only. There would thus likely mean no commercial net fisheries in the north coast prior to the second week of July.

That is the impact the treaty will have on the commercial fishery in the future if it is passed by the House. That is what the Department of Fisheries and Oceans was saying in 1987. In all likelihood that is what the Department of Fisheries and Oceans concluded in the secret report in which it talked about replicating the Nisga'a treaty coastwide. With regard to pink salmon Mr. Gordon's letter continued:

> We have no quantitative method of determining Nass pink strength in season and therefore it would be very difficult to accurately adjust the allocation in season. The Nass run will be masked by large numbers of Alaskan and area 4 pinks.
>
> Even post season we cannot estimate total Nass pink runs without making dubious assumptions about the portion of catch which was of LCA, land claim area, origin.

We have a huge problem making estimates or guestimates of the fish returning to the Nass River, even post season.

● (1620)

With regard to coho it states:

> We know very little about stock strength of Nass coho, and have absolutely no way of determining it in or post season.

Coho are in serious decline and could probably be considered an endangered species in some areas of the north coast. It is interesting when Mr. Gordon talked about Chinook salmon. Let me read his letter and be very clear about it:

> All sport fishing for chinooks including catch and release would be stopped.

This was the view of Laurie Gordon back in 1987, that is if we went through with the treaty now before us. If that is the case there will be many lodge owners on the north coast of British Columbia who will be very upset.

The other letter I want to quote from is from Pat Chamut, director general of the Pacific region back in 1987. He is now an assistant deputy minister. His letter was to A. Lefebvre-Anglin, assistant deputy minister, Pacific and freshwater fisheries. The date of the letter is March 16, 1987. Essentially Mr. Chamut repeated the concerns expressed in the previous letter. He wrote:

> The formulas to determine species mix are unmanageable. . .In order to ensure the sockeye fishery proposed, in most years the first few weeks of fishing, mid-June to mid-July, would have to be Nisga'a only.

He went on to write:

> This would likely mean no commercial net fisheries in the north coast prior to the second week of July.

He referred to the difficulty with properly managing fish if we proceeded with the treaty. It is horrendous that the man who is now assistant deputy minister of fisheries and promoting this treaty would have changed his tune since 1987. As I said earlier we are talking about essentially the same agreement being in place as the one that was discussed in 1987. Mr. Chamut's letter started off by stating:

> The following comments are in response to the Chief Federal Negotiator's letters of February 13 and March 5, which respectfully outline the Nisga'a proposal on species mix and the Chief Negotiator's intentions with regard to a new federal offer in this area.

It specifically concerns the treaty and bodes ill for the future.

The next letter was from Marion Lefebvre, chief claims negotiator, native affairs division. It was to Mr. Fred Walchli, chief interim negotiator, Nisga'a claim, comprehensive claims. In that letter she made the following case:

> The formulas to determine species mix are unmanageable. . .In order to ensure the sockeye fishery proposed, in most years the first few weeks of fishing, mid-June to mid-July, would have to be Nisga'a only. This would likely mean no commercial net fisheries in the north coast prior to the second week of July.

I cannot emphasize that enough. If the treaty goes through there will be no commercial net fisheries on the north coast prior to the second week of July. That is the time of the most effective fishing on the north coast. It is those first couple of weeks in July that make it all pay. That is when the fish are caught.

On June 25, 1987 a letter from Michelle James, acting chief, fisheries negotiator, was addressed to Mr. Fred Walchli. Ms. James assured him that the department's advice on this matter was that he should not pursue the notion of using area 2Z catch as the basis for determining the Nisga'a fishery. She wrote that this was most important and that it would be impossible to replicate the treaty coastwide. That was the intention of the government.

• (1625)

The evidence is there in the access to information documents, that if the treaty goes ahead there will be no commercial fishing on the north coast prior to the middle of July, which will put serious restrictions, if not eliminate, the sport fishing for chinook on the north coast.

Those are facts that were stated by the Department of Fisheries and Oceans back in 1987 when the proposal before the government was similar to the current fisheries component of the Nisga'a treaty.

An hon. member: It was different.

Mr. John Cummins: It is not different. That is a tragedy and it will have serious implications for a fishery that is already suffering from mismanagement by the government.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, it gives me pleasure today to speak to this very important issue. I want to start by emphasizing one word in Group No. 1, as well as in the entire group of amendments that will be presented over the next few hours and day, that the government does not seem to understand.

Auditor general reports have constantly called for more accountability, particularly from the Department of Indian Affairs and Northern Development but especially accountability for the billions of dollars that are sent to the reserves to try to help these people. Why does that word not exist in the government's vocabulary? It does not exist in the vocabularies of most dictators who say ''Do as I say and shut up''.

One of the opposition parties is the NDP. It does not know the meaning of the word accountability. Its members simply insist that we throw more money at this problem, but we do not hear that word in their vocabularies. It is the same with the Conservative Party, another opposition party that is supposed to help us in making sure good legislation goes out of this building. Liberal, Tory, same old story. There is nothing new there.

Bloc members have one thing on the agenda. They want to leave the country so their importance involving this legislation is meaningless. They only have one thing on their minds. They want to form a country of their own.

In the meantime my colleagues formed a committee and went to visit some people in the Vancouver area, including my colleague from Okanagan—Shuswap who was on the committee. We listened to such things as what I will read right now. An elderly lady appeared before the committee and said:

> I see my people struggling day to day, picking up bottles, lining up in cigarette line-ups to make $15 to feed their kids for the rest of the month and here our councillors are sitting pretty in a nice office. They spend $28,000 on their coffee room and it is just

for the chiefs and council while our kids go to school hungry. I said they wonder why they are getting angry. I said I can't take it any longer, I am so fed up with them. We tried to do a non-confidence on them Sunday but we got overpowered with their people. We have no accountability for what they do for the people and I said I hope somebody out there will help us to get where we need to get in order to have an audit done for our people and find out where is all the money going. What is happening? Why are we having in this country so many individuals crying out to this government for help and what they are crying for is not more money. They are crying for accountability. You are sending money to our chiefs and council and we are living in squalor.

There is a difference between members of my party and the Liberals. I asked every reserve I visited if they had ever seen a member of parliament in their homes or on their reserves other than in the council chambers or the chief's home. The answer was ''You are the first, sir''. My wife went with me on many of these ventures. We were told we were the first political MP to ever visit their homes on reserves, which could be a broken down bus with no wheels, no windows, no heat and no water. We went to other homes where there was no furniture. They sit on stumps. They are very hospitable with what little they have. They are great people to get to know.

• (1630)

The example of this story that my colleague heard is only one of thousands that are being expressed across this country to a group of people who finally came together and said they want to be a coalition. They are asking the government for accountability and help. What does the government say? ''Go to your chiefs and council''. The chiefs and council are the problem.

They run to Indian affairs and are are told: ''Wait a minute, this is an internal problem. You people go to your chiefs and council''. But they are the problem. Nobody is listening to the cry of the grassroots people on the reserves.

I had hopes that we would have people in this building who would have a little compassion for the way conditions are on the reserves so that we could come together and have two or three people from each party form a task force to go out and see these horrible conditions, come back here and collectively recommend some things we could do that would at least make these lives a little more compatible with some sort of a standard of living, instead of the third world conditions that the United Nations says exist in the land of Canada.

Lo and behold, we are having Bill C-9. These grassroots people from this coalition are calling me and expressing their concerns. The government in this treaty is going to give these people nearly $1 billion as part of the deal. Where is this $1 billion going? It is going into the hands of a very few. Therefore, the very rich will continue to become very rich and the very poor will be no better off.

These people are being given power that they have never experienced before in their lives, more greedy power where they will be able to control things in their area beyond belief, beyond what they do now. We have members sitting opposite who claim to be compassionate, caring about individuals who are living in these conditions. However, they are doing absolutely nothing except making sure that it happens without building into any agreement that one word, accountability. Where is it? Why is it being allowed to happen? Why is the government allowing that kind of thing to begin to happen?

Auditor general reports year after year say do something about the accountability factor, particularly on the reserves, particularly with the Department of Indian Affairs and Northern Development. He is simply ignored. I just looked at the most recent report which says the same thing, that there are still too many great difficulties in the lives of ordinary people on the reserves.

We brought these grassroots people together in a place in the middle of Winnipeg in a place called Birds Hill. These are grassroots people who cannot afford a big convention hall. They could not go to a place where the Liberal Party would support a big convention of native leaders, where it would cost thousands of dollars to rent a hall with fine food and fair drink. They were in Birds Hill trying to pitch tents, if they had one, finding a shrub bush, if they could find one. They were lying all over the park.

I was there for three days with them waiting for some of the invited Liberals who live very close to Birds Hill park to show up and show a little compassion to these people who were crying out for help. Not one of them showed up and did not care.

But, boy, they are wonderful. They are creating this marvellous deal in British Columbia without the consent of the people, without the care of the grassroots natives throughout British Columbia. Oh yes, they held a referendum in the Nisga'a area. I believe it was somewhere around 65% to 35%. It does not matter. They ignored the call and the cry of the people who were against it because they wanted one thing to happen. They liked the idea of moving in this direction. They were thrilled about it. They said to me, ''Are you sure the billion dollars or whatever is paid in is going to be shared? Am I going to be able to own property? Is there any accountability?'' The answer is no because accountability does not come from dictators. That is what this government is and it ought to hang its head in shame. One day it will answer for that.

• (1635)

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, imagine you and I are across a railway track with me on one side and you on the other side. We know there is a train coming down the track and we know there is a bridge out ahead. I think you and I would find a way to solve the problem to see if we could get the bridge fixed or the trestle back in place so that the train coming down the track would be able to continue on. I do not think we would stop to argue, complain or even debate about who is on the train or how fast it is coming and those kind of things. We would do our job and we would try to save the approaching train from being wrecked.

The minister of Indian affairs asked two questions earlier in this place. He asked what the Reform Party would do about Nisga'a and what about the details within the treaty. We have talked a lot about the details within the treaty and about the concerns we have with it. The bigger principle involved is stepping back and taking a look at the principle in agreement and the problems with it. Just as you and I would not argue about the individuals and the details about the train and we would try to fix the bridge, we would like to focus our attention on the bigger picture of what is wrong with this agreement. I will answer the two questions put by the minister of Indian affairs in a few minutes.

The Liberal government has demonstrated by its actions that it cares very little for the people of British Columbia. The Liberals have demonstrated their lack of care in their approach to Bill C-9. They limited debate to four and a half hours for members of the opposition at second reading. They voted against giving all British Columbians the right to vote for or against this treaty by way of a referendum and they have given notice of closure once again on this bill. Actions speak louder than words and the Liberal government has spoken loud and clear about how it views Bill C-9.

Let us take a look at our role as legislators. It is our duty to scrutinize and examine legislation that will have a profound effect on people's lives. That is our job. That is the job of the government and that is the job of the opposition, to scrutinize legislation and make sure it meets the test not just for this time but for future days as well, and this bill falls short of that test.

The Liberal government is more committed to getting speedy passage of this bill through the House than it is to actually doing its job of examining the fundamental principles of this bill and how it will affect British Columbians and Canadians in the future. Its actions demonstrate that it is more concerned about photo opportunities than it is about the hard work of objectively examining the legislation or about how this treaty will impact British Columbians and all Canadians. It is a shame that seems to be what the actions of the government are indicating quite clearly to British Columbians.

● (1640)

If the government truly cared about making sure this legislation was examined and scrutinized, it would dedicate the time to do so. It has not done that. It has closed off debate at different stages. It does not want a full airing and hearing of this treaty. It has a huge effect on British Columbians and will for future generations. That is why the members of the opposition are speaking loudly on this and trying to get the government to pay attention to it. It is not simply another piece of legislation that we deal with in one afternoon in this place and treat it like many others that may come up. It is not simply a piece of legislation that we can just look at and not pay attention to.

We have concerns that that is exactly what the government and members from other parties are doing. They are sleeping at the wheel. This is a piece of legislation that is going to have a profound impact in British Columbia and across the country for now and for future generations. If we do not do due diligence in this place while we have the opportunity, the government will be recorded as the one that failed to do its job. The members of the opposition will not include themselves in that category. We will point out, piece by piece, our concerns with this legislation because it is flawed and needs to be dealt with more thoroughly.

This legislation fails to give British Columbians the right to vote through a referendum on the Nisga'a treaty. That is something the Reform Party would do. The Minister of Indian Affairs and Northern Development asked that question earlier.

This legislation does not include a constitutional exclusion of this treaty in the areas of self-government and fishing. In other words, if this treaty is passed it will be protected by section 35 of the constitution. Forever entrenching this treaty by protection of the constitution, it will not be able to be changed. We have serious difficulties with that.

The treaty and the government do not acknowledge the overlapping claim of these Nisga'a lands by other aboriginal groups such as the Gitksan and the Gitanyow. Those are basic fundamental flaws with this piece of legislation that the government is continuing to ignore. That is why we must urge the government to stop this approach of ramming this piece of legislation through so that it can have some kind of photo opportunity or be able to say that it was the group that brought this great legislation through. For future generations, what the test of time will tell is that this is the group that did not do its job. It is the group that failed when it had an opportunity to examine this legislation and put a good framework in place.

There will be other treaties coming. If that group there is not committed to making the changes necessary, then this group will do everything within our power to form government, to go to that side, to put some common sense and balance back into this place and into legal processes in this country.

We see through its actions that the government does not seem concerned about this. In fact, it is treating this as another piece of housekeeping legislation. That is all I can say because of the actions that go along with the words it is attaching.

I have questions for the government. I have questions as to where are the members from British Columbia on this issue? What are they saying? What do they think about this legislation? Are they standing in support of it? Are they going to stand in their places in the House and defend this agreement? Are they going to ignore the will of British Columbians, the people who elected

them? There is silence from the Liberal members from British Columbia coming back from the other side.

Mr. John Duncan: The silent seven.

Mr. Grant McNally: The silent seven as my colleague remarks.

Opposition to this bill has been put forward by many different people. I think the government would like to compartmentalize the opposition as being just the Reform Party so it can ignore us. Well, it is not just the Reform Party that opposes this agreement. There are many different voices that oppose this agreement, including the Liberal Party of British Columbia. The leader of the official opposition in British Columbia, the B.C. Liberal leader, opposes this treaty. In fact, he said some things that are pretty harsh about the group over there. He said ''Nothing will do more to erode public trust and confidence in this most important endeavour than to sidestep and short-circuit public debate. A government under my leadership will not accept this Nisga'a treaty as a template for future settlements''.

• (1645)

The B.C. Liberal leader is opposed to this piece of legislation. I believe the B.C. Liberal Party has even brought a case before the courts to determine some very serious questions about the treaty.

Once again, we urge members of the Liberal government, the members from British Columbia who represent the government, to do their job, to examine the legislation and to do everything in their power to stop it from going forward in its current package because it does not meet the test. Their names will be recorded as the ones in history who had an opportunity to put in place a positive framework but failed. Woe to them.

We will continue to stand in this place and work to make positive changes to avoid the kind of train wreck approach on which the Liberal government is continuing.

Mr. Bill Gilmour (Nanaimo—Alberni, Ref.): Mr. Speaker, throughout the day we have quoted a number of people from British Columbia who appeared at the hearings last Friday. They did not have the opportunity to appear before the standing committee because, as we are all aware, it was stacked unfavourably. There was no neutrality. The witnesses who wished to appear who were against the Nisga'a deal did not get much of a hearing.

I would like to quote Mr. Harry Bell-Irving, who is a director of the Citizen's Voice. I have taken a few of his thoughts, because I do not have the time to go through them all, but there are some excellent points that I would like to put on the record. He stated:

> The Government of Canada was represented by the Department of Indian and Northern Affairs, which stood in a position of trust with respect to the Nisga'a, and accordingly, was in a position of conflict with respect to all other Canadians. In support of this statement, it is interesting to note that the Canadians who take this position most strongly are aboriginal Canadians living in the Nisga'a area, who claim that significant rights belonging to them have been given to the Nisga'a and are protesting.

These aboriginal Canadians are not Nisga'a and they are having their lands taken away.

Mr. Bell-Irving continued:

> These protesting aboriginals have already launched court proceedings to try and regain their rights. I submit that the people of Canada have had no true representation at the federal level. . . .With one important exception, mainly amendments introduced dealing with questions as to the certainty of future benefits, the final agreement passed in the British Columbia legislature contained no significant amendment to the agreement in principle tabled in 1996.

Basically it was the original document. Does that sound familiar? It is the same story.

> The NDP also resorted to a form of closure and rammed the bill through the legislature with great haste and in contempt of democratic process. The NDP never consulted the people at large as to the parameters of the agreement, and have refused to let the people of British Columbia have the opportunity to vote on a referendum to approve or disapprove the agreement.

The Liberals last week did exactly the same thing in the House. We put forward a motion that the Liberal federal government hold a referendum in British Columbia, and it refused.

I contend that if it were in Ontario or Quebec it would have been an entirely different story. The government simply does not care about the west.

Mr. Bell-Irving continued:

> If you are to ask me what is wrong with the Nisga'a agreement, my answer, unfortunately, would be to say a very great deal. It is badly drawn and ambiguous in many places. There are many sub-agreements yet to be finalized. The Nisga'a agreement will create a right to fish based on race. It grants the right to the Nisga'a to make laws which in certain circumstances will be superior to the laws of Canada and British Columbia.

• (1650)

I will repeat that because it is important. It grants the right to the Nisga'a to make laws which in certain circumstances will be superior to the laws of Canada and British Columbia. Is that what Canadians want in a modern treaty?

> It provides for Nisga'a citizenship and that only Nisga'a citizens can vote for the Nisga'a government. Think of it; a state within Canada with a separate citizenship in which Canadian citizens cannot vote. Are there to be 60 or more such states within British Columbia? What a disaster for British Columbia, what a disaster for Canada. The federal and provincial governments have said many misleading things in support of the agreement. One of them is that it will create certainty, implying that we should not nitpick about small details and get on with it. I submit that the only certainty the Nisga'a agreement will create is that for years to come there will be uncertainty because various aspects of the agreement will be before the courts.

> Already a number of court actions have been commenced. . . .The most serious flaw in the Nisga'a agreement is with respect to the self-government rights granted to the Nisga'a. These rights have been deceitfully described by the federal and British Columbia governments as being similar to local or municipal rights. Yet in 14 different instances, the self-government rights provide and I quote: ''In the event of an inconsistency or conflict between the Nisga'a law and a federal or provincial law, the Nisga'a law will prevail to the extent of the inconsistency or conflict''.

Again, is this what we want? I thought we were looking for one law and one country. This adds another layer of government which in my mind and from what I am hearing from the people in my riding is not wanted.

He continued:

> The implications to me are very frightening. . ..No business, profession or trade can carry on except under Nisga'a law. As is the case in a number of places in the act, there is the pap that accreditation must be in accordance with the law of the rest of the country, or the law of British Columbia, but that really isn't of significance, (because) the self-government rights are contained in land claims treaty, they will be constitutionalized and can only be amended according to the constitutional process, and it is my understanding that they cannot be amended without the consent of the Nisga'a.

Therefore, it is a closed door. Why would the government set these powers in constitutional concrete without first having a trial period to see if they are working out?

There have been other treaties before the House. For example, the Yukon treaty was before the House in the last parliament and it was not constitutionalized. It was a separate bill. I have to ask why the government is taking this route when the Yukon bill of a few years ago, which was a separate bill, was not constitutionalized. Why would it constitutionalize rights in this treaty? It makes me wonder. I have to ask what is the agenda of the government. Where is it going?

Mr. Bell-Irving continued:

> I recommend that the Nisga'a agreement be amended so as to remove self-government rights from the agreement, placing them in a separate agreement, which may be amended from time to time—

I think that is very sound advice. We have done that before in the House. I spent a year going through the Canadian Environmental Protection Act. The old bill stated that it would return to the House every five years. What is wrong with that? That is good legislation. Where is the government going? Exactly in the opposite direction. It is constitutionalizing this. It is closing the door. It will be there forever. We will not be able to amend it.

Another point of great concern are the resources, forestry and fisheries. For example, it was stated by Skeena Cellulose Inc. in the Nisga'a area that should the treaty go forward Skeena Cellulose would sue for $75 million in lost timber resources. Guess what? The province bought Skeena Cellulose. That gets rid of that issue, I suppose, but I am not sure it was a wise use of tax dollars. The fishery is of more concern because the fishery is tied to race. Remember, this is the first of 60 such agreements. In my view, if we carry this forward to 60 agreements there will not be a commercial fishery in Canada. There will not be any fish left to divide. There will be a native commercial fishery, but what about the non-native commercial fishery? We only have so much of the pie to cut up.

• (1655)

There was the Marshall decision which concerned the fishery on the east coast. I am a member of the fisheries committee which was holding hearings last week on the east coast. The Marshall decision, which was clarified by the supreme court, is finally getting through the fog and coming to the middle ground. What is finally coming through with the number of cases that have been before the supreme court is that if we err too far on one side treaty rights will be violated. However, if we err too far on the other side and affect the rights of the people already in the fishery, that will not work either.

The people who are already in fisheries, forestry and other areas who are being pushed out because of these treaties will go to the supreme court, and so they should. We will have years and years of litigation because of this treaty. Again, why? Why could we not start with an open process? There was clearly no open process in British Columbia. It was all closed.

We should have a process that all or most people agree with, have a referendum at the end of it, and then we would have what people want. We are not going in that direction at all. We are going in exactly the opposite direction, creating another layer of government that we do not need. At the end of the day we want laws and rights that apply to each and every one of us, regardless of where we come from.

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, as the member of parliament for Edmonton East I am pleased to participate in the debate at report stage of Bill C-9, an act to give effect to the Nisga'a final agreement. My objective is to place on the permanent *Hansard* record my concern that the implementation of this agreement amounts to indirectly effecting a permanent constitutional amendment, and I believe that is wrong. I also wish to use this opportunity to raise concerns about any course of action in the House that would bind future generations of legislators.

Since no decision or action in the House should ever be considered to be infallible and since our history has shown us time and again that courses of action must change as circumstances change, we should not set a template with the Nisga'a agreement that cannot later be reshaped.

It is generally accepted that the Nisga'a agreement may well serve as a model for future agreements with other aboriginal groups, particularly in British Columbia. Should we as legislators

not be concerned that the implementation of this agreement may enshrine in stone a model that would be better subject to later reconsideration and refinement?

I therefore believe that the bill under discussion should have the following qualification: that this agreement is not intended to be and is not in fact, in substance or in form a constitutional amendment and that, accordingly, the agreement may be subject to later reconsideration, revision or amendment by parliament.

With the controversies and court clarifications surrounding the Marshall case, it becomes clear that even justices of the Supreme Court of Canada are fallible. Governments and government policies are similarly fallible. One of the important benefits of any democracy is that governments can be changed, which provides a check against errors being perpetrated. A new government may assess the policies of its predecessor and declare them to be wrong, redundant or badly thought out. The courage and self-confidence of a government in significantly altering or abandoning an entrenched course of action is very important to Canada's future welfare, in aboriginal matters or otherwise.

In short, no government should act in a way such as to permanently bind its successors, unless specifically intending to do so by way of constitutional amendment.

• (1700)

In aboriginal treaty matters, this becomes particularly important given that much of the evidence that formed the basis of current decision making and treaty interpretation is far from being indisputable. Historical renderings of oral traditions are full of nuance, significant differences in interpretation and not easily verified independently. These evidentiary weaknesses become quite evident in the Marshall case. Any discussion based on oral tradition must, by its very nature, be considered to be interpretative rather than grounded on objective fact.

Remembrance Day has recently passed. At this time and in years prior, people were reminded of past prejudices toward aboriginal veterans that give to current grievances. After the second world war, aboriginal veterans had to choose between renouncing their aboriginal status and receiving post-war benefits available to all veterans. Understandably, most were reluctant to give up their birthright. They believed then and believe now that it was unjust to discriminate in post-war veterans benefits based on race. I agree with them and have consistently advocated their position in my capacity as Her Majesty's Loyal Opposition critic for veterans affairs.

On September 25, 1998 my colleague from North Vancouver introduced a motion that added clarity to my position with respect to aboriginal veterans. In the context of the current debate, it is very important to remind the House that differences of opinion concerning the Nisga'a agreement do not impede the recognition of general injustices that must be addressed.

We might question how this veteran inequality came about. Simply, it is due to a government trying to balance, many would say juggle, the special rights of some with equal rights of all and then deciding to favour the few, in this case at the cost of aboriginal war veterans rights. Seeing how the federal government absolutely fumbled the play toward handling war veterans rights, it boggles the mind to think how the government will ever decide on the rights of equality for all Canadians. Looking at the Nisga'a agreement, there is an entrenchment of refusal to permit all Canadians on Nisga'a lands to have the same voting rights. What sort of equality is this?

The Bloc Quebecois on my left are salivating over the implications of the ever more special status of government by and for the people of Nisga'a. It is salivating at the opportunity to see these rights enshrined and then interpreted for its own purposes.

With a government so devoid of solutions that it could not resolve the aboriginal war veterans' concerns in 55 years, what chance do we have that it will not interpret the Nisga'a agreement as constitutionally carved in stone, thus becoming precedent setting for separatist purposes.

Advocating a just cause on behalf of the aboriginal community should not blind a parliamentarian to the fact that all such claims are not equally just. A major consequence of the Nisga'a agreement will be the creation of a self-governing community based on race, notwithstanding the fact that non-aboriginals and non-Nisga'a aboriginals have lived and worked in this area of British Columbia for many years. The nature of the franchise of the non-Nisga'a to democratically influence the future of the area is far from certain.

It is also important to remember that the majority of the positions favouring aboriginal self-government do not involve economic self-sufficiency as a precondition to such self-government. The Nisga'a agreement is no different and, in this respect, quite comparable to the creation of Nunavut: self-government which is not preceded by economical self-sufficiency; and self-government funded by settlement payments, which does little to eliminate dependency.

With the 1992 rejection of the Charlottetown accord by the Canadian people, the notion of any distinct society was soundly rejected. We should remember that the distinct aboriginal society component of the Charlottetown accord was similarly rejected. While non-aboriginal Canadians appear prepared to acknowledge that degrees of redress are required to correct past injustices, few are prepared to advocate the creation of third world republics. Few are prepared to advocate the balkanization of Canada through the implementation of hundreds of similar agreements. Few are prepared to support the dedication of taxpayer revenues to fund such balkanization or the self-government falsehoods associated with continuing dependencies. Dependency on public funds, however caused, comes with an obligation to use one's best efforts to end

such dependency. A perpetual victim attitude is far from being currently defensible as a means to justify such dependency.

● (1705)

Let me refer once again to my current involvement with the grievances of aboriginal veterans. They are not victims; they cannot be. They are defenders of Canada, all of whom volunteered to defend Canada. They have been subject to an injustice for over half a century. Their current state in life, for better or for worse, is not blamed on this injustice. Perhaps this is because, based on their military background, aboriginal veterans appreciate that individual strength and initiative is necessary to overcome any adversity. In the heat of battle, putting on the victim cloak and blaming others simply increases the likelihood of the battle being lost. The focus must be the larger collective good and one's individual contribution to that good.

In this debate, I hope that the focus will similarly be on the larger collective good, particularly in the longer term, and how our actions here may contribute to that collective good.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I am pleased to rise this afternoon and add my voice to the long list of voices that have expressed concern over the Nisga'a treaty when it comes to our particular party, and particularly to those voices out in the province of British Columbia. Being from the adjacent province, my riding of Calgary Northeast, I also recognize the concerns expressed by my colleagues, especially those from British Columbia.

There cannot be a good, valid or an arguable reason for passing the Nisga'a treaty without further debate on these much needed amendments that the Reform Party is encouraging today. In so doing, the Liberal government is again resorting to an arrogant tactic that has marked its tenure and power and which has characterized so many Liberal governments of the past that have tried to ramrod dangerous and divisive social change through parliament.

Why is the government so afraid to debate this issue? Why is the government so nervous about discussing the particulars of this treaty? Why does the government label all opponents of this treaty in the cowardly manner that it does? Why does the government constantly seek to invoke closure, an undemocratic, cowardly and desperate act that attempts to smother free speech in the House? In its actions, the government is no different than the NDP government in B.C. which has also ramrodded the Nisga'a treaty through the provincial legislature against huge opposition.

What is most disturbing about the attitude of both governments is the dismissal of that opposition and the dismissal of the democratic consultation and open debate process. Despite deep and disturbing concerns about this treaty, critics are ignored and uncertainty is chided. The fact of the matter is that these concerns have to be addressed. This uncertainty must be acknowledged. This is a controversial treaty that threatens to change the shape of the Canadian nation. It will cost taxpayers billions of dollars. It will rework the justice system and entrench a cast system in our society.

● (1710)

Every day more Canadians are realizing that this treaty will be a catalyst for racial intolerance and not a cure.

Canadians are getting angry that they were not consulted about this deal and were not told all the facts. Now they want to be consulted. They want the facts now. They will get the facts sooner or later. We will not let this legislation pass without opposition. We will not sit back and watch the government ignore the will of the people.

The Nisga'a treaty is a fatally flawed treaty that is bad for natives and non-natives. The Prime Minister was effusive in his praise of this treaty today, but 30 years ago he recognized the need to integrate natives into Canadian society when, as the Indian affairs minister, he advocated that policy. I suppose he still had a sense of individual rights in those days and of all Canadians being equal under the law.

The Nisga'a treaty is a giant step backward into a world where status and power is defined by one's race and position and where national unity is divided into fiefdoms of privilege. With the passage of the Nisga'a treaty, we are embracing a regressive social system that could easily have been designed in the middle ages. To begin with, all the residents on Nisga'a land will not have the right to vote for their local governments under the Nisga'a treaty. Only the Nisga'a peoples will be allowed to vote. Non-Nisga'a residents are excluded on the basis of race. This is not only immoral but unconstitutional.

How could any Canadian agree to a treaty with this kind of a provision? There is one reason why the B.C. Liberal Party opposed the Nisga'a treaty, and in a B.C. Liberal Party guide to the Nisga'a treaty, this objection and others were outlined for B.C. voters to see. It is a pity that the federal Liberals were not affected by the same degree of common sense that seems to prevail at the provincial level. It was heartening to hear the B.C. Liberal leader, Gordon Campbell, condemn this act, condemn the closure that was attempted to be foisted upon this parliament and condemn the process that was pushed upon the people in British Columbia.

It is this creation of a two race system that we in the Reform Party find most disgusting in the Nisga'a treaty. Can we think for a moment about what we are saying in this document? Can we consider for a moment what the consequences of this treaty will be? Where has the passion for democracy, for individual freedom and for equality under the law gone in this country and in this parliament? Is a race based society justifiable if those judged to possess special status just happen to be non-white?

Other countries have attempted to define their rights and freedoms on the basis of race. We have condemned their philosophy. This House has condemned their philosophy. We have opposed their tyranny and have died fighting in the belief that all people are created equal, as my colleague from Edmonton pointed out.

Can members imagine the reaction if we denied rights and freedoms to a specific race in the rest of Canada? Yet we are prepared to grant one race status over another because it involves native land claims. This represents a perilous disconnection of thought and judgment, and one that we ought to oppose at every opportunity.

The Nisga'a treaty has been identified as the balkanization of Canada. We need only to look to the Balkans to see how tragic this transformation can be. Today, over 4,000 Canadian military personnel are in the Balkans struggling to maintain a peace after years of brutal civil war. The region has divided into nation states based on religion and ethnicity and subdivided again into warring factions.

The Canadian lesson has been that there is strength in unity and integration. We cannot have two political systems, two styles of government and two justice systems.

● (1715)

It is the awesome potential for a national tragedy that makes the acceptance of the Nisga'a treaty so fraught with difficulties, for truly this agreement has been hailed as a template for other native land claims across B.C., and indeed across Canada.

Are we to deliberate on this form of self-government, one based on race and consider it positive for Canada? Is that what we have to deliberate upon? And, at what cost? The Nisga'a treaty will cost somewhere in the neighbourhood of $490 million according to the B.C. government, the treaty's most earnest supporter. It could well be more.

When this treaty, which is a template for all other land claims agreements, is applied to other negotiations the cost will be much more, perhaps in the tens of billions of dollars, and the cost will keep climbing. The government in passing this legislation is serving a writ of sentence to upcoming generations in the country, a sentence of taxation to pay for inequality for non-Indians and special status for Indians under Canadian law. It is also establishing a tragic political legacy.

The government has made an art out of its catering to special interest groups. It cannot even think in terms of individual Canadians who hold inalienable rights. It thinks only in terms of competing groups and of pitting these groups against each other for the sake of political expediency. The country will pay dearly for this slavish devotion to special interests.

The Liberals have not dealt very well with this crisis. Instead they have planted the seeds for an even greater crisis with the Nisga'a treaty. Overnight they have significantly raised the spectre of racial unrest in the country and they do not even seem to care.

They care so little that they have avoided any sort of comprehensive debate as to how the Nisga'a treaty will affect the future and impact upon all our lives.

Mr. Maurice Vellacott (Wanuskewin, Ref.): Mr. Speaker, I wished I did not have to speak on a topic like this today because it would really never have come this far if we had had true democratic debate across the country. If there had been a referendum in B.C. I dare say that this would not be in this place today.

With some regret I speak on Bill C-9, the Nisga'a final agreement act. I share with my colleagues on this side of the House, the official opposition party, some of the concerns with this implementation legislation that would be brought to the province of British Columbia. I do not believe it will be good for the native people in that province, nor the non-native people there and across the rest of the country, especially if it is the template pattern for what occurs in my own province, my backyard and throughout the rest of Canada.

I reiterate some of my concerns with some that have been expressed by my colleagues, about the implications this treaty would have for how the Canadian constitution functions. The position of the Reform Party, and I read it for the record, states that:

> —any form of Indian self-government will be a delegated form—

In other words, like unto a municipal form of government.

> —and all lands within the borders of Canada will remain part of Canada. The laws of Canada (and the Provinces and Territories) including the Canadian Constitution and the Charter of Rights and Freedoms will apply to Indian governments. Any laws enacted by Indian governments must conform with the laws of Canada.

In chapters 2 and 11 of the treaty, the provisions for self-government undermine this common sense understanding of how Indian governments must operate in conformity with Canadian laws. In the treaty, Nisga'a governance powers are considered an aboriginal treaty right within the meaning of section 35 of the Canadian constitution.

Entrenching of Nisga'a powers in a treaty will in effect create a third order of government in Canada. In concrete terms the treaty grants the Nisga'a government paramount power in 14 different

areas and shared jurisdiction in another 16 fields. That is a constitutional change.

It is irresponsible on the part of the Liberal government to bring about such a fundamental change to our country, to the constitutional structure of Canada and to do it in such an undemocratic manner as it has been. It is incredible when one thinks of it that a de facto constitutional change would be made without input.

● (1720)

Too much of that agreement was hammered out in secrecy behind closed doors. Even certain members of the government of the province of British Columbia were unable to receive information with respect to the details of it. It was hidden from them.

When all was done, a fait accompli, it was brought to the government by the NDP in British Columbia and it was rammed through. Closure was invoked there as well. It was invoked halfway through the debate in that province.

At the federal level the official opposition represents 24 of the 34 seats in the province of British Columbia, the largest number of course. Again we see democracy being trampled on.

If this bill before us becomes law there is a clause in the agreement that will cripple the official opposition federally and provincially. That clause will ensure that no party to this agreement may challenge it once it is ratified. It is a very important clause because it will completely hobble the government in waiting once it becomes the government. Simply, many of those issues have not been addressed.

One of the major problems is that at least in a modern world power resides here with native government in a collective sense and not with native individuals.

I am also saddened to see the way this Nisga'a treaty conforms to the Liberal pattern of showing only respect, if one can even call it that, only to aboriginal band leadership and not showing the same respect for the ordinary person on the street, the grassroots, the ordinary band member in those communities. The treaty bypasses the individual and instead concentrates the economic and political power in the hands of the Nisga'a government, a collective sense. Individual Nisga'a people have no reason to be excited about this treaty and they are not. They do not have property rights in this treaty. Nor are their individual freedoms protected in the way that other Canadians have their freedoms protected.

It is unclear whether all the rights in the charter will even apply to the Nisga'a people. Under the terms of section 25 of the charter the courts must defer to collective aboriginal rights if they are deemed to conflict with charter rights. This places collective rights over individual rights and that means aboriginal government rights over the rights of individuals.

Also it was brought to our attention out there when hearing individuals that there are conflicting claims on the same land from other bands. The federal government must reach agreement with surrounding bands, including the Gitksan and the Gitanyow. We have overlapping claims against land proposed to be conveyed now under this Nisga'a treaty. Such agreement must be an accommodation satisfactory to the Gitksan and the Gitanyow leadership.

Briefing notes from the B.C. minister of agriculture show what state of anarchy it could create in terms of the whole of agriculture in the province of British Columbia. If it is used as a template for future land claims, it will cause significant disruptions to individuals ranchers, orchardists and farmers throughout the Okanagan. Over 1,000 farms in the Okanagan Valley, represented by my colleagues here, will be greatly affected by this. Not only does it threaten the commercial interests of those ranchers, orchardists and farmers, but it threatens the whole B.C. agricultural land reserve.

The NDP briefing note went on to say that the majority of a crown agricultural land reserve would likely be consumed by land claims for a total of approximately 2.5 million hectares. Using Nisga'a as a template, and God forbid, it will not only create economic uncertainty in certain parts adjoining there, but throughout the rest of the province as well. They know this. The Liberals, the NDP and the Tories know this, but they insist that their extreme measures are best. They know what is best for British Columbians and have not even given them a referendum to indicate it themselves.

If the Nisga'a treaty were to be a template, and we believe there is every possibility that it will be and in fact it is already becoming that for some, it is the first of 50 or more treaties in British Columbia. There is no clear way to know exactly how much these treaties will cost.

One 1999 study by R.M. Richardson and Associates estimates that the total cost of these treaties could be as high as $40 billion. That is a pretty powerful big sum of money.

As I said, the Nisga'a treaty is already serving as a precedent in other treaty negotiations in B.C. where other people are not being consulted about these very sweeping changes by way of referendum. In fact B.C. law does require that a referendum be held to approve constitutional changes. There are lawsuits presently pending before the courts on this issue. With the creation of 50 or more governments in B.C., economic development in much of the province will be severely restricted, hamstrung. It will be economic anarchy. Long term economic development will take a pretty heavy hit.

● (1725)

The Nisga'a treaty has also served as a model for the Inuit agreement in principle, negotiated in Labrador and some of the

provisions in that agreement, which covers more than a quarter of Labrador, mirror unfortunately those found in the Nisga'a agreement.

The fact that it will be a model for treaties yet to be negotiated as a result of the ruling by the Supreme Court in the Delgamuukw case in 1997, existing treaties in the rest of Canada may also be reopened to renewed negotiations. They will be opening probably the Treaty 8 in Alberta. I understand that has already begun. The Nisga'a treaty will certainly be an important model for other bands, reopening negotiations since their own settlements of a century ago are very modest by comparison.

I want to state some of the Reform Party's policy for the record again. It has perhaps been heard but needs to be said again. The Nisga'a final agreement strongly contradicts one of the key founding principles of the Reform Party, namely that we believe in true equality of Canadian citizens with equal rights and responsibilities for all.

Another Reform Party policy found in the blue book states that the Reform Party's ultimate goal in aboriginal matters is that all aboriginal people be full and equal participants in Canadian citizenship, indistinguishable in law and treatment from other Canadians.

Householders and 10 percenters have been sent to 534,000 households in British Columbia. Thus far, about 10,000 have been returned, which is a very good response rate. Of the results tabulated 89% of the respondents do not believe that the public has had adequate opportunity to provide input into the Nisga'a treaty; 92% believe the people of B.C. should have the right to vote on the principles of the treaty; 91.5% want their member of parliament to vote against the Nisga'a treaty.

I could go through Liberal members' ridings which indicate a very high percentage, upper 80% and 90%, who want their member to vote against the treaty. Poll information tends to support the fact that a majority of British Columbians oppose the Nisga'a treaty. Surveys done by our own members corroborate that. All around we are very clear on that.

In closing, I want to indicate some of the important principles as far as Reform is concerned here. We believe that the Indian Act discriminates against aboriginal people. It sets them apart from other Canadians. We recommend the Indian Act be abolished, that a new relationship between aboriginals and governments be established so that we encourage less dependency on the federal government and more control by aboriginals over their own affairs, but under a municipal level, a delegated level of government.

Reform calls for open negotiations, public, unlike the secret negotiations that happened with respect to the Nisga'a treaty. With regard to self-government, as I said, it needs to be a delegated level of government. It needs to be democratic, accountable and subject to the laws of Canada.

With regard to self-reliance Reform believes that the improvement in the standard of living of aboriginal people can be achieved by removing the barriers to full and equal participation in Canada's economic life. Too many impediments over the years have been imposed on the creativity and the diligence of native people. They should have the option of receiving government benefits directly. They should have access to the auditor general to make sure that local governments are accountable for management of their finances.

I believe we will rue the day that we allowed this bill to go through. Of course, we as the opposition have done everything we could to stall this bill so that we would get a better deal for native people, for Indian people, across the country of Canada.

Mr. Derek Lee: Mr. Speaker, I rise on a point of order. Earlier today the House gave its unanimous consent to concurrence in a report of the Procedure and House Affairs Committee dealing with the televising of the standing committees of the House. In that motion the report referred to was the fourth report, and inadvertently that report should have been described as the 48th report of the procedure and House affairs committee.

I am asking for the consent of the House now to modify that motion to refer to the 48th report of that particular committee.

The Deputy Speaker: Is it agreed that the motion be amended as suggested by the hon. parliamentary secretary?

Some hon. members: Agreed.

Some hon. members: No.

● (1730)

The Deputy Speaker: 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

[*English*]

CRIMINAL CODE

Mr. Art Hanger (Calgary Northeast, Ref.) moved that Bill C-209, an act to amend the Criminal Code (prohibited sexual acts), be read the second time and referred to a committee.

He said: Mr. Speaker, it is a pleasure to rise tonight to seek the support of the House for my private member's bill, Bill C-209, which will raise the age of consent from 14 to 16 years. As there has been much talk of late about issues of consent and sexual predators and their attack on our young, I believe this is a timely presentation.

Bill C-209 would therefore amend those sections of the Criminal Code dealing with prohibited sexual acts committed with children who are under the age of 14 years or in the presence of other children under the age of 14 years. In effect, the bill would allow for criminal charges to be brought against any adult who engages in sexual relations with a person younger than the age of 16.

I first introduced this bill in the House in 1996 in the wake of reports that a 14 year old Edmonton girl was having sex with her father's AIDS infected lover; a repugnant offence. As repugnant as the situation was, the police were powerless to charge the man. The question, of course, that would come to mind would be why. The law determines the age of consent to be 14 years. Unfortunately, as a result of this sexual encounter, it was a life sentence for the young lady. Nothing came out of it as far as protection for her or anybody else of her age found in a similar circumstance.

Three years later, I believe there are even more reasons to introduce this bill and to change the criminal code. Ever since the B.C. Supreme Court struck down laws prohibiting child pornography, we have heard arguments that if children can engage in sex, why should they not appear in pornographic pictures. This sort of twisted reasoning, one that points logic on its head and seeks to avoid any moral accountability, is exactly why we need to amend the criminal code in this area and in many others when it comes to sex acts against children.

We live in an age where perverts proudly display their deviant behaviour as a badge of honour. Societal constraint no longer seems to serve as a means of preserving moral order. Sexual predators need to be controlled by specific constraints that are codified in law.

I can think of a couple of situations that arose in this province alone that required substantial police investigation over many months and substantial court action accumulating evidence and building a case to convict numerous predators who had preyed on numerous young people, most under the age of 16.

It is a telling affair when we look at those charged and who they represent. They were people in authority. They were street people who were part of a gang or a loosely organized group with one common purpose, to pick on our young children.

• (1735)

The argument used, in many of those cases, by those who performed such acts against young people, was that they had done many of those kids a favour by taking them off the street and giving them a comfortable place to stay. Is that an argument? I do not believe it is an argument. It is rationalization beyond even reason.

There has been some criticism over the timing of this bill. One hon. member insisted that although this bill is sound, that it would be inappropriate for the Reform Party to introduce it at this time given the events of the last few weeks which involved a former justice critic of the official opposition. I do not wish to confuse the specifics of this bill with those of a legal case, but the issue has been raised and I believe it must be faced.

To suggest that this party has lost its moral right to defend those social issues that it holds dear because of the actions of one of its members is an argument without reason. It is an attack upon the man and not the idea. The hon. member who mentioned this so-called contradiction is aware of that. There is human frailty in every party caucus but it does not destroy the principles for which that party stands. We as a party have condemned such actions in the past and we will condemn such actions in the future.

Now is the time to pass this legislation. We need to do it now so children will be allowed to be children and not forced into early sexual activity by some with other desires. We need to protect our children from sexual predators who are using Canadian law as a shield, using coercion to gain consent.

The unfortunate part with a predator is that he is probably one of the most manipulative of all criminals. Over time, he will place himself in a position where he will have access to youngsters. I have seen it and, as a former police officer, I have investigated such complaints. It is very tragic to see where the tentacles of this type of criminal activity have reached. It is in our churches, our governments, our schools, our society, on our streets and on the blocks where we live. It is very pervasive.

The criminal code does not criminalize sexual activity with or between persons 14 years old or over unless it takes place in a relationship of trust or authority over the young person. This is another stipulation.

It is shocking that in Canada the voting age is 18. In provinces such as British Columbia, the legal drinking age is 19 and the legal age for obtaining a learner's permit for driving is 16, yet the age of sexual consent remains at 14.

I am well aware that many other groups, lobbyists and concerned individuals are also pushing to see the legislation changed. Some would like to see it as high as 18, and I really have no objection to that. There is good sound reason for it.

One of the rationales expressed by the Calgary Local Council of Women was that this subject had become prominent in the last year. Dr. Paul Cameron of the Family Research Institute of Colorado Springs, Colorado said that research has found that there is a clear

relationship between intergenerational sexual activity and promiscuity in later life, both homosexual and heterosexual.

● (1740)

Further, they have found that pernicious sex tends to produce promiscuity. They found that the promiscuous tend to make poor marriage partners and poor marriage partners make poor parents. They say that this is a fact with medical, social and political implications. I think this has some good, sound, scientific basis.

We are not the same society that we were in 1882 when the criminal code was created and the age of consent was established as 14. Child pornography or child prostitution was little known a century ago and most people would never have imagined the possibility of such things occurring. Today, in the wake of the sexual revolution, we face a barrage of sexual marketing, much of it concerning children. The proliferation of the Internet, while increasing society's potential for education, growth and improvement, has also radically heightened the production and distribution of obscenity, filth and vice. Hence, children are more at risk now, in this multimedia society, then they ever have been before.

As legislators, I believe we have a moral obligation to protect the young and vulnerable in our society. We can start by making it more difficult for sexual predators to prey upon our children's innocence by raising the age of consent and, with that law well-established, using the law to its fullest if need be and enforcing it.

We as legislators have a moral obligation, yet some in the government would have us abdicate that moral responsibility to the courts. They would sit idly by while unelected judges make the moral decisions for us, as these detached individuals make decisions that will affect the lives of Canadians everywhere.

We have to choose the direction of the course of law and not have the direction charted for us. We need to set the moral agenda and not have that agenda set for us. We need to take back our responsibility for the moral climate in the country and stop insisting that we are powerless to affect the edicts of the supreme court.

I would reiterate that our children are our most precious resource. They are also one of the most vulnerable groups in our society. They are likely to be manipulated or coerced into a sexual relationship with an adult for any number of reasons, a relationship that may, on the periphery, appear consensual. What a child anticipates to be loving and caring is ultimately nothing less than exploitation if used in that fashion.

Some may argue that 14-year-olds are not ignorant about sex. This may be true, as it is hard to be ignorant about sex in a society that is quite clearly deluged with the subject. However, we must ask ourselves if at that age children have the experience and the maturity to make decisions about their own sexuality regardless of whether they consent.

Setting an age under which individuals can legally consent is not necessarily an arbitrary one. However, someone has to decide and better that we, as elected parliamentarians, through our constituents who are our mums, our dads and our grandparents, ultimately have the say. We should have the final say, not the courts. It should be decided here in the House and not by an unelected body such as the supreme court.

It is unfortunate my bill is not a votable one because I think it should be a time for accountability. The government side is raising the spectre of this issue after Reform has delivered for a number of years some strong messages in reference to the particular issue of sexual consent and predators of youngsters.

● (1745)

We should have unanimous consent to make this bill votable. It is not a partisan issue. It should not be a politically motivated issue. Surely we can agree on the basic moral agenda that is being outlined.

Over the past year I have been approached by members of the House from all parties. We have encouraged a non-partisan approach to issues such as this one. We all agree on the need for an active legislative approach that will define Canadian society rather than a reactive posture that allows others to define society for us.

Let us make no mistake. We cannot stand still. If we do not make the decisions other people will make them for us. I do not believe that is acceptable. Nor is it acceptable to our parents, grandparents, constituents or our children. We have been elected to do the right thing. Voting for this bill would be the right thing.

The Deputy Speaker: I am sorry to interrupt the hon. member but his time expired some time ago. I have been trying to signal to him. I understand it is 15 minutes since this is a non-votable item and the 15 minutes expired some time ago.

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise on a point of order. Consultations permit me to rise again on the matter that I raised a little earlier about the numbering of the report of the Standing Committee on Procedure and House Affairs which was concurred in earlier this day.

The report dealt with the televising of standing committees of the House and should have been referred to as the 48th report. I seek consent of the House to amend the motion to read the 48th report.

The Deputy Speaker: Does the Parliamentary Secretary have unanimous consent of the House to amend the motion accordingly?

Some hon. members: Agreed.

PRIVATE MEMBERS' BUSINESS

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-209, an act to amend the Criminal Code (prohibited sexual acts), be read the second time and referred to a committee.

Mr. John Maloney (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am please to rise to speak to Bill C-209, an act to amend the criminal code, prohibited sexual acts, introduced by the hon. member for Calgary Northeast. The Minister of Justice cannot support Bill C-209 at this time for three very compelling reasons.

First, on November 29, 1999, the Department of Justice released a consultation document entitled ''Child Victims in the Criminal Justice System''. The document examines possible changes to the criminal code and the Canada Evidence Act to improve protection for children from extreme harm by adults. The paper examines some of the most pressing issues and sets out options for change.

More specifically, areas being considered include the creation of further specific offences that may be committed against children, sentencing to protect children from those who might reoffend, and facilitating of children's testimony.

The release of the document is actually another step toward a broader and needed public consultation with all Canadians. The justice department is concerned with the breadth of possible implications of any change to the criminal code on young persons. It considers legislation of this nature to be premature. By undertaking very full consultations the department is taking these concerns to all Canadians interested in the welfare of young children. This process already began through early consultations with provincial and territorial officials.

Recently the department convened a conference on working together to protect children in late September of this year, a two day conference which I attended. The conference brought together provincial and territorial stakeholders, as well as professionals, non-governmental organizations and others working with children, in order to examine the issues of prevention and protection of children from harm.

At the conference the minister announced the release of the consultation paper, ''Child Victims in the Criminal Justice System''. Responses are being sought from all Canadians concerned with the welfare of children. The paper also seeks the opinions of government officials, interested organizations, individuals and professionals dealing with children. Extra copies are available upon request at the Department of Justice Canadian Internet site or by calling the Department of Justice. Interested Canadians may also obtain a copy by writing to child victim consultation, family, children and youth section, Department of Justice, Ottawa.

• (1750)

[*Translation*]

Canadians who take an interest in the well-being of children are encouraged to take part in the consultation. The Department of Justice is also asking public servants, stakeholders, private individuals and professionals working with children to participate.

A copy of the consultation paper can be obtained by visiting the Internet site of the Department of Justice, or by writing to the Minister of Justice.

[*English*]

Bill C-209 proposes to amend several sections of the criminal code where the general minimum age of consent is part of the definition of sexual offences involving a child victim. The current age of consent to most forms of sexual activity is 14. There is an exception for consensual sexual activity between young people close in age and under 16.

Bill C-209 proposes to increase the general age of consent to sexual activity from 14 to 16. The age of the complainant in the existing exception would also be raised to 16. The proposed bill would also substitute under 16 for under 14 in connection with the powers of the court to make prohibition orders against offenders who are convicted, or who are discharged on conditions in a probation order, of certain sexual offences against a person under 14.

Bill C-209 raises valid concerns about the current protection provided to young people. For example, it has been argued that the present general age of consent, which is 14, is too low to provide

effective protection from sexual exploitation by adults. The relatively low age may allow pimps, for example, to seduce young girls with the intention of luring them into prostitution without fear of prosecution. However the hon. member for Calgary Northeast seems to think that all that is involved in addressing the complex issue of age of consent is simply to change the age. That is not the case.

Protecting our children goes beyond a simple and arbitrary increase of the age of consent to sexual activity. It means addressing the broader issue of the safety and well-being of our children. Our objective is to develop and maintain effective comprehensive measures to protect children from serious injury and death at the hands of adults. The achievement of this objective rests with an essential collaborative effort of the provinces, the territories and the Government of Canada.

While the provision of services to children who are in need of protection is the responsibility of the provinces and territories, the assurance that appropriate offences and penalties are available for serious harm done to children is the responsibility of the Government of Canada. By targeting extreme forms of harm through the criminal code, the Government of Canada would provide strong support for provincial and territorial initiatives to protect children.

Second, the bill does not address the criminal code consequences of raising the general age at which sexual activity with young people would be criminalized. Bill C-209 proposes an amendment that is inconsistent with other relevant sections of the criminal code. For example, even though the complainant's age would be raised to 16 there is no consequential change to the age of the accused in the exception that prevents criminalizing consensual sexual activity between young people close in age and under 16.

The result is that a teenager over 16 who has consensual sex with a person under 16 but who is close in age would be engaging in criminal conduct. At the same time a younger teenager would be able to consent to sexual activity with a person close in age. This outcome would appear to be not only discriminatory but also contrary to common sense. Consequently Bill C-209 would not address the issue but rather would create confusion.

Third, the bill does not address the broader implications that arise from an amendment to the general age of consent. Since legislative changes do not take place in a vacuum, we must be aware that a change in the age of consent may have an impact on other legislation. For example, such changes may impact on the age 14 for providing assistance to child witnesses and for competency to testify in the criminal code and the Canada Evidence Act.

The question is whether an amendment to the age of consent to sexual activity would require amendments to other age related provisions of the criminal code. Furthermore, any arbitrary changes in the criminal code would be inconsistent with the government's commitment to consult with the provinces and territories before introducing amendments intended to support their efforts to protect children from abuse, neglect and exploitation.

In fact the justice minister is meeting with her provincial and territorial counterparts today and tomorrow on federal-provincial-territorial issues.

In conclusion, the need to review the issue of age of consent is a real concern. Children deserve to live in a safe society and to be protected from any forms of serious harm caused by adults.

• (1755)

To be effective, everyone in the community and every level of government must work together because we all have an important role to play. We believe all Canadians should be given an opportunity to express their views on this issue. We also believe that the age of consent should be dealt within the broader context of other age related issues in the criminal code.

That is why the Department of Justice issued its consultation paper and looks forward to learning from Canadians on this topic with sound and reasoned action to follow.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I am pleased to rise to speak to Bill C-209 which is before the House. It is unfortunate in many ways that we have to face very troubling and very shameful issues which come forward, but if we do not I am afraid the effect of not acting and not becoming proactive and involved is negligence on our part and will result in further harm.

I begin my remarks by congratulating the member for Calgary Northeast for bringing the matter before the House. Bill C-209 at second reading stage is a very positive attempt by the member to bring forward the matter. As I said at the outset it is shameful that we are discussing despicable behaviour which deals with children and their loss of innocence.

There are many outside the inner workings of our justice system, many outside this place, perhaps only those who have felt the sting of sexual intrusion, who can appreciate how serious an issue it truly is. There is a need for us to deal with it and not turn a blind eye, not be caught up in the rhetoric and the paternalistic and sometimes platitudinal approach often taken to serious issues of this nature.

Sadly sexual predators exist. They exist in every community. We know this from high profile cases such as the Mount Cashel incident in the seventies in Newfoundland and more recently in Toronto at Maple Leaf Gardens. Instances of child abuse are presented to us through the media in a barrage, which sometimes leads me to fear that a degree of insensitivity or desensitization occurs in today's society. It is laudable that we should be bringing these matters before the House of Commons, the people's place, for discussion.

Canadians hear daily accounts of the damage being done to other human beings, almost to the point where we are becoming thick-skinned. Abuse of positions of trust are particularly disturbing when the person in charge is the perpetrator and the person they should have been relying upon for protection.

The bill in many ways is an attempt to expand the envelope of protection, to broaden the range for which the sections of the criminal code as they currently apply would protect individuals in the age group of 14 to 16.

Recent legislation that we have seen before the House is also laudable in its attempts to notify individuals, particularly those in positions of trust who are entrusted to protect children. I am talking about parents and groups such as Scouts, police and child protection agencies. I am referring to Bill C-7 which will be back before the House of Commons in fairly short order. It would call upon the solicitor general's department to make public information about pardoned sex offenders who remain in the RCMP database and can be released upon request to these types of interested parties.

Since the government took office much of the problem with social services is that they have been cut and underfunded. As the parliamentary secretary said in his remarks, it is not enough to say that we can simply pass legislation which will fix these social problems, these social sores which exist in the area of sexual predators. It is the government's responsibility to put proper funding into these areas. We have seen this most recently with other legislation, like the new youth criminal justice act which will replace the Young Offenders Act. It is fine for the government to say it is going to front end efforts for rehabilitation or efforts to identify youth at risk, yet it is not putting proper funding into these areas.

● (1800)

Some may argue that the criminal code already protects children, that general provisions of the criminal code list the fundamental purposes and principles of sentencing and that sections 718 and 718.1 are definitely there for the protection of children. I would suggest that this bill furthers the envelope. I do not think that anyone should be apologetic for making efforts in this regard.

On the issue of disclosure, making information known to those who need the information, we should have a national registry for sex offenders similar to that of the United States.

As members of parliament, we need to focus clearly on the need to protect society from sexual predators. Sexual assault is not an issue of sex, it is an issue of power and control, oppression and dominance over children. It is a very weak and gutless act which is hard for many individuals to even imagine. It is very true that when it comes to the disclosure of information to protect those in our society who are most vulnerable, we have to do everything we can. We must be vigilant in every way to ensure the safety of children and to protect them when they are in this most vulnerable state.

There is a very high rate of recidivism when it comes to sexual offenders. This is extremely troubling, knowing that there is the potential for parents to leave children in the trust of an individual who may have a past that is unknown to the parents.

The law was put in place to prohibit access to children and is very much there to say that children in a certain age group are at a certain maturity level.

Contrary to what the parliamentary secretary has suggested, I do not think that is confusing at all. With maturity comes responsibility. We are more than aware that in some instances a 12 year old may be more streetwise than a 16 year old. There is discretion built into the criminal code that allows a judge, a prosecutor or a lawyer to make that judgment call on the facts before them. This particular change would simply expand the envelope and give the greater discretion that may be required as the circumstances might dictate. There are different circumstances that obviously need to be envisioned, and this legislative change would allow that.

There is certainly a consensus that the intent of this bill is aimed strictly at not confusion, but putting in place a system that would allow a 16 year old who is not of a mature state to be under a greater protective umbrella under the criminal code. The change envisions that.

The sections that are affected could be changed by the justice committee. If this bill were allowed to proceed through the House in the manner which is dictated by procedure, it would be brought to committee. There could be corresponding changes made to other sections of the code of which the hon. member from the government side spoke.

My colleague from Shefford has been very vocal on issues involving the protection of children and our party has been consistent in its demands of the government to protect children in matters that involve sexual predators. There is no question that we need to do more to ensure that individual cases, like the one we saw recently in Toronto involving 11 year Allison Parrot, who was raped and killed by Francis Carl Roy, do not happen. These types of cases are a shock to the sensibilities of every Canadian.

I do not take any issue whatsoever with what the hon. member is trying to do with this legislation. We need to dwell on this, to think more and to face the cold hard truth about what is happening in some Canadian communities. Sadly, we have seen time and time again these types of cases come before us. Frankly, I am disappointed with the government's response. Studies are simply not enough. We can do studies time and time again and gather information. Unfortunately, there is a phrase used in this place too often, which comes from the Department of Justice and is mouthed by the justice minister, that it will come in a timely fashion. As time goes on more children are vulnerable and more children can be harmed.

Individuals who are released into the community and are permitted to return to the place where they perpetrated these acts are a threat.

● (1805)

I personally introduced Bill C-242, a bill to amend the code with respect to the dispositions that judges may give, and it speaks specifically of a dwelling house, which is where many of these prohibited sexual acts occur. The impetus for the bill was a young woman in the province of Nova Scotia by the name of Donna Goler who suffered unimaginable abuse at the hands of family members in a dwelling house.

I am pleased to support the efforts of the hon. member. I suggest that his efforts in this regard are very sincere and well intended. This particular piece of legislation, as indicated, would expand the umbrella. It would provide further protection to the agencies that need it and it would provide further protection to the children who are most vulnerable. I look forward to seeing this matter proceed through the House.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I have read Bill C-209 with a great deal of care. I looked at it from the point of view of the times we are living in.

Hon. members will understand that a bill must be looked at in relation to current practices, where our society is at, what is tolerated and what is not. Bills are not initiated solely out of personal convictions, although having such convictions helps. Their purpose is not self-gratification. They are made to be implemented and properly implemented in society.

I asked myself whether, generally speaking, society had changed its opinion on the approach to be used with young people aged 14 or 16. It depends on what legislation we are looking at. The existing legislation sets the age at 14 years, while the one proposed by the hon. member sets it at 16.

I think society has evolved from where it was five, ten or fifteen years ago. The changes proposed are not in the direction of a change in society. On the contrary, they are a backward step, a regression in what is tolerated, and I wonder about the justification.

It is certainly not desirable for young people aged 14 or 15 to engage in sexual acts or to be in the presence of such acts. But when the legislator drafted these clauses, I imagine he was listening carefully to what the public wanted. The legislator paid careful attention to what the people in the various ridings were prepared to tolerate.

I cannot see how we could say today ''What was true 10 or 15 years ago is no longer true, and the Criminal Code must be amended to increase the age from 14 to 16''.

What I find most surprising is that this is a bill to change age on the grounds that an adolescent 14 years of age cannot validly give consent, and the age must be increased to 16, and that it is a member of the Reform Party speaking, when in the debate on young offenders these same people said the age should be lowered to 14 or 15 because they are responsible.

There is something wrong with these two sorts of thinking. Either they are responsible or they are not. A person cannot be responsible for a delinquent act and not be responsible for an act of a sexual nature. A person is responsible in all matters, not just when it suits the Reform member.

I have two children, a 7-year old and a 10-year old. I know very well that today's children are much more mature than those of 30 years ago when I was their age. My children have much more mature discussions. They are much more aware of what is going on than were children of the same age 10 or 15 years ago.

I do not excuse people wanting to have sexual relations with someone aged 15. I cannot excuse it, but I think there are children 15 years of age who are sufficiently mature to give their consent.

● (1810)

It would be an infringement of certain rights not to allow a man or a woman—because we are talking about both sexes—to invoke the consent of his or her partner. This is precisely what Bill C-209 introduced by the member would do.

Now I have the attention of Reformers. This does not surprise me. Quebec and western Canada are worlds apart legally. I think you are great folks but we will never agree on how this country should be run. Let us go when we call the next referendum. Let us go and you can do what you want in your wonderful country and we will do what we want in the country of Quebec.

In the meantime, we are still in Canada and I still have a mandate from my constituents to say what I think and to express their views as well. In all honesty, my constituents will not be able to support such a bill once they know what it is all about. For those reasons, I cannot support this bill.

[*English*]

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, it is with pleasure that I speak to this honourable bill brought forward by my hon. colleague from Calgary Northeast. I want to thank the Conservative Party for having the common sense to support good solid legislation.

It is an absolute, deplorable shame that the Liberal member, whom I do not blame because he got a canned speech that was developed in Annie Fanny's department, or whatever we want to call it, along with all its glossy—

The Deputy Speaker: The hon. member for Wild Rose knows that he cannot refer to a member of the House by other than the member's title. I am not sure whom he meant, but I can guess. I think he is stepping over the line a little. I think he meant the Minister of Justice.

Mr. Myron Thompson: You could be right, Mr. Speaker. I am not sure where the canned speech came from, but I know where the glossy print came from. That came from the office of the Minister of Justice.

That is what we have managed to get out of this minister for a number of years, glossy print, more print, more studies, more of this and more of that. Then we get to hear some real common sense speeches, such as ''By golly, when I was 15 I had a lot of sense. I could make good decisions about whether I should have sex or not. Things are different now and we live in a different age''. I find this whole thing disgusting.

Mr. Speaker, put down your paper. I am going to tell you a story and I am sure you will like it.

Once upon a time there was a fellow who was a principal of a school. Early one morning in 1990 the principal got a call from a parent, saying ''My 15 year old daughter did not come home all weekend. We are worried sick. We would like to know where she is. We have asked the police to do something. They won't do anything. They have no power to do anything because there is no evidence that there was any wrongdoing. They say that she has probably just run away from home and will return later. Not to worry, not to fret''. There was no action they could take.

The parents were quite concerned. Friday night had gone by. Saturday night had gone by. Sunday night had gone by and the 15 year old girl had not come home. They phoned the principal to ask if he would check the school to see if she had shown up for school. The principal checked and she had not shown up for school.

The principal was a very intelligent man and in his wisdom he called together all of the classmates of this 15 year old girl and asked if any of them knew where she might be. The children said no, they did not know.

The principal felt that they knew more than they were telling him and he said ''Look, folks, her parents are worried sick. There is nothing we can do except try to find this girl. If you have any idea where she is, please let me know so we can inform the parents and at least they will know she is safe and not hurt''.

They broke down and told the principal that she was in a condominium down the road and if he went there he would find the 15 year old girl. There were three fellows aged 22, 24 and 28 sharing this condominium. The principal asked the police to go to the condominium to remove the girl. He said that he was sure she was there. The police said that they could not because she was 15 and she had the authority to go there. The principal said that her parents wanted her home because they were worried about her. Nevertheless the police said that they could not do it because they did not have the authority. The principal said that he would go over and do it. The officer told him that he had better not do that unless the officer went along with him because there could be trouble.

• (1815)

The officer jumped in the car with the principal and they drove over to number 12. The principal knocked on the door. One of the fellows came to the door and the principal asked if the said girl was present. The answer was no. The principal in his usual forwardness said: ''I'll just have a look and I'd suggest you don't bother stopping me''. That is what he said.

He shoved his way through the door and walked in, as it was described, in the midst of beer, whiskey, booze all over the place and the smell of good old pot, the happy wacky tabaccy that everybody says is so wonderful nowadays. In this deplorable situation he wandered around and he could not find her until he went into the basement. He found the girl lying in a bed in an almost passed out, nearly sleeping state. In the principal's efforts to wake her, she awoke and recognized him evidently. He told her that she had exactly three minutes to get up and get her clothes on, that she was coming with him. In her shocked state, that the principal would dare do this kind of a thing, she asked the principal to leave the room and said that she would be up in a very short time. He went back upstairs and waited by the door for her to come out of the basement.

While he was standing there the other two fellows insisted that he should leave because he had no permission to be there. The principal said that he was staying until the girl would come with him. He suggested strongly that they not try to interfere with this until it was done.

She came up, he grabbed her by the arm, led her out the door, put her in the back seat of his car and with he and the officer in the front they drove off. He proceeded to take her home because she was in no state to go to school. She did not want to go home. She screamed and yelled at the principal not to take her home. The principal told her to be quiet and said that was where she was going.

Her parents greeted the car at the entrance and were overjoyed that the girl was at least safe. They asked her to come in and she told her parents there was no way she was coming into that place, that she did not have to come in. The father grabbed the girl and said ''Yes, you're coming in here. You're going to come into this house''. Then the fight was on and there was yelling and screaming. The principal wished the parents good luck and told them when they got the girl straightened up to please bring her back to school, that he would have a talk with her along with some counselling and she could get some help.

When the principal drove away from the school, the officer who had been keeping notes informed the principal that there could be 11 charges laid in this incident. Ten of them would be against the principal and the other would be against the parent. The principal asked, ''What about these loco yokels who had a young girl in their place and were feeding her booze? Isn't there anything like contributing any more? Doesn't that happen? Is that supposed to be okay?'' The police officer told the principal, believe it or not, that under the charter of rights and freedoms all of these things are possible because it has been declared in some court.

The principal became outraged. He said that one day, if he could do it, he would go to the House of Commons, become a member and try to put an end to those kinds of situations. Why are they happening? Mr. Speaker, you are looking at that principal today.

• (1820)

That was a personal experience that I went through. The members can laugh. The member from the Bloc can laugh because he thinks it is funny that three 20 some year old people molested this 15 year old girl and it is all okay because she gave her consent. Only brainless people would laugh. Let us make that perfectly clear. Only a gutless government would allow these kinds of things to continue in our society for years and years without trying to do something about it.

I have grandchildren growing up. I do not want my grandchildren to grow up in a society with such flowery attitudes that everything is okay. Give some authority back to the parents. Give some authority back to the schools. Let these kids be well looked after and make it perfectly clear that their lives are in the hands of their parents and give the parents the authority to do it. Stop this silly idea that the wonderful charter of rights can allow it to happen.

I have a message for the member for Mississauga West. This is for him. You are right, sir. I have asked for amendments to the charter, to do something with a charter that allows this kind of thing to go on and on until it is worse and worse, where we have 11 and 12 year old kids being picked up on the streets because of prostitution. It has to stop.

If this government has any gumption, if those members over there have any good sense in their brains at all, they will accept what I am about to propose.

I ask for unanimous consent immediately—and the member can laugh his heart out and I will make sure he has a real good laugh—because I ask for unanimous consent, if anyone has the courage, that we make this bill votable.

The Deputy Speaker: Is there unanimous consent that the bill be votable?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Eric Lowther (Calgary Centre, Ref.): Mr. Speaker, it is tragic that we did not get unanimous consent to make this bill votable.

I think we will make a note of the fact that the government specifically would not agree to a simple suggestion to make this bill that would protect 14 year olds and those under 16 a votable bill.

I know I only have a few minutes to speak because I want to leave time for the mover of the motion to be able to conclude. It strikes me as amazing that in a day and age when we are so aware of the health risks that are associated with sexual activity, it is like Russian roulette. We had here on the Hill a few days ago a big display on the impact of AIDS and sexual diseases and how they are killing millions of people in Africa and around the world.

We insist that our youth take driver education before they can drive a car. We do not let them vote until they are 18. Yet we will let them play Russian roulette with older men that would entice a 14 or 15 year old girl into sexual activity. It is unbelievable.

Here we have a bill on the floor. It is a horrendous gauntlet that a private member's bill has to run to even get to the floor. I applaud the hon. member for Calgary Northeast for bringing it forward.

We just had an impassioned speech about a life that was being destroyed and was saved by a principal who was courageous enough to get the girl out of that.

Let us make the change. Let us at least vote on it. The government says no. That is unbelievable. That is what we are faced with here in the House. That is why this party is here. We have been so frustrated with that kind of garbage that people left their normal work life and said, ''Let's go down there and see what we can do about it'', as my hon. colleague just said.

Perhaps the government members have reconsidered. Perhaps it is time to think about it again. Let us try it again.

• (1825)

I would like to seek unanimous consent of the House to make this bill votable.

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: Is there unanimous consent to make the bill votable?

The Deputy Speaker: When the hon. member for Calgary Northeast speaks he will close the debate.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I would first like to thank the members of this House who support this bill, that have a concern for the future of many young people, who made it very clear that they have strong desires to see some changes in the law which would enable the protection of our children, or our youngsters.

I would like to thank the member for Wild Rose for having the courage to stand up and actually make it an important issue, supporting the parents in his area where he was the principal of a school and who brought a youngster—I do not know the outcome of that particular story—into the fold of their home where there was protection and not in the home of some sexual predator that wanted to prey on her because of her age.

I would also like to thank the member for Calgary Centre who has had concerns about our youngsters in this country for a long time, which is one of the reasons he sits in parliament. I remember the day he was elected. He was elected because he had these concerns about how our laws were impacting on the family and family issues, and children are part of the family.

I want to thank those members and the member from Nova Scotia for supporting this endeavour, Bill C-209.

Unfortunately, on the government side a lot of red herrings were thrown out saying that it is going to be difficult to pass this kind of legislation because so many other things will impact on it in such a way that it is going to be more negative than it is positive. That is a defeatist attitude from the very beginning. It is unfortunate the parliamentary secretary had to make such comments because those are in fact red herrings. All one has to do is ask any parent in this country whether they would want some good sound legislation to protect their children and they would say yes.

Who else should you consult other than the parents or grandparents of those children? I do not know of anybody else. Social services? The Elizabeth Fry Society? Who? No, it has to come back to the family, to the parents. They are the most concerned. They give the reasons why their children should be protected and it is up to us as legislators to make sure that does happen.

For three years I have fought for the bill and for those it would affect most, the police. It would have a direct affect on how the police handle situations. They need more authority as the member for Wild Rose clearly pointed out. They need the authority to walk into a place and take children out who are being sexually abused.

I ran across the same thing when I was a police officer. As a police officer I stuck my neck out way beyond probably where it should have been to do the very same thing that the member for Wild Rose spoke of because all of a sudden the charter, a wonderful charter, protects those who are being abusers. It should it be the other way around.

Certainly, there would be an impact on the courts. I think the courts should be able to decree that we will place that child back in the home. That is where he or she belongs and it should be enforced. The unfortunate part of it is the opposite is actually happening. Nobody wants to get involved. Nobody wants to stick their neck out to protect somebody that is innocent. It is very unfortunate.

I believe our laws on sexual consent must be strengthened so that the police no longer are powerless to take action against those who exploit our children for their own sexual gratification.

For the sake of these children, I appeal to the members of the House to really give the bill another look. It will come up again and when it does I ask members to give it their full consent so that ultimately we can protect the young and vulnerable in our society from the predators in our society.

The Deputy Speaker: The time for the consideration of Private Members' Business has now expired and the order is dropped from the order paper.

It being 6.30 p.m., the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.30 p.m.)

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