CANADA

House of Commons Debates

VOLUME 139 • NUMBER 039 • 3rd SESSION • 37th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Thursday, April 22, 2004

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Thursday, April 22, 2004

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1000)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Hon. Roger Gallaway (Parliamentary Secretary to the 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 two petitions.

* * *

● (1005)

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have the honour to present the 19th report of the Standing Committee on Procedure and House Affairs regarding matters relating to security on Parliament Hill. An identical report will be tabled in the Senate later today.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

WESTBANK FIRST NATION SELF-GOVERNMENT ACT

Hon. Andy Scott (for the Minister of Indian Affairs and Northern Development) moved that Bill C-11, an act to give effect to the Westbank First Nation Self-Government Agreement, be read the third time and passed.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I will get organized here. With our security system, people cannot be ready to come in right away to listen. As they are coming in I will organize my notes.

While I am waiting, I would like to congratulate members of the House and members of the opposition for their support yesterday in moving this bill forward. Members from all sides of the House showed a great deal of cooperation to move support.

● (1010)

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I rise on a point of order.

I do not want to be critical, but I did stand up when you called for petitions and because of the angle of vision, my guess is that you missed me. I would ask for unanimous consent to return to the presentation of petitions.

The Speaker: Is there unanimous consent to return to petitions?

Some hon. members: Agreed.

ROUTINE PROCEEDINGS

[*English*]

PETITIONS

KIDNEY DISEASE

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have two petitions. First, I am pleased to present another petition on behalf of all of those in Canada who suffer from kidney disease.

I have, in the past, presented petitions in support of research for the bio-artificial kidney. I am delighted that research is resulting in the use of living kidney cells to duplicate nearly all the functions of a healthy kidney. This is still at the experimental stage, but my petitioners are very pleased about it.

In this case, the petitioners point out that kidney disease is a huge and growing problem in Canada. Real progress is being made in various ways of preventing and coping with kidney disease. The petitioners call upon Parliament to encourage the Canadian Institutes of Health Research to explicitly include kidney research as one of the institutes in its system to be named the institute of kidney and urinary tract diseases.

FOREIGN AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, my second petition is on behalf of citizens of the Peterborough area who are concerned about the condition of Mahmoud Jaballah, who was detained in solitary confinement in 1999 and not advised of the charges against him.

The petitioners point out that Mr. Jaballah was exonerated by a judge on the grounds of his excellent character references. He was redetained in 2001.

The petitioners point out that if Mr. Jaballah is returned to Egypt, which he fled as a refugee, he will be in danger of torture and execution, and his wife and six children will be left in Canada alone. They call upon Parliament to release Mr.Jaballah according to the court decision or to give him his right to a fair trial with full disclosure of all the so-called evidence against him.

Mr. Jason Kenney: Mr. Speaker, I rise on a point order to seek unanimous consent of the House to move that this House, recognizing his great efforts to preserve the cultural and historical heritage of the Tibetan people using peaceful methods, agree that His Holiness, the 14th Dalai Lama, Tenzin Gyatso, and Nobel peace prize winner, be declared an honorary citizen of Canada.

I believe that the House leaders and representatives of all the parties have been given notice of this motion.

The Acting Speaker (Mr. Bélair): Is there unanimous consent to table the motion?

Some hon. members: Agreed.

Some hon. members: No.

GOVERNMENT ORDERS

[*English*]

WESTBANK FIRST NATION SELF-GOVERNMENT ACT

The House resumed consideration of the motion that Bill C-11, an act to give effect to the Westbank First Nation Self-Government Agreement, be read the third time and passed.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, first, I would like to pay tribute to the members of the Westbank first nation who have been in Ottawa for some time.

It was a lengthy process and I applaud their determination, enthusiasm and efforts to move forward on this agreement that will be so helpful in moving the community ahead. It is already very successful, but moving it even further ahead it will be a model in some way for many other communities.

I wish to congratulate a number of people. They are: Chief Robert Louie; Councillors Rafael DeGuevara, Michael Westuik and Larry Derrickson; Dr. Tim Raybould, one of the self-government negotiators; Deana Hamilton, former councillor; and Micha Menczer and Brenda MacGregor.

