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# Standing Committee on Indigenous and Northern Affairs

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Chair: Mr. John Aldag





## Standing Committee on Indigenous and Northern Affairs

Thursday, December 7, 2023

• (1530)

[English]

**The Chair (Mr. John Aldag (Cloverdale—Langley City, Lib.)):** Good afternoon, colleagues. Let's get started. I call this meeting to order.

Welcome to meeting number 88 of the House of Commons Standing Committee on Indigenous and Northern Affairs. We recognize that we're meeting on the unceded territory of the Algonquin Anishinabe peoples.

Pursuant to the House order of reference adopted on June 21 and the motion adopted by the committee on Thursday, October 26, the committee is meeting to proceed with clause-by-clause of Bill C-53, an act respecting the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan.

We're going to get right into it. We had a start on Tuesday, so we're going to pick up right where we left off. We're on new clause 2.1, with MP Schmale's subamendment to CPC-1.1.

We are on the subamendment, and the floor is with Mr. Viersen.

**Mr. Arnold Viersen (Peace River—Westlock, CPC):** Thank you, Mr. Chair.

We were just discussing the word “individuals” and “Métis individuals”, and whether we should have clarified in this bill whether they should have the ability to choose to be represented in Alberta by the MNA or by no organization at all.

A number of people have contacted me since the last meeting as well. I'm pointing this out. You may be a Métis person who wants to exercise Métis rights, but you may not want to be represented by any of the three organizations that are referenced in the schedule. That was where our discussion left off in the last meeting.

My colleague Jamie Schmale put forward an amendment to amend it from “Métis peoples”, because, as Ms. Idlout and the officials as well pointed out, “Métis peoples” is meant as more of a collective. That was not actually what I was trying to achieve with this amendment.

We are now at the point where we need to have a discussion around what the term “individuals” means. How would that fit into this bill?

I also managed to find, on the MNA website, the 2018 agreement. It did confirm that was indeed the case. It said folks who are part of the Métis Settlements of Alberta may become members of the MNA. However, that still doesn't clarify if individuals not liv-

ing on the Métis settlements, not part of the Métis settlements, who don't want to become members of the MNA can exercise their rights as Métis people or Métis individuals across the province or across the country. That's what my amendment would do—it would ensure that. That's different from what Jamie was talking about with NDP-4, which is coming.

I hope, Mr. Chair, that we will be able to pass the subamendment and then my amendment to ensure that Métis individuals, regardless of where they live in the country, are able to exercise their rights as Métis people, regardless of who is representing them.

Those are my comments.

• (1535)

**The Chair:** Thank you.

I have Mr. Vidal next on my list, but I don't see him.

I'm ready to call the question. Do you want a recorded vote?

**An hon. member:** Yes.

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

(Amendment negated: nays 7; yeas 4 [*See Minutes of Proceedings*])

(On clause 3)

**The Chair:** We'll now move to clause 3.

Under clause 3, I have CPC-1.2. I'm going to share a ruling from the chair.

Does anyone want to move CPC-1.2?

**Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC):** Chair, I'd like to move another issue that we have. I believe we can do that now. That's my understanding.

**The Chair:** Are you on a point of order, or are you moving CPC-1.2? I've asked for it.

**Mr. Jamie Schmale:** I guess I'm on a point of order to raise the motion that we tabled on Friday.

**The Chair:** You can't raise a motion on a point of order. That's why I'm asking if anybody wants to—

**Mr. Jamie Schmale:** That's why my original answer was no, because I said that when I had the floor between clauses. It was before you got to that.

**The Chair:** No, I had already called CPC-1.2 and asked if somebody wanted to move it.

If somebody wants to move CPC-1.2, you'll then have the floor.

Is that yours, Arnold?

**Mr. Arnold Viersen:** Mr. Chair, I'll move CPC-1.2.

This is an amendment that, as we heard from a number of witnesses along the way, would put clarity into this bill, ensuring that any treaty does not deal with any matter relating to land. This was something that we heard over and over again.

We also heard from the minister assuring us that the bill did not deal with any land. For the clarity of all involved, we should ensure that we put that in the bill.

Thank you, Mr. Chair.

**The Chair:** Thank you.

Now I'm going to provide a ruling from the chair, based on advice from our expert team here.

Bill C-53 provides a framework for the implementation of treaties between Canada and the Métis governments listed in the schedule. The amendment seeks to identify an element that cannot be contained in a future treaty. As *House of Commons Procedure and Practice*, third edition states on page 770, "An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill." In the opinion of the chair, the amendment introduces a new concept that is beyond the scope of the bill. Therefore, I rule this amendment inadmissible.

Mr. Viersen.

• (1540)

**Mr. Arnold Viersen:** Could I challenge that ruling?

**The Chair:** Yes, you can challenge the chair's ruling.

**Mr. Arnold Viersen:** Yes, I'd like to do that.

**The Chair:** Okay. We'll vote as to whether to sustain the chair's ruling or not.

I'm ruling that it's out of order, so a sustain vote means that the ruling of making it inadmissible stands. A vote against—to not sustain the chair's ruling—means that it would stay.

(Ruling of the chair sustained: yeas 7; nays 4)

**The Chair:** The decision is sustained, so CPC-1.2 is not allowed.

I move to clause 3.

**Mr. Jamie Schmale:** Chair, before—

**The Chair:** I've already called—

**Mr. Jamie Schmale:** I think you're doing that on purpose.

**The Chair:** I'm calling clause 3.

**Mr. Jamie Schmale:** I think you're doing that on purpose, Chair.

**The Chair:** We have legislation to get through.

**Mr. Jamie Schmale:** That's fine. The government could also have brought it in April when you had a chance.

**The Chair:** Yes, and we're here now. I know you want.... You will have a chance to get the floor. You have lots of things....

Right now, the question I have is, shall clause 3 carry?

**Mr. Jaime Battiste (Sydney—Victoria, Lib.):** We just voted on clause 3.

**The Chair:** No, I ruled on amendment CPC-1.2. Amendment CPC-1.2 is out, but we still have clause 3. Clause 3, as originally in the bill, is the one that's being called, without the amendment, as originally stated. We will have a recorded vote.

(Clause 3 agreed to: yeas 11; nays 0)

**The Chair:** Thank you.

**Mr. Jamie Schmale:** Mr. Chair, if I could—

**The Chair:** I'm moving through this. There will be a chance for the—

**Mr. Jamie Schmale:** I think I got in before you called the next clause.

**The Chair:** Are you raising a point of order?

**Mr. Jamie Schmale:** No, I'm raising the motion that we tabled on Friday to be discussed right now. I'd like to discuss that motion quickly, if I could.

**The Chair:** I'm not recognizing you at this point.

**Mr. Jamie Schmale:** Why?

**The Chair:** There's not a point of order, and we have committee business that we're working on.

**Mr. Jamie Schmale:** We did the motion. We tabled it on Friday, as per the rules.

**The Chair:** That's right.

**Mr. Jamie Schmale:** We gave proper notice. We caught you between clauses. We're raising this to quickly talk about a motion that is of extreme importance. I'd like to do that now, please.

**The Chair:** Then please proceed.

**Mr. Jamie Schmale:** Thank you, Chair.

As happened on Friday, I'll just quickly read the motion:

That the Standing Committee on Indigenous and Northern Affairs report to the House that it:

- (a) recognizes that the Chiefs of Ontario and the Attawapiskat First Nation are taking the federal government to court over the carbon tax;
- (b) recognizes the statement of the Chiefs of Ontario said the carbon tax is "discriminatory", "anti-reconciliatory" and "has a disproportionate impact on First Nations";
- (c) recognizes that the Liberal Government "refused to negotiate with First Nations in Ontario" and "refused to enter into good-faith conversations", according to the Chiefs of Ontario; and
- (d) agrees with the Chiefs of Ontario, that First Nations should be exempt from the carbon tax.

I'd like to quickly speak to this.

For the committee to contemplate this important motion, I think it's important that we do what the Liberals were not prepared to do, which is to listen to the voices of the Chiefs of Ontario. In a press release dated November 30, 2023, the Chiefs of Ontario released the following statement regarding a judicial review it has filed on the Greenhouse Gas Pollution Pricing Act:

Chiefs of Ontario and Attawapiskat First Nation have filed a judicial review today after Canada refused to negotiate with First Nations in Ontario to alleviate the discriminatory and anti-reconciliatory application of the Greenhouse Gas and Pollution Act...on First Nations. The [Greenhouse Gas and Pollution Act] established Canada's carbon pricing regime, which although designed to be revenue-neutral, has a disproportionate impact on First Nations and their members.

"First Nations see the reality of climate change every single day and expect Canada to address it. However, we do not accept a regime that creates new burdens on First Nations which already face deep infrastructure and economic challenges. Canada should be working with us to confront the climate crisis and close gaps on reserve instead of creating policy in an ivory tower that exacerbates the affordability issues our citizens face,"....

That was said by Grand Chief Abram Benedict. He holds the environment portfolio at Chiefs of Ontario, and he is also the Grand Chief of Akwesasne.

They state:

The [Greenhouse Gas and Pollution Act] is intended to effect change using price signals—moving consumers away from greenhouse gas-emitting fuels. First Nations face significant infrastructure and economic gaps making it difficult to transition to less carbon-intensive alternatives. First Nations, who already have higher poverty rates than the rest of Canada's population, are therefore forced to absorb these extra costs.

I'll go on to another quote from Chief Benedict. He says, "The Charge is not supposed to generate revenue for Canada, but when it's applied to us it does".

I'll go on with another quote:

"We don't get the rebates and returns that other communities get and it's unfair".

Chiefs of Ontario was mandated by all First Nations in Ontario to negotiate an end to carbon pricing on First Nations in a resolution that First Nations across Ontario passed with full consensus. However, Canada has refused to enter into good-faith conversations to resolve the harms caused by the carbon charge.

The carbon charge has applied to Ontario since 2019. Producers, distributors, and importers pay the charge to the federal government but then pass on the charge by way of higher prices to consumers. The GGPPA is designed to be revenue-neutral, with the money going back to the province of origin. Individuals and households receive 90% of collected charges back through the Climate Action Incentive Payment...(which is not readily [available] to First Nations) and 10% is returned through federal programs. Through these rebates, most households [allegedly] get more back than they pay.

The Parliamentary Budget Officer has confirmed that is not true.

They state:

However, that is not the case for First Nations. The Federal Government has pledged to return 0.7% of the total Charge proceeds from Ontario to First Nations communities in Ontario. This amount is insufficient given the increased costs of the charge on First Nations and their members.

I could go on, Chair. There is lots more to say on this issue, but we do see that there is significant importance to having this motion voted on, to have a conversation about it and to get an idea of where the committee is. Hopefully, they're in a position where they're willing to study this further and talk about the hardships that have been put on first nations by this government.

Thank you, Chair.

• (1545)

**The Chair:** Thank you, Mr. Schmale.

I have Mr. Viersen next on my list.

**Mr. Arnold Viersen:** Thank you, Mr. Chair.

I think we need to study this for sure. The reality is that first nations living in northern Alberta and northern Ontario are not of those "families who receive more back than they pay". In fact, disproportionately it is northern remote communities that are affected to their detriment by the carbon tax. First of all, it's colder. They pay the carbon tax on the natural gas to heat all of the first nations buildings on reserve. They have to pay their tax on that the same as everywhere else, and in many cases, the carbon tax is more than the actual energy costs on the natural gas bill.

It's the same story on the propane. My own bill...but also I know that people send me their bills and show me them often. The actual energy cost is less than what the carbon tax costs. That means that 50% of the cost of heating the building is carbon tax.

Then there's the diesel fuel. Many of these communities are generating their power from diesel fuel, and when they're paying for that diesel fuel, again, that carbon tax is being placed on there, making it more expensive to do. There's a ratcheting-up effect that happens with this.

It takes energy to does everything. It doesn't matter what you're doing. Whether you're travelling, heating your home or processing something, it takes energy. Along the way, whatever you're doing, there's this carbon tax that keeps increasing and increasing the cost.

It's not like the GST. In fact, the GST is charged on the carbon tax. The GST is more of a flow-through tax. You can then get the rebate downstream, and it's only the end-user who pays the GST. No, the carbon tax is added to the price of everything the whole way through. People put that on the cost of their products when they go to sell them, and the next wholesaler along the way puts their markup on top of that, increasing that. There's an exponential growth on the carbon tax.

• (1550)

**The Chair:** Wait one second, Mr. Viersen.

Go ahead, Madame Gill.

[*Translation*]

**Mrs. Marilène Gill (Manicouagan, BQ):** Mr. Chair, sorry for interrupting the member, but the interpretation has stopped.

[*English*]

**The Chair:** We will check.

[*Translation*]

**Mrs. Marilène Gill:** All right. Thank you.

[English]

**The Chair:** Thank you, Madame Gill.

Mr. Viersen, please continue.

**Mr. Arnold Viersen:** Where was I, Mr. Chair?

**The Chair:** I think you were just concluding....

**Mr. Arnold Viersen:** No. We were talking about the supply chain and the ratcheting-up effect that the carbon tax has on the price of products.

Mr. Zimmer here, just in question period, was pointing out that a can of Campbell's soup was something like \$11 in Nunavut. Why is that? It's because somebody has to get that can of Campbell's soup to Nunavut. What does it take to get a can of cream of mushroom to Iqaluit? It takes a boat ride or a plane ride to get it there. I imagine you could, if you wanted to, drive over the ice at certain times of the year. It's a plane ride most of the time. What does that take? It takes energy. We've put a carbon tax on the energy, so you can see, just in that can of Campbell's soup going to Iqaluit, that the carbon tax is making life more expensive for everyone.

It doesn't matter if it's food. It doesn't matter if it's hygiene products. Whatever you're getting, there is an energy component to that product. The carbon tax is added along the way. Every single piece of the supply chain is having the carbon tax added. That makes life more expensive.

We see now that the government has blinked. They've acknowledged that their carbon tax does make life more untenable for Canadians, particularly in Atlantic Canada. I would note that when the Prime Minister was announcing his pause on the home heating oil carbon tax, it was only Atlantic Canadian MPs who were standing behind him during that announcement.

**Mr. Jaime Battiste:** I can confirm that.

**Mr. Arnold Viersen:** Jaime might have been one of the people standing behind him during that announcement, because this was just a purely crass political calculation. After the fact, when they got caught with their hand in the cookie jar, so to speak, they said it applied clear across the country. It wasn't just for Atlantic Canadians. It was for Canadians everywhere across the country who are on home heating oil.

That has now caused a domino effect of organizations and populations and provinces across the country saying that, if one part of the country can get the carbon tax removed on their home heating, why isn't this good for all Canadians? The first nation communities are having to come cap in hand to the federal government to raise funds to continue to get their communities to operate, only to have to pay the carbon tax to heat their buildings. They've put forward a number of initiatives now to question the federal government as to why that is.

I think it would be entirely appropriate for our committee to hear from some of these community leaders and communities as to the effects of the carbon tax on their communities and what percentage of their budget the carbon tax consumes.

Thank you very much, Mr. Chair.

• (1555)

**The Chair:** Thank you, Mr. Viersen.

Next on my list I have Mr. Battiste.

**Mr. Jaime Battiste:** I have a motion to adjourn debate so that we can get back to the legislation.

**The Chair:** We'll call the question on that.

**An hon. member:** I'd like a recorded vote.

(Motion agreed to: yeas 7; nays 4)

**The Chair:** We'll move back to the bill before us.

We left off at new clause 3.1, with NDP-2 being next up.

Ms. Idlout, would you like to move NDP-2?

**Ms. Lori Idlout (Nunavut, NDP):** Do I have to read it?

**The Chair:** You can just indicate that you want to move it.

**Ms. Lori Idlout:** I move to add new clause 3.1, as submitted.

**The Chair:** Ms. Idlout moves NDP-2.

With that, I just want to point out to our colleagues at the table that, if NDP-2 is moved, CPC 1.3 cannot be moved as they are identical.

Shall NDP-2 carry?

**Mr. Arnold Viersen:** Can we discuss it?

**The Chair:** I just called the question.

We'll have a recorded vote.

(Amendment agreed to: yeas 10; nays 1 [*See Minutes of Proceedings*])

**The Chair:** Thank you.

Then we'll move past CPC-1.3, which is no longer in play.

Would the member like to move NDP-2.1?

**Ms. Lori Idlout:** Yes, I would like to move NDP-2.1.

**The Chair:** On this one, there is a ruling I'd like to share with the committee.

Bill C-53 seeks to advance the recognition of the right to self-determination, including the inherent right of self-government, recognized and affirmed by section 35 of the Constitution Act, 1982, of certain Métis collectivities and the recognition of the authority of Métis governments to act on behalf of those collectivities.

The amendment seeks to clarify that “nothing in this Act is to be construed as recognizing any right or claim of any Métis collectivity that is represented by a Métis government set out in column 1 of the schedule”.

As the *House of Commons Procedure and Practice*, third edition, states on page 770, “An amendment to a bill that was referred to committee after second reading is out of order if it is beyond the scope and principle of the bill.”

It is the opinion of the chair, since Bill C-53 seeks to recognize the right to self-determination of certain Métis collectivities, that the amendment is contrary to the principle of the bill; therefore, the amendment is inadmissible.

That's the ruling of the chair on NDP-2.1.

Mr. Viersen.

● (1600)

**Mr. Arnold Viersen:** Mr. Chair, I'd like to challenge that ruling.

**The Chair:** We'll then go to a vote to sustain the chair.

**Mr. Gary Vidal (Desnethé—Missinippi—Churchill River, CPC):** Do you think we could get an explanation? Can they explain to us why, procedurally?

**The Chair:** Procedurally, I'm informed it's straight to the vote.

**Mr. Gary Vidal:** We can't get an explanation as to why—

**The Chair:** I have explained it in what I just read. Briefly, it's beyond the scope of the bill passed at second reading. That's where we have exceeded the.... We're beyond it.

Bill C-53 seeks to recognize the right to self-determination of certain Métis collectivities. This amendment is contrary because it would not recognize any right or claim of any Métis collectivity that's represented by a Métis government set out in column 1 of the schedule. That's where it exceeds.

With that, there's no debate allowed once we get into it. That's the explanation, so we'll call the required vote with our clerk leading that.

The question is whether to sustain the chair's ruling that NDP-2.1 is inadmissible.

(Ruling of the chair sustained: yeas 6; nays 5)

(On clause 4)

**The Chair:** This leads us to clause 4.

First up, we have CPC-1.4. Would the member like to move this amendment?

**Mr. Arnold Viersen:** Mr. Chair, do we not have to approve 3.1 before we move to clause 4?

We voted on the amendment, but did we vote on the approval of it? We've added a whole new clause now, essentially, so we need to vote to approve that clause, as far as I know.

**The Chair:** I'll turn to my experts for an explanation.

**Ms. Dancella Boyi (Legislative Clerk):** Thank you, Mr. Chair.

That is the usual process for the clause already contained in the bill; however, when an amendment seeks to create a new clause—for example, in this case, new clause 3.1—by adopting NDP-2, that new clause is automatically created, so you don't have to vote on it. By adopting NDP-2, that new clause is automatically created.

**The Chair:** Thank you. I was going to get to that.

**Voices:** Oh, oh!

**The Chair:** I'm now asking if the member wants to move CPC-1.4.

**Mr. Arnold Viersen:** You bet, Mr. Chair.

**The Chair:** Mr. Viersen, the floor is yours.

**Mr. Arnold Viersen:** This amendment would replace line 8 on page 3. Basically, all it does is change the word “collectivities” to “communities”. Then, in line 10, it changes “collectivities” again to “communities”.

I think this goes back to the thing we were talking about before. There may be more of a discussion that we need to have on this. We touched on this the other day when we were talking about people's communities and collectivities and individuals. I just think that “communities” is more representative.

I've been talking with my colleagues over the last few days. By putting together three or maybe more different groups into one bill, one of the challenges is that we end up with these situations where we are struggling to define... Different parts of the country communicate on these issues differently. Some want “communities”. Some want “collectivities”. Some want “peoples”. Those three terms do make a difference.

Again, I heard from Cadotte Lake, the ones up by Fort McMurray and even the folks down from Lethbridge, that they talk extensively about “communities”. We haven't heard a lot from the folks from Saskatchewan, but they are quite adamant about the word “collectivity”. We didn't get into it too much with the folks from Ontario.

The point is that there is a lot of differentiating around that word, so I put forward a series of amendments to change the word “collectivities” to “communities”. I think that “communities” is more reflective of how, particularly in Alberta, the Métis organize themselves. It's the word they use. I would hope we can align this bill with that.

Those are my comments. I hope this amendment passes.

● (1605)

**The Chair:** Thank you, Mr. Viersen.

We'll call the vote on CPC-1.4.

(Amendment negatived: 7 nays; 3 yeas)

**The Chair:** We'll then call clause 4, as originally proposed. We'll do a recorded vote, please.

**Ms. Lori Idlout:** Before I share my vote, I have a quick question. I have a later amendment on this. Are we going to vote on that amendment?

**The Chair:** We are in the middle of a vote.

Yes, if it's NDP-4.1, it's a different clause, so they'd be separate.

(Clause 4 agreed to [*See Minutes of Proceedings*])

**The Chair:** We have a new clause 4.1, which would be created by CPC-2.

Would Mr. Schmale like to move CPC-2?

**Mr. Jamie Schmale:** Yes, I would, if I could quickly speak to this.

I think this clause comes out of the testimony we heard as we discussed this bill, especially around some of the concerns about what happens next. Should this bill pass in its current form, it doesn't give a final look. When I say that, I mean in Parliament. That's where some of the concerns we heard were, especially from the Ontario chiefs, around that next stage. What does it mean, and what happens?

If it's an order in council—it could be an order in council—there isn't that final look. This lays out some of the protections that were being asked for, and that's probably not the right word to use. It's addressing more the concerns. In the opposition, it's our job to hold the government to account, and giving an order in council full rein or a wide swath to agree to terms that might not be open to scrutiny is something this motion speaks to. It will, hopefully, as I said at the beginning, address some of the concerns we heard right off the top with the Ontario chiefs.

Thank you.

• (1610)

**The Chair:** Next on my speaking list, I have Mr. Viersen.

Mr. Vidal, are you wanting to get on the speaking list too? Okay.

Mr. Viersen.

**Mr. Arnold Viersen:** This amendment would allow Parliament to be a little bit more involved in the process.

**An hon. member:** We're supportive.

**Mr. Arnold Viersen:** You're supportive of our.... That's good. I just want to make sure that you know what you're voting on here.

The challenge that we have with some of these things is that Parliament is somewhat outside of the process. We have a deal that was signed back in 2018 with a number of folks around the country, and Parliament was unaware that these agreements were being signed.

This amendment would allow, in a similar way to when we sign trade agreements around the world, the agreement to be brought to Parliament to be scrutinized. Parliament would be involved in the process, and Parliament would have an ability to study these treaties. As the prerogative of the government is to enter into agreements and treaties, it is Parliament that then holds the government to account on many of these things. It's challenging for Parliament or for the legislators to hold the government to account on these things if they have no idea that they are going on. This amendment is so that, hopefully, we can have greater clarity and prevent the surprises that could happen.

The other thing we heard over and over again from folks who came before our committee is that they were unaware that this was going on. They were not consulted. They were saying that the government was entering into new agreements with folks who live in their area and they had no idea that this was happening. This amendment won't address this in its entirety, but it would be another level of notifying folks that, hey, something is going on, something is happening and the government is talking with folks in their area.

It would allow for a level of scrutiny that.... We heard from a number of people from across the country that there was no scrutiny and there was no consultation. The folks who came here were repeatedly saying that the UN Declaration on the Rights of Indigenous Peoples says that the government has a duty to consult and must get free, prior and informed consent. That includes discussions around rights recognition in areas that already have folks with particular rights recognition and how that interplays. We need to ensure that Parliament is being notified about agreements that are being entered into. We have to ensure that we don't have surprises like we've had in the past.

Mr. Chair, I would suggest, perhaps, that when governments begin this kind of exercise, they have to gazette it. They have to put it in the Canada Gazette to ensure that they tip off the world that, hey, Canada is pursuing agreements with particular entities and groups across the country. That would allow for other groups to know that this is happening so that, if they have things to say about it, they can approach their elected official and say that they have concerns, that they are worried about this or that they want to know what's going on.

When there are groups that are here that say that they had no idea these discussions were even going on, we should have the government....

These are all Canadians. These are Canadians we're having this discussion with. It's not like there's some strategic advantage. It's not like there are some national security concerns where we cannot have these discussions out in the open.

• (1615)

This is the reason we need to have discussions out in the open about the rights recognition that's happening. What discussions are the government having? Who is the government having these discussions with? Should all the parties at the table be at the table? We have other bills in front of Parliament right now that are doing that exact thing: building consultation tables. Then Parliament gets to have a discussion about who the appropriate people are to sit at the table. We get to have that discussion, and all of that happens beforehand. This particular amendment would ensure that Parliament is at least tipped off that this is happening.



This is perhaps more of a band-aid fix, because by the time a treaty is entered into—it's that “entered into” language here—it's probably already a thing. You're not necessarily going to be able to turn that back. It's much more like a trade deal we sign. Once it's signed it's signed. Sometimes it has to be ratified. Sometimes there's a clause that says it has to be ratified by Parliament. If that was in the treaty, we would be able to ratify it. It wouldn't come into force, or it wouldn't be completely entered into until it was ratified by Parliament. If it didn't, maybe this is too late.

This bill very much deals with the agreements that are already signed between the government and the Métis people across the country. That's what this bill is about. I think, more broadly, the government should be ensuring that Parliament knows what they're up to. Our job is to figure out what they're up to, to some degree. Also, I remember that in 2015 this government showed up here and said they were going to be “open by default”. I don't think this was open by default.

We heard from a number of organizations. I don't think we got to this bill because the government was open by default. These were secret negotiations, and folks showed up to our committee to express to us that they felt like they were not only not duly consulted, which would have been one thing, but not even notified that these discussions were happening. That is what we have to work to prevent, and maybe after the fact we're having a bit of trouble putting that in this bill.

I guess that's what this amendment speaks to. As parliamentarians, we would like to know what the government is doing. By the time a treaty is entered into, which is what this bill is going to be doing... We're saying that when we anticipate a treaty, let's have the treaty come before Parliament quickly, because we want to see—

**An hon. member:** Oh, oh!

**Mr. Arnold Viersen:** I'm being interrupted.

● (1620)

**The Chair:** I would just like to remind all members that Mr. Viersen has the floor now. I would like some nice orderly conduct in our committee so that the staff can do their jobs.

Mr. Viersen, please continue.

**Mr. Arnold Viersen:** I appreciate it, Mr. Chair, because I do think this is an important discussion to be had, and the things they are bringing up allow me to address their concerns, obviously. I would say that having this treaty tabled and referenced to this committee, much the way we're doing this bill, it would have been interesting to have had that previous agreement that was signed. Over the last couple of evenings I read the agreement with the MNA. It would have been interesting to have had that before our committee prior to its signing, so as parliamentarians we could scrutinize what the government was saying and doing on behalf of Canadians, on behalf of the Crown. Are they abiding by generally accepted norms on these things? Have they considered all of the ramifications?

It's obvious that the government has failed a lot in this bill, because we have a long list of folks who have showed up here being opposed to this. I would suggest perhaps the government should not have put the Alberta agreement, the Saskatchewan agreement and

the Ontario agreement all in one bill. Again, going back to my last amendment—collectivities versus communities—the regional differences in this country lead to these sorts of things. We want to ensure the government is treating folks with respect and not trying to fit square pegs into round holes, which I sometimes feel this particular bill is attempting to do. It's concerned with trying to do a one-size-fits-all, and it's trying to maybe make different Métis communities compete against each other, maybe play one Métis entity against another. Also, perhaps by putting all three of these groups into one bill, it doesn't allow for clarity around the verbiage we use.

Why we've moved this amendment is to ensure that, when a treaty is signed onto, it doesn't happen in some backroom bunker here in Ottawa, but it would be tabled in the House of Commons for the scrutiny of a committee to ensure that this is something we can all get behind to bring this country together, rather than dividing this country. This Prime Minister's really good at dividing this country. Rather than dividing the country, bills like this would ensure that Canadians are united and that Canadians can be proud of their country.

**Mrs. Jenica Atwin (Fredericton, Lib.):** I have a point of order, Mr. Chair.

I would like to question the relevance of the last couple of minutes from Mr. Viersen. I wish he could get back on track, or perhaps move things along.

**The Chair:** That's a fair point. I would encourage all members when they're speaking to remember we are on new clause 4.1, the CPC-2 amendment.

I would like to take advantage of this brief interlude to point something out, and I should have done this at the start. If anyone is wondering, you might have noticed CPC-2 and NDP-3 are identical. Because we're dealing with CPC-2, if CPC-2 is moved, NDP-3 cannot be moved as they are identical. When we get to a vote on whether CPC-2 should carry, NDP-3 is gone. I just wanted to clarify that.

We'll go to a point of order from Ms. Idlout, and then we'll come back to Mr. Viersen, who has the floor.

● (1625)

**Ms. Lori Idlout:** I wanted to quickly clarify that I actually like the Conservative's amendment better, because they suggest more days. When we are finally able to vote, I'll be voting in favour of this amendment.

**The Chair:** Are you good with that, Mr. Carr? Okay.

Mr. Viersen, we'll go back to you. I'll ask you to keep it on point to the amendment we're on. That would be just grand.

**Mr. Arnold Viersen:** I thank you, Mr. Chair, for pointing that out.

I knew that the Conservatives and the NDP had some similar ones, but I had forgotten that this one was the same.

**Mr. Jaime Battiste:** It's exactly the same.

**Mr. Arnold Viersen:** I'm comparing it here. Jaime is saying that it's exactly the same, but I don't necessarily always take him at his word, so I'm going to make sure.

I would point out that in many cases the NDP and Conservatives agree on the use of words. I remember that with “free, prior and informed consent” while the NDP were very supportive of that terminology and the Conservatives were not as supportive of that terminology, we did both agree that those words meant what those words meant, unlike the Liberals, who said, “Well, they're nice-sounding words, but they don't necessarily mean what you think.”

I'm happy to see that, once again, the Conservatives and the NDP agree on the meaning of words. We generally mean what we say and say what we mean, and I do appreciate that about the NDP. I can't say that's the case with the Liberals all of the time.

That being said, I think I have made my case fairly compelling. We need to ensure that Parliament is in control of this country. We want to ensure that Canadians who are being affected by legislation or by deals that the government is....

We need to ensure that Parliament has a say in those deals, that Parliament understands what the government is doing, and that the Liberals live up to their ideal of “open by default”. I think that's an honourable ideal. I would say that government should strive for that, but that has not been my experience with the Liberal government.

We had multiple witnesses come here and say, “Hey, we did not know about this until the legislation dropped.” I think this would be an improvement to the bill, and I hope that I will see support from the Liberals on this one.

**The Chair:** Thank you, Mr. Viersen.

Next on my list is Mr. Vidal.

The floor is yours.

**Mr. Gary Vidal:** Thank you, Mr. Chair.

I had my hand up before I saw that the Liberals were going to support the brilliant motion of colleague Mr. Schmale, in response to a number of concerns that we heard from people.

I actually have one really quick question for the officials. It's a clarification thing for me, from an understanding perspective. I think I know the answer, but I just want confirmation.

The February 23 agreements talk about the contemplated treaties that would be negotiated once this legislation is enacted. I think that's a clear understanding. With the addition of this amendment, is it safe to assume that this would also apply to any future treaties?

We have these contemplated treaties, but what if 20 years from now there's another negotiation that falls under this legislation? Would this then apply to any future treaties? Would it have to come back through this process so that Parliament has final oversight on something way down the road someday?

Does that question...? Hopefully, that makes sense.

• (1630)

**Mr. Michael Schintz (Federal Negotiations Manager, Negotiations - Central, Treaties and Aboriginal Government, Department of Crown-Indigenous Relations and Northern Affairs):** Thanks for the question.

In part, I'm familiar. There's another amendment regarding supplementary self-government agreements as well, which considers a similar process.

In the end, if both amendments were to go forward, that would certainly require both for the future treaties, which we're proposing to give force and effect to through this legislation and any supplementary agreement.... I imagine we will receive questions at that point, later, and we can try to add more clarity.

It is, however, typical that treaties include amendment provisions, the ability for those treaties to evolve via negotiations and an order in council—an example being the Whitecap treaty that recently came before Parliament as well.

As for future treaties, absolutely. Supplementary self-government agreements will be dealt with at a separate stage, but it is typical that these treaties create space for amendment that doesn't require the parliamentary process.

**Mr. Gary Vidal:** For clarity, any outright new treaty would, but an amendment to an existing treaty, which would be built into the initial treaty negotiation may not.

I think that's what I heard.

**Mr. Michael Schintz:** That's fair to say. You would see that amendment provision as part of the tabling with Parliament and referral to committee.

**Mr. Gary Vidal:** That's of the original treaty.

Thank you. I think that added clarity.

**The Chair:** While we're taking this pause, I was remiss in welcoming our officials back to the table today.

I'll take this moment to welcome you back. We thank you for being here.

**Mr. Michael Schintz:** Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Vidal.

Next I have Mr. Viersen on my speaking list.

**Mr. Arnold Viersen:** Mr. Chair, thank you again.

I'd love to welcome my good colleague, Mr. Melillo, to our committee as well.

I think it was at the last meeting that I made a comment about the word “Métis” showing up in the Constitution of Canada, which caused a reaction in my colleague, Mr. Battiste. I'm not quite sure what his concern was, but here we are.

I just want to make sure for his benefit that this particular amendment notes the meaning assigned to the definition of “aboriginal peoples of Canada”, subsection 35(2) of the Constitution Act, 1982. That piece of the Constitution says, “In this Act, aboriginal peoples of Canada includes the Indian, Inuit and Métis peoples of Canada.”

I think the comments I made the other day still stand. That is what this bill hopes to realize.

**The Chair:** Mr. Viersen, hold on for one second, please.

**Mr. Ben Carr (Winnipeg South Centre, Lib.):** I'm sorry, Mr. Chair. I just have a point of order.

Could we welcome Monsieur Ste-Marie to the committee, please?

**The Chair:** That's not a point of order. I will extend a proper welcome when the time comes.

**Mr. Ben Carr:** Oh, it's not. My apologies.

**The Chair:** Welcome.

**Mr. Eric Melillo (Kenora, CPC):** On the same point, Mr. Chair—

**The Chair:** Mr. Melillo, I'd like to welcome you to the table. You've slept in, but it's always good to see you here.

Mr. Viersen, please carry on.

**Mr. Arnold Viersen:** Thank you, Mr. Chair.

I, too, would like to welcome Mr. Ste-Marie—not the member for Gabriel Ste-Marie. I made that mistake one time, Mr. Chair. I called him the “member for”.

Nonetheless, I think this amendment does justice. There was a similar amendment that did not have that piece in there. I think it's important to note that we are dealing with a piece of legislation that is directly connected to the Constitution of Canada and is ensuring that we can bring realization to section 35.

I remember that when I was first elected, I didn't realize that section 35 existed. I had seen the paper that they hand out at school around the Charter of Rights and Freedoms. This is on the next page. It's kind of like the first page of a Google search. Nobody reads past the first page of Google. That's what happens with the charter.

I remember that in school we read the charter often, but I didn't realize when I got here that there was a page two or a part II, which starts with section 35. I remember that when I first got to the committee, that was a complaint that many people who came to this committee pointed out. They said that section 35 rights need to be recognized.

I remember the chief of the Assembly of First Nations coming here. I'll never forget the term he used. He just spoke about an empty box or a full box.

I guess that is what we're dealing with here today. We're trying to establish what is in that box and what is not in that box.

Here we are making this amendment to the bill to ensure that Parliament will fulfill its duties under section 35 of the Constitution.

Thank you, Mr. Chair.

• (1635)

**The Chair:** Thank you.

Shall amendment CPC-2 carry? We'll have a recorded vote.

(Amendment agreed to: yeas 11; nays 0)

**The Chair:** As I noted, we will not be dealing with amendment NDP-3 because it was identical to CPC-2. As we learned previously through the intervention I was going to make but was late getting

to, when a new amendment is carried and part of it is a new clause, that clause carries without a vote.

(On clause 5)

**The Chair:** Under clause 5 we have amendment CPC-2.1. This was put forward by Mr. Viersen. Would the member like to move CPC-2.1?

**Mr. Arnold Viersen:** Yes, I would like to move this one.

**The Chair:** Thank you.

I'm going to provide a ruling from the chair. I'll ask for your indulgence as we go through this.

Clause 5 of Bill C-53 provides that treaties entered into by a Métis government and His Majesty in right of Canada may be brought into force on a date fixed by the Governor in Council, once the Governor in Council is satisfied that the conditions for the coming into force of a treaty by the Métis government and the Government of Canada have been met.

The amendment proposes that both Houses of Parliament must affirm, by resolution, that the requirements for the coming into force of a treaty have been met before the Governor in Council can fix the date on which a treaty can come into force and add the necessary information to the schedule.

As *House of Commons Procedure and Practice*, third edition, states on page 770:

An amendment to a bill that was referred to committee after second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, subjecting the coming into force of a treaty to the affirmation by resolution of both Houses of Parliament is a new concept that goes beyond the scope of the bill as adopted by the House at second reading. Therefore, I rule this amendment inadmissible.

**Mr. Arnold Viersen:** Mr. Chair, I'd like to challenge that ruling.

**The Chair:** Thank you. We will vote on sustaining, or not, the ruling of the chair.

For those who are new to the table, sustaining would confirm that this is an inadmissible amendment and not sustaining would mean that the ruling of the chair is incorrect.

**Mr. Eric Melillo:** Mr. Chair, will you confirm what the question is?

**The Chair:** Shall the ruling of the chair be sustained?

(Ruling of the chair sustained: yeas 7; nays 4)

**The Chair:** We will now move on to amendment CPC-3.

Mr. Schmale, would you like to move that?

• (1640)

**Mr. Jamie Schmale:** I would like to move that.

I'll quickly speak to it. I do believe there is, somewhat, agreement around the table. I'll read it and then let you know.

Basically it's addressing concerns that we heard earlier about allowing Parliament a little more oversight and addressing those concerns. I'll do this very quickly as I know there's support around the table.

It was interim National Chief Joanna Bernard from the Assembly of First Nations who said that the consultation with first nations was not done appropriately. We heard that in testimony, so that's what this stems from. It would give more clarity and more oversight within the parliamentary process.

If there is anyone voting against, I'm happy to answer more questions, but I will leave it there for now.

**The Chair:** Before I move to Mr. Viersen as the next speaker, I want to inform members that if CPC-3 is adopted, NDP-4 cannot be moved due to a line conflict. Keep that in mind as we make our decision on this one.

Mr. Viersen, you are next on my list for CPC-3.

**Mr. Arnold Viersen:** Thank you, Mr. Chair.

I'm just a little disappointed that I didn't get to discuss my last amendment. This one is a reasonable step below.

Again, the supremacy of Parliament is something that I think is important to protect. This bill would ensure that Parliament at least sees the treaty before having it come into force. It would give Parliament the opportunity to at least have a response and be able to move motions in order to scrutinize and call the minister in to give testimony around it before it comes into force.

**The Chair:** Mr. Viersen, I would just ask you to speak to CPC-3. We already dealt with and dispensed with CPC-2.1. We're not going to have debate on that.

If you would like to speak to the amendment before us, go ahead.

**Mr. Arnold Viersen:** That's what I am speaking to. I just voiced my disappointment about the other one.

This amendment would make it so that the treaty would not come into force earlier than 30 sitting days after it has been tabled. The motion that I convinced my colleagues to support earlier passed, which says that it has to be tabled. Now we're asking for...

My first amendment was to say that Parliament should approve it all. That was deemed inadmissible, so here we are with this one, which I think is a reasonable.... It's not as good as the first one, but it's reasonable to protect the supremacy of Parliament and to ensure that we can actually have a debate around it as we'd have 30 sitting days between the tabling and the coming into force of a particular treaty.

I'm excited to have this one go forward to allow Parliament the ability to see, debate, question the minister and bring in witnesses if it needs to. The previous amendment that we passed had that "After it is tabled, the treaty stands referred to—

• (1645)

**Mr. Eric Melillo:** On a point of order, Mr. Chair, I appreciate the enthusiasm from my colleagues on the other side, but I would ask if the room could contain its excitement just a bit so that we can hear the gentleman, Mr. Viersen, who has the floor.

Thank you.

**The Chair:** Fair enough. I would ask all members to maintain decorum within our proceedings. This is very important and serious legislation, which the founders of this country did not finish. This is a very important piece of legislation that will get to that work that was not done.

I will ask Mr. Viersen to continue with his intervention. I would encourage others to listen, and we will get through this.

**Mr. Arnold Viersen:** Thank you, Mr. Chair, for that intervention.

Thanks to my colleague for making that point of order.

This amendment would allow for that committee we referenced in the previous amendment we passed to do its work. It would be no earlier than 30 days. We've seen over and over again from this Liberal government that it likes to ram things through. It likes to move closure motions and programming motions to make sure that it can, without any hours of debate, just push things through.

Out of an abundance of caution and out of the desire for Parliament to be able to operate.... That's why we put forward motions like this. It's so that Parliament can see the document, question witnesses and have affected communities show up to inspect the bill. That is the desire of this amendment. I am certain that my Liberal colleagues will have no objection to that.

I cede the floor at this point.

**The Chair:** Thank you.

I have Mr. Melillo next on my speakers list.

**Mr. Eric Melillo:** Thank you, Mr. Chair.

I promise to my colleagues across the way to be brief, although they were cheering and encouraging me to speak earlier.

I don't want to echo what has already been said. I do agree that this is very important for increased transparency. I say that as someone representing much of the Métis homeland as well as 42 first nations. There's definitely a lot at stake in my riding when it comes to this.

Mr. Chair, you mentioned the line conflict, and rightfully so. Looking at the proposals we have versus what's been brought forward by the NDP of 30 days versus 21 days.... I don't want to put my friend on the spot. I don't know if she's at the table right now. I'm curious to know from the NDP what their position would be on this due to the line conflict and why they would move forward with 21 days versus 30 days. I would be curious to get an answer on that.

Thank you.

**The Chair:** The member did speak to that earlier and indicated that she would support the CPC motion versus the NDP motion. That is the challenge we get when we have people coming and going. We lose some of the continuity of conversation.

Next I have Mr. Viersen on my list.

**Mr. Arnold Viersen:** I want to ask the officials if they have any idea why this wasn't included in the original draft of the bill, which was referenced to Parliament and that sort of thing.

**Ms. Julia Redmond (Legal Counsel, Department of Justice):** I will say that tabling a provision like this for a treaty is not necessarily standard in treaty-implementing bills. Obviously, this bill has some novel features. The treaties that it contemplates haven't yet been negotiated, and that is a bit unusual.

It's most likely because it's not a standard part of this kind of bill, so it wouldn't have been included in the first place.

**Mr. Arnold Viersen:** What's another example of a treaty implementation bill that I would have dealt with in the last eight years?

**Ms. Julia Redmond:** This committee would have seen the implementation statute for the Whitecap Dakota treaty earlier this year in June. That was an implementing bill for a treaty.

**Mr. Arnold Viersen:** Okay, and do you know about prior to that?

**Ms. Julia Redmond:** I'm not sure what the most recent one before that would be. There are certainly many examples over the last several years, all dating back as far as the 1970s.

**Mr. Arnold Viersen:** I was on this committee for six years, and I don't remember a treaty implementation bill, but I was gone for two years.

Mr. Reiher, what are your comments?

• (1650)

**Mr. Martin Reiher (Senior Assistant Deputy Minister, Treaties and Aboriginal Government, Department of Crown-Indigenous Relations and Northern Affairs):** The last one that would have been approved was more than 10 years ago.

**Mr. Arnold Viersen:** It is an interesting thing, then. I was here for six years, and we never had...

**Mr. Michael Schintz:** I believe—and I stand to be corrected by the committee—that the Whitecap implementing legislation may not have been referred to the committee. It was passed quite quickly.

**Mr. Arnold Viersen:** Okay.

**Mr. Michael Schintz:** It was referred to committee...? Okay.

**A voice:** For one day.

**Mr. Arnold Viersen:** I wasn't here for the last two years, so prior to that...

**Mr. Jamie Schmale:** The old chair got it done in one day.

**The Chair:** That challenge is accepted.

**Mr. Arnold Viersen:** The 21 days is an interesting.... I guess 30 days are a standard month, and that's what we were thinking about. Those are not sitting days.

Is there any reason why we would chose 21 days versus 30 days?

**Ms. Julia Redmond:** There's nothing bad, from a legal standpoint, about this. I think the difference is well understood.

**Mr. Arnold Viersen:** I'm just trying to think of what other things are delayed for 21 days. I'm not sure. If ours doesn't pass, then... Why is the other one 21 days? That's not your question to answer.

All right. That's all I had, Mr. Chair.

**The Chair:** Thank you, Mr. Viersen.

Members, shall CPC-3 carry?

**An hon. member:** I'd like a recorded vote.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

(Clause 5 as amended agreed to: yeas 11; nays 0)

**The Chair:** Thank you, members.

Next, shall clause 6 carry?

**Mr. Arnold Viersen:** Mr. Speaker, I have—

**The Chair:** Mr. Viersen, I've called the vote. We'll do clause 6. There are no amendments to it.

**Mr. Arnold Viersen:** I do believe we can have a discussion about clause 6.

**The Chair:** I've called the vote on clause 6.

**Mr. Arnold Viersen:** You can't just call the vote. Doesn't it have to be moved?

**A voice:** You can if you're the chair.

**The Chair:** Yes, I can—and I'm the chair.

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

**The Chair:** There will be lots of time yet. We have lots of other amendments to get to.

I have asked if clause 6 shall carry, so we'll have the vote. As I said, there will be lots of time for discussion.

We'll have a recorded vote, please.

(Clause 6 agreed to: yeas 10; nays 1)

(On clause 7)

**The Chair:** We do have an amendment here. First up is CPC-3.1, put forward by Mr. Viersen.

Mr. Viersen, would you like to move CPC-3.1?

• (1655)

**Mr. Arnold Viersen:** We've dealt with clause 6.

**The Chair:** Yes, we're on clause 7 now. You have amendment CPC-3.1.

**Mr. Arnold Viersen:** Yes. Here we go.

I would like to move this, Mr. Chair, and I'd like the floor. Amendment CPC-3.1 would delete lines 3 to 7 on page 4. This goes to the fact that, in the event of any inconsistency or conflict between a treaty and provision of this act, the treaty prevails. Again, it goes to the supremacy of Parliament. I'm not exactly sure what this all entails, but I'm concerned around the conflict.

I'm going to ask our officials to explain. I'm concerned about this piece, so I put this amendment forward. Is this a normal thing that the treaties prevail? It seems to demote an act of Parliament below a treaty. It says, if we're going to have a piece of legislation and it comes into conflict with a treaty, the treaty prevails.

Can you explain why this is needed? Is this a normal thing in these kinds of pieces of legislation? Why is this needed?

**Ms. Julia Redmond:** It is a very normal provision. In fact, it's in every version of an implementing statute for a treaty that we have on the books. It essentially is a reflection of the fact that a treaty, in this situation, is protected by the Constitution.

Occasionally, there are situations where there can be interpretation challenges, like the situation of inconsistency or conflict that it describes. Including a provision like this to account for that unlikely but still possible inconsistency or conflict is very standard and helpful in terms of ensuring that the treaties and the act can be interpreted properly.

**Mr. Arnold Viersen:** If it's constitutionally protected, why is this necessary? I guess that is the question.

Are we just duplicating it? Is it for clarity?

**Ms. Julia Redmond:** Are you asking specifically about this clause or the bill?

**Mr. Arnold Viersen:** You mentioned earlier that treaties are constitutionally protected documents. There's a presumption that this would be the case.

**Ms. Julia Redmond:** This gives added clarity.

**Mr. Arnold Viersen:** Okay. Is there a situation that you can point to where conflict between...?

If this has been in a number of treaty implementation acts, has this ever been pointed to or used in any situation?

**Ms. Julia Redmond:** I don't have any examples to give you on that right now. If it's an issue we can try to provide more information later. I can tell you that this is a very standard provision and it appears in all implementing statutes.

**Mr. Arnold Viersen:** We don't know if it has ever been used before, so to speak.

Can anyone else comment?

**Mr. Blake McLaughlin (Director General, Negotiations - Central, Treaties and Aboriginal Government, Department of Crown-Indigenous Relations and Northern Affairs):** I don't think we have anything further to add.

**Mr. Arnold Viersen:** Okay.

To go back to this, Mr. Chair, I think we should delete this out of the bill, because it's redundant in the fact that treaties come with constitutional backing. I think that's important. Also, I like to have Parliament being supreme in this country and ensure that we don't tip the scales. If there is a conflict, there are mechanisms for conflict resolution in this country that have been used and continue to be used. Many times there are political solutions to these as well.

To outsource our job, which as parliamentarians is to make decisions on things, to a treaty when there's a conflict... We need to ensure that we can have that. I would say that we should pass this amendment.

Thank you, Mr. Chair.

• (1700)

**The Chair:** Mr. Schmale, you're next on my list.

**Mr. Jamie Schmale:** Great.

Through you, Chair, to the officials, just so I'm clear here, if there are two treaties, say a first nations one and a Métis one and they come into conflict, what happens at that point? Would court action be required to set that out, or is that up to Parliament to figure out? Would the courts say it's Parliament's job?

**Ms. Julia Redmond:** That's not actually covered by this provision. "Treaty", when used in this provision here, is treaty in the meaning that's defined in the bill, a treaty between Canada and one of the Métis governments listed in this schedule, the Métis collectivities listed in the schedule of this bill.

This doesn't address that scenario of the potential conflict between different treaties. The bill is silent on that.

**Mr. Jamie Schmale:** Okay. Thank you, Chair.

I appreciate the opportunity to speak to this. I appreciate your leniency as we wait for...

**The Chair:** Mr. Viersen does have his name on the list. We can go back to Mr. Viersen.

**Mr. Arnold Viersen:** Could we just get a bit of clarity around whether there is a mechanism around the concerns around treaty conflicts?

Is there a mechanism anywhere for that?

**Ms. Julia Redmond:** Negotiation is one possible way. Treaties themselves could contain provisions that could account for that. Again, that's outside the scope of this bill. We're not talking about conflicts between different treaties. This provision concerns specifically the relationship between these treaties addressed by this bill and the act itself.

**Mr. Arnold Viersen:** All right.

Thank you.

**The Chair:** We're now going to vote on CPC-3.1.

We'll have a recorded vote on this.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** We have next NDP-4.02. I'll ask the member to move NDP-4.02.

**Ms. Lori Idlout:** Yes, I'd like to make a motion to adopt NDP-4.02

**The Chair:** Thank you, Ms. Idlout.

I have some thoughts on this that I would like to share. This is a ruling from the chair.

Subclause 7(1) of the bill provides that, if there are inconsistencies or conflicts between the treaty and an act of Parliament, the provisions of the treaty will prevail insofar as those inconsistencies or conflicts are concerned. The amendment adds that, in the event of inconsistencies or conflicts with an indigenous right or title, the right or title will also prevail.

As *House of Commons Procedure and Practice*, third edition, states on page 770, “An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.”

In the opinion of the chair, the aforementioned element is a new concept that is beyond the scope of the bill. Therefore, I rule this amendment inadmissible.

Shall clause 7 carry?

**An hon. member:** Let's have a recorded vote.

• (1705)

**Mr. Arnold Viersen:** Can we challenge the chair?

**The Chair:** I already called clause 7.

**Mr. Arnold Viersen:** I would challenge the chair on that ruling.

**The Chair:** Okay. There's a challenge to the chair.

I'm calling the vote on clause 7. If you sustain the chair's ruling, we will vote on clause 7. If you do not sustain the chair's ruling, it means we won't vote on clause 7.

(Ruling of the chair sustained: yeas 6; nays 5)

(Clause 7 agreed to: yeas 11; nays 0)

**The Chair:** Before we move to clause 8, Mr. Viersen has a point of order.

**Mr. Arnold Viersen:** I don't have it in front of me, but I am pretty sure that, when a clause is moved, there is time for discussion or at least to ask questions of the officials on a particular clause.

**The Chair:** That's not a point of order, but I will explain.

The way I work is that I'll call a clause and, if I see hands, I'll create a speaking list. In the absence of any hands, I won't have a speaking list and we'll move on to the vote. That's what I'm watching for—

**Mr. Arnold Viersen:** What I don't have clear—and this is the point of order, Mr. Chair—is that there does not seem to be an opportunity between the movement of a clause, which I understand is kind of an automatic thing and.... How do I know when the clause is being moved and the question is being called? You are simultaneously moving and calling the question, and there is no opportunity for me.... Suddenly, we're on clause 7 and you're calling the question.

**An hon. member:** [*Inaudible—Editor*]

**Mr. Arnold Viersen:** What I mean is that I was dealing with Ms. Idlout's amendment, and I was going to challenge the chair on Ms. Idlout's amendment. Before I knew it, we were on to voting on clause 7. If that's how we're going to do this, I will adjust my actions accordingly. However, there ought to be an ability for me to say that I would like some clarification on clause 7 between the movement of clause 7 and the vote on clause 7.

Regardless of whether I have an amendment for it.... There are several clauses that I don't have amendments on in this bill, but I was looking forward to having the officials here, so that I could say, “Hey, what does this mean?” When we get to the last few pages of this bill—we had no witnesses who addressed any of the things on

the last two pages of the bill—I'm looking forward to asking the officials about those things.

How am I going to do this, Mr. Chair?

**The Chair:** Let me respond to that.

Everybody is working from the same road map as I am, which is the agenda that was distributed to all members. This clearly lays out the order that we're going through things.

As we go through it—I'm a bit behind right now—I'm ticking off what we're doing. If you also mark off where we're at, you'll know what's coming next.

What I'm looking for as I introduce the item is any indication of people wanting to speak. If I don't see any, then I move right on to the order of business, which is the vote.

You'll see what's coming up next. I would simply say, if you want to speak to it, get my attention and we'll get you on the list. I have two clerks helping me out to make sure that we're covering online and in the room. If we see a hand up, then you'll be put on the list and you'll be recognized.

That is how we're working through this. If there was any confusion, I apologize for that, but that is the process to try to move us through clause-by-clause.

• (1710)

**Mr. Jamie Schmale:** Can I quickly speak to that point of order, Chair?

It happened to me earlier as well. There wasn't that little gap... I'm not saying that we're going to speak to everything here. We want this to move along and hopefully wrap it up.

At the same time, as Mr. Viersen was saying, it's immediate. When you say that you look around the room for people to talk, there's no opportunity. There's no question about whether anyone wants to talk. It's bang and then call the vote on the clause. I think that's what Arnold is saying.

**The Chair:** If you look at what's next, we're on clause 8. We have two amendments here and then a “Shall clause 8 carry?” That will be the order we go through it.

The first thing I'm going to do is call CPC-3.2. When there is an amendment, I'll be asking for the member to move it. That's a good time for others who want to get on the speaking list to raise their hands.

If it's a clause where there are no amendments, for instance, clause 16, if I don't have anybody as we move into that, I will simply say, “Will clause 16 carry?”

**Mr. Arnold Viersen:** I would just point out that, in the last one, I was attempting to challenge the chair on the ruling you made on Ms. Idlout's amendment. I was attempting to do that.

I said I had a challenge to the chair. I don't think I was out of order on that. By the time I said that, you had already moved clause 7. It was pointed out to me that we had moved on to clause 7. I said that I would challenge the chair anyway—

**Mr. Jaime Battiste:** I have a point of order, Mr. Chair.

**Mr. Arnold Viersen:** —but that was not my intention. My intention was not to challenge the chair on clause 7. My intention was to challenge the chair on Ms. Idlout's amendment, so that we could have a discussion. I would have liked to hear from her what the logic was on her amendment.

**Mr. Jaime Battiste:** On a point of order, Mr. Chair...?

**The Chair:** I would say that, in that case, it was ruled out of order. It was inadmissible. I gave the explanation for it.

I'm just going to go to the point of order, and then we'll come back.

**Mr. Arnold Viersen:** Yes, 100%, and I challenged the chair on that, not the clause.

**The Chair:** I'll come back to you, Mr. Viersen. Just give me a second to go to Mr. Battiste.

**Mr. Jaime Battiste:** It's on repetition, and it is on relevance. We've heard this, and you've ruled on it. It seems to be repetition.

**The Chair:** I will say, Mr. Viersen, that I hear the concerns you have raised, so I will endeavour to make sure that people know where we're at and that there is an opportunity. We want to have good discussions and good input by members.

I also have an interest in moving this legislation forward and the review of it too, as we've been asked by the three Métis nations.

**Mr. Arnold Viersen:** Mr. Chair, I have a point of order.

**The Chair:** We also want to have due process.

We'll go to your point of order.

**Mr. Arnold Viersen:** Mr. Chair, that is not your job—unless you don't like being the chair. If you want to sit on that side, then it's your job to push legislation through. It is the government's job to do that. However, when you sit in the chair, you're an official of Parliament, and it's not your job to push legislation through. You said that. It is not your job.

It is your job—

**The Chair:** It is to facilitate the—

**Mr. Arnold Viersen:** —to be the chair for this committee. You are the chair for all of us. You are to operate the meeting.

**The Chair:** I am well aware of the role of the chair, yes. Thank you.

**Mr. Ben Carr:** Mr. Chair, I have a point of order.

**Mr. Arnold Viersen:** You just said—

**The Chair:** Can we go to the point of order?

**Mr. Arnold Viersen:** —that you are trying to push this legislation through.

**The Chair:** We have legislation that has been forwarded to us—

**Mr. Arnold Viersen:** That is not your job, Mr. Chair. Your job is to facilitate the meeting—

**The Chair:** It is to get the job done to make sure—

**A voice:** The interpreters can't keep up if two people are talking.

**The Chair:** I'm just going to interrupt for the point of order.

There is a point of order, and then we'll come back to you.

**Mr. Ben Carr:** Mr. Chair, with the presence of the clerks, I don't think that a lecture to you on your role is necessary. I'm just wondering if, perhaps, at this point in time, calling a point of order with regard to the demeanour with which this is being addressed can be heard—I understand the perspective—and then we can move on.

**Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC):** I have a point of order, Mr. Chair.

• (1715)

**The Chair:** We'll go to Mr. Zimmer, and then we'll come back to Mr. Viersen.

**Mr. Bob Zimmer:** The member hasn't been in the House that long, but I will say that I've been a former chair, and what Mr. Viersen is saying is an accurate challenge. It's not the job of the chair to pick one side of the argument over the other. It's to facilitate the discussion.

To say now that we need to get things moving and to say sorry about the point of order... It's a very legitimate point of order, and it needs to be addressed by the chair.

**The Chair:** Mr. Viersen, are you done? I hear your point, and I will continue to move through the review of this legislation.

**Mr. Arnold Viersen:** Mr. Chair, just with your indulgence, I'll go back to the one you deemed out of order—Ms. Idlout's amendment—if I could. Could you give her the floor and at least hear the logic that she was putting forward with that amendment?

**The Chair:** I would say that if Ms. Idlout wants to raise her hand and ask for that, that's her right. It was her amendment. However, at this point, we have moved beyond that. We're now on clause 8. We're on CPC-3.2, which is your amendment.

I am willing to go to that point and have a nice, smooth—

**Mr. Ben Carr:** Mr. Chair, I would just draw your attention to the fact that the bells are now ringing, I believe.

**The Chair:** They have just started.

With that, colleagues, we are at the bells. We can request unanimous consent to continue.

**Mr. Ben Carr:** No, I don't give unanimous consent.

**The Chair:** There is a no.

With that, we're out of time.

Thank you, colleagues. We will resume on Tuesday.

The meeting is adjourned.









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