To the elders I would say:

[Editor's Note: Member spoke in Okanagan]

(English)

I also want to congratulate the opposition parties. I think there is a good will throughout the House to help this first nation move forward with this self-government agreement and improve the lot of the people. That was demonstrated last night.

I hope we can have the same type of success in cooperation as we did with the Tlicho agreement, which of course is completely different but has some very creative items in it. We would be happy to give briefings to opposition members because these are complex and difficult. They may have a lot of questions for those who are not on the committee. Of course, we will deal a lot with those Tlicho items at committee.

For those who are not on the committee, we would be happy to give briefings and answer questions on some very exciting and unique aspects of that agreement.

I want to congratulate the minister, the hon. Andy Mitchell, who kept pushing to ensure this was on the agenda—

● (1015)

The Acting Speaker (Mr. Bélair): Order, please. The parliamentary secretary just referred to the Minister of Indian Affairs and Northern Development by his name, which he knows is not allowable in the House, so I would ask him to be careful, please.

Hon. Larry Bagnell: Mr. Speaker, I am kind of new at this so I appreciate the correction.

I also want to congratulate the minister's staff and members of the department who have worked so hard on this for many years. I am sure there will be some opposition views and I look forward to hearing them. With anything this complex, which would have such a wide effect, certain views will have to be put on the record from various constituencies, and that is only appropriate.

What I hope to do today is provide some clarification to concerns and to things that may not have been understood. When all sorts of lawyers and people from various orders of government work an agreement for years and years concerns do come up during those times and we try to accommodate them. I think there will be some good responses to some concerns with information of which people may not have been aware.

I enthusiastically support Bill C-11 today and urge the House to adopt the legislation. I would like to thank the members of the House Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources for moving swiftly to approve Bill C-11. With only three technical amendments, the committee clearly recognizes the significance of effective aboriginal self-government and markedly demonstrates its genuine commitment to achieve this worthy goal.

The collaboration exhibited by committee members echoed that displayed by the Government of Canada and the Westbank First Nation during discussions and negotiations that led to the Westbank First Nation self-government agreement. Close collaboration with aboriginal Canadians and first nations leaders is something I am committed to as Parliamentary Secretary to the Minister of Indian Affairs and Northern Development.

I believe that only through genuine partnership between the federal government and first nations can aboriginal communities achieve effective self-government. Only through open, transparent and accountable governments can first nations build strong, robust economies and healthy, enduring societies. By giving effect to the Westbank First Nation self-government agreement, Bill C-11 is a crucial step forward for the Westbank first nation in pursuance of these aspirations.

The Westbank First Nation has already demonstrated that it knows how to manage its affairs responsibly. This is, after all, an exceptionally progressive and successful aboriginal community. The first nation runs its own provincially licensed day care and early education centre, along with an intermediate care facility for the elderly. It operates its own school and community centre and maintains several recreation facilities, such as beaches, campgrounds and baseball diamonds.

The Westbank First Nation is blessed with spectacular natural beauty. Located on the shores of Lake Okanagan, adjacent to the city of Kelowna, the first nation is ideally situated to benefit from the region's booming economy, and Westbank has made most of these advantages.

The first nation and its members have opened land to development, making it a busy land manager. Today's Westbank commercial district features a number of shopping centres that generate substantial rental income and provide job opportunities for band members. Westbank has established a reputation as a fair landlord, a trustworthy partner and a reliable neighbour. When the Okanagan was ravaged by fires last summer, Westbank provided room and board for firefighters.

I want to do something I have never done before and just repeat a couple of the things I have just said related to the day care, the early education centre, the facility for the elderly, its own school and the recreation facilities. I want to repeat some of the commercial things because to me this is so exciting.

We have heard over the last week, through the aboriginal summit, where the rationale was to reduce the tragic disparity. We have seen the tragic situations across Canada and first nations but sometimes we do not hear these good news stories. This is what it can be. I think every member of Parliament, every member of the parliamentary staff and every member of the department are all here to help people advance in their lives. When we see something like this, it shows us what it is all about. Who could be against that?

● (1020)

When a first nation has a commercial district with a number of shopping centres, it generates substantial rental income for the first nation and it provides job opportunities for the band members. It has established a reputation as a fair landlord, a trustworthy partner and a reliable neighbour. As I said, when the Okanagan was ravaged by fires last summer, Westbank provided room and board for the firefighters.

If those are the types of successes we can have with first nations leadership, all first nations peoples, aboriginal people, Inuit people and the Metis people, can have these types of successes and take their equal place among Canadian communities.

What was perhaps most exciting about the first nation's success is that much of it was accomplished under the limitations of the Indian Act. Now the Westbank First Nation wants to establish a new relationship with the people of Canada, a more equitable relationship that will enable Westbank to realize its full potential.

The self-government agreement gives the Westbank First Nation the tools it needs to continue to develop its community. It will enable Westbank First Nation to create government structures that are both effective and representative. The self-government agreement will foster more economic growth in the community by providing the basis for a stable government and institutions, an essential condition for attracting and retaining investors and business partners.

Close scrutiny of the self-government agreement reveals how it will foster accountability and self-reliance for the Westbank First Nation.

Under the terms of this agreement, key decisions will be made by people most familiar with and most affected by local issues. I am convinced that this will lead to substantive improvements in the economic and social well-being of the Westbank First Nation members.

Westbank leaders believe that these improvements are best accomplished by the Westbank people governing themselves, with a representative and an effective government capable of exercising law-making authority and assuming new responsibility, and so do I.

The bill now before the House would help to establish precisely this type of government. The Westbank First Nation would become self-governing, assuming jurisdiction over and responsibility for its own affairs.

Under the self-governing agreement the first nation will have a range of powers. The Westbank First Nation will have the authority to enact laws in areas such as land and resources management, aboriginal language and culture, among others. It is in these areas that a key feature of the agreement lies. With these new powers the Westbank First Nation will assume control of its resources.

The self-government agreement sets forth the requirements for the establishment and content of a Westbank constitution which is ratified by the first nation at the same time and in the same manner as the self-government agreement. As with the years that were spent on consultations on the agreement, the same was done with the constitution.

The Westbank constitution is crucial because it enshrines the community's government structures and processes, from electing officials to establishing financial accountability standards, to procedures for creating laws. It also sets out the community's governing principles and guiding philosophy.

The constitution the Westbank worked diligently to create is especially significant because it was developed by the members of the community. The constitution reflects the wishes of the Westbank people, not the views of consultants and lawyers. The constitution is also a product of the first nation's consultative approach. A group of dedicated community volunteers worked tirelessly day after day and night after night for nearly a year to draft this law.

Community meetings were held to put forward ideas, discuss issues and work through Parliament. When a consensus was finally reached and the constitution was drafted, copies were distributed to all and once again people were invited to comment. Following the final round of consultations, members of the Westbank First Nation ratified and adopted the constitution.

This consensus building strengthened the constitution and will improve governance. People are more likely to respect laws and participate in governing structures that they helped to create.

● (1025)

Through this constitution-making process, Westbank has shown that difficult issues can be overcome through consultation and genuine understanding. It has demonstrated that an agreement can be tailored to fit local circumstances and that the rights and interests of everyone involved can be respected.

To better foster relations with non-residents of Westbank lands, the Westbank First Nation will create a mechanism to ensure that non-member residents will have input into laws that will affect them directly.

I want to speak about this very innovative section of the legislation which is not necessarily in other agreements across the country.

Westbank has over 7,000 residents who are not members of the first nation. Its members only number in the hundreds. It is a very unique situation and a wonderful partnership. This provision would give those people, through a mandatory law formation, a say into what goes on in the area. There is an advisory council right now but if the agreement is signed people will have even more say into what is going on in the area. If the bill becomes law it cannot be changed without their consent. It is not that they have any major problems, but this is an exciting mechanism that will allow people who are not first nation members to have a lot more input than they would normally have. However they would not have stayed on their land if they had not been happy with the professional way their taxes were being handled and their land was being managed by the Westbank leaders. The opposition critic has put this very eloquently in an article.

The legislation marks a significant improvement over the Indian Act, which has no such requirement. In short, Westbank will establish and maintain an effective and accountable government within the constitutional framework of Canada.

The government will respect Canadian law and recognize that all members on Westbank land, like Canadians everywhere, are subject to the Criminal Code and the Canadian Charter of Rights and Freedoms.

For the information of those who may not be aware of how these agreements work, the Criminal Code of Canada does apply to everyone throughout Canada. The Charter of Rights and Freedoms has and will continue to apply fully on the reserve with the same sensitivity to first nations that is guaranteed to all Canadians in the Constitution. The same applies with regard to human rights. This is something people wanted and it will continue. There were some concerns about one of the amendments but it was made quite clear that the Charter of Rights and Freedoms will continue to apply fully as it always has.

I am convinced that enacting the self-government agreement will benefit not only members and non-members of the first nation residing on Westbank land but also the people of Canada overall. Strong, self-reliant first nations have much to contribute to Canada economically, socially and culturally.

The people of Westbank are clearly ready to fulfil their obligations. They have been working toward this agreement for more than a decade. They have staged 400 information and consultation sessions. They have secured the support of municipal and regional governments, chambers of commerce, labour unions and a broad range of special interest groups. Enacting the Westbank agreement will certainly have a positive impact outside the province.

Although it is the third self-government agreement in British Columbia and the seventeenth in Canada, it is the first stand alone self-government agreement under Canada's inherent right's policy. This is an important milestone.

This agreement demonstrates that the Government of Canada can work with first nations to arrive at agreements tailored to the specific needs of a community. This agreement was signed on behalf of the people of Canada and the Government of Canada will do its utmost to make sure that the decade's worth of hard work was not done in vain.

● (1030)

I want to talk for a minute about another concern that was raised in committee at report stage, and that was the issue of adding to reserves and municipal involvement in that, although I think it has been clarified in those stages.

Adding land to reserves is an authority of the Government of Canada. It happens from time to time when there are obvious needs. As first nations grow and as their needs change, reserves have to be adjusted to effectively provide the land, the services and the needs for that first nation.

This is an authority of the federal government that is exercised across Canada, and will continue to be exercised with or without this agreement. Therefore, the agreement has no effect on this authority. The concern in that respect is not relevant. It cannot be changed for one particular community. We cannot tell one municipality in that it cannot collect property taxes while all others have that power and we cannot change the criminal law in one community, such as grand theft. It is a law across Canada.

This is a national policy where the federal government adds land to reserves. However, the policy states that the government will consult with first nations, provincial or territorial governments and the affected municipality. In fact there has been an addition to this reserve, but it has taken a long time because of the consultation with the municipality. Municipalities are protected under the policy. If there are any additions to reserves, it is done in a very cooperative and consultative manner.

In urban reserves, which we talked about earlier this month, there are agreements on services and all kinds of cooperative agreements before those things are put into place.

We have been entrusted with the aspirations of this wonderful first nation, and I ask the House for its full support in providing the tools needed to build its community and to build on the vision on the Westbank first nation.

There has been an exciting mood in town this week, starting with the aboriginal summit where some very historic partnerships have been made. We have dealt with aboriginal issues and bills every day this week in the House. There was great cooperation last night among all members of the House. This builds great momentum as everyone here wants to help first nation people move forward.

It is with great pride and excitement today that I introduce Bill C-11 for third reading and enthusiastically ask everyone in the House to support it.

THE ROYAL ASSENT

[*English*]

The Acting Speaker (Mr. Bélair): Order, please. I have the honour to inform the House that a communication has been received as follows:

Rideau Hall

Ottawa

April 22, 2004

Mr. Speaker:

I have the honour to inform you that the Right Honourable Hon. Adrienne Clarkson, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 22nd day of April, 2004, at 9:52 a.m.

Yours sincerely,

Barbara Uteck

Secretary to the Governor General

The schedule indicates the that royal assent was given to Bill C-8, an act to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain acts in consequence; and Bill C-14, an act to amend the Criminal Code and other acts.

GOVERNMENT ORDERS

● (1035)

[*English*]

WESTBANK FIRST NATION SELF-GOVERNMENT ACT

The House resumed consideration of the motion that Bill C-11, an act to give effect to the Westbank First Nation Self-Government Agreement, be read the third time and passed.

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, it gives me pleasure to speak to Bill C-11 at third reading.

I will paint a little picture for members. The Westbank First Nation is adjacent to the city of Kelowna in the Okanagan Valley of British Columbia. As a band, it has rightfully gained a reputation as one of the most progressive bands in the country. There is some opposition to the self-government agreement. However, that opposition flies in the face of the evidence.

There are 7,500 non-band members, and one-quarter of all non-band member residents in Canada who live on reserve live on the Westbank reserve. These residents, as well as 200 businesses, have chosen to locate on Westbank land because they view the Westbank First Nation government as being competent, predictable and stable and, therefore, is a very secure place to invest.

The Westbank First Nation has been collecting property tax since 1990, and non-band members have full access to the financial reporting of these property tax accounts. Westbank has implemented a system of independent property assessment and assessment appeal mechanisms similar to off reserve municipalities. The B.C. assessment authority has been contracted to carry out these functions and this has made it very easy to translate for the real estate industry. Therefore, it has a very simple process. It can recommend Westbank investments, and it does.

The implementation of this taxation policy 14 years ago, under the provision of section 83 of the Indian Act and the subsequent opting into the First Nations Land Management Act, was instrumental in the rapid growth of non-band members residing on Westbank land. None of this property tax regime under section 83 of the Indian Act will change as a consequence of this agreement. The self-governance will actually improve the ability of individuals to manage these transactions under that self-governance because it will not require the extra step and impediment of the Department of Indian Affairs.

Elsewhere in British Columbia we have a shining example. The Sechelt Indian band achieved self-government and taxing power in the 1980s. Virtually, without exception, it is held up as a successful model for self-government and economic development. The Sechelt and Westbank agreements share a provision that non-native residents are represented by an advisory group to chief and council.

Critics of the agreement also like to point to the Charter of Rights and Freedoms, claiming that the Westbank agreement will change this application as it applies to the Westbank government and residents.

We have had some debate in the House on this and it is the full intent of this agreement that the charter apply. It is my very strong opinion and the opinion of many in the legal profession that any difficulties there might be in that area are due to the Canadian Constitution and the charter, certainly not due to a piece of legislation such as Westbank. We all know that our charter and our Constitution are supreme, so I need say no more.

The net effect for non-band members living on Westbank lands is that the application of the charter is the same whether the Westbank First Nation is operating under the provisions of the Indian Act, as it is now, or operating after this agreement receives royal assent.

● (1040)

The Westbank band is on course to be responsible for its own governance and its own future. The bill creates a government which is a legal entity that can sue or be sued. In contrast, Indian Act chiefs and councils are protected from legal liability. To me, it is quite surprising that the democratic and financial accountability provisions and the private property provisions so central to the Westbank agreement have virtually been ignored by the critics of the bill.

Critics also complain that Westbank laws may prevail over federal and provincial laws. In reality, current chief and council bylaws across Canada prevail over provincial legislation as a consequence of section 88 of the Indian Act. The Westbank agreement adopts the same provision. Westbank laws prevail over federal laws only in some specific areas.

We have to recognize also that because these are federal lands there is a vacuum in some areas that are normally under provincial jurisdiction, such as landlord tenancy and some other areas. The Westbank band, either prior to now or as a consequence of this agreement, has taken care of those vacuums in the law, and this has added to the certainty and security for investors.

I find it very interesting that the Westbank band has done very enlightened things because of a vacuum in the law, yet it has been criticized for occupying that vacuum. However, the real reasons were never associated with the criticism. I thought I would point that out.

One example that people should be aware of deals with the area of intoxicants. Westbank may create a dry reserve. It has priority over federal law in relation to Okanagan language and culture, K to 12 education, the practice of traditional Okanagan medicine and Westbank law enforcement procedures, as long as they are comparable but not greater than those set out in federal or provincial legislation on similar subject matters. Business licensing, traffic and transportation, public works and wills and estates of Westbank members are all areas that are largely without criticism.

Once again, it seems to be the principle that is attacked but the specifics are not attacked. I think once we look at the specifics, that these are actually areas that are non-controversial.

In addition, the Westbank First Nation has jurisdiction over the renewable resources on Westbank lands, excluding fish and fish habitat. Jurisdiction is also extended to non-renewable resources such as minerals and gravel. The Westbank band can manage resources on Westbank lands as if it is a private property owner, although ownership resides with Canada. There is some difference between the Westbank and Sechelt. In the case of the Sechelt band, its lands were transferred in fee simple title. They are no longer federal lands.

The adjacent city of Kelowna, British Columbia's third largest city and according to many of the residents, British Columbia's most important city, and the regional district that encompasses Westbank First Nation have endorsed the agreement.

● (1045)

The Westbank agreement should be looked at in its entirety. It should be supported and encouraged as the model for other bands.

I have had some significant history with self-government and other legislation. This bill was tabled in the House last November, I believe. In January I had meetings with the regional district representatives, the mayor of Kelowna, the chief and council from the Westbank, and the Westbank advisory group. This gave me a very good feel not only for the legislation but for the communities.

As part of my background in aboriginal affairs, I will go back to 1997, two ministers ago. At that time, the Minister of Indian Affairs and Northern Development had been minister for the entire 1993-97 Parliament. As that Parliament was winding down, there was a First Nations Land Management Act for which, in typical government fashion, an attempt was made to rush it through at the last minute. I resisted that. That bill did not pass until 1999.

I would like to say at this time that I was wrong about that piece of legislation. That legislation has turned out to be very important and progressive legislation. It has brought many of the merits of self-government, without necessitating self-government, to the leasing of lands. Fourteen first nations were part of that, I think, and Westbank was a signatory. This ability under the First Nations Land Management Act was responsible for a significant amount of the growth of non-native residency at Westbank.

Also as a part of my history I did represent the Sechelt area on the British Columbia coast for that 1993-97 Parliament. That was prior to a rearrangement of my riding as a consequence of the 1991 census. It was very clear when I represented the greater community there that there was great support for the Sechelt Indian band self-government agreement, which has been in place since 1986. I am sure that this will be mirrored in the experience with Westbank in the Okanagan.

There is one area that I think is very significant for many people. They have very strong feelings that this area needs to be addressed. It is another one of these vacuums in legislation. The question relates to matrimonial property. Matrimonial property law in Canada is a provincial jurisdiction. Each province deals with this in its own way.

● (1050)

In the case of federal reserve lands, there is no matrimonial property legislation. There is no legislation dealing with marital assets after death or divorce or marital separation. This is an area that has been brought forward repeatedly over at least the last 20 years in the House of Commons Standing Committee on Aboriginal Affairs and in other venues. I know the Senate is looking at this issue and has been for quite some time. We have had native women's organizations tackling this area and pushing for change. I think everyone wants to see it fixed, but it is a difficult area and it has not been fixed.

I want to say that the first people living on reserve in Canada who will be covered by matrimonial property law will be the Westbank, almost undoubtedly, because another part of the agreement specifies that within 12 months of the agreement coming into effect this area must be covered off. There must be law brought into place to cover the Westbank membership and that law must not discriminate on the basis of gender.

I know that there has been some preliminary work done and some consultation has been done and that will proceed. I think that whatever occurs with the Westbank on that front will be very useful as a model for others to look at and perhaps will expedite the resolution of that issue for the other 632 bands in Canada. I am certainly hopeful that this will be the case.

Recently there has been a suggestion that because the Westbank First Nation ratification vote required three attempts in order to locally ratify this agreement, it somehow means that we have a community divided unto itself and it taints this whole exercise. I want to make it clear that if we want to form a municipality, for example, and incorporate in the province of British Columbia, what we require in order to express that will is 50% plus one of those who turn out to vote yea, by referendum or by ballot.

In the case of the Westbank, there were three votes. All three have expressed a clear majority who want to see this ratified, but in their idealism in the first attempt they wanted a super majority, in other words, 50% plus one of people on the voting list, thinking that it would be very achievable. Of course it did not happen. And on one of those first two occasions, it did not happen by two ballots, I think.

● (1055)

What it means is that everybody who does not show up or is incapacitated or cannot get to the ballot box is counted as voting no. Westbank basically has put its voting system in line with what everybody else does. It is a simple majority of those who vote. So I do not think this process it tainted at all, quite the contrary.

My time is up, so I will wrap up by saying that this is a very enlightened agreement. It is an attempt to achieve all of those things that will be good for the people and good for the residents of Westbank. I think they have valiantly succeeded.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): First, Mr. Speaker, I would like to commend the member for an excellent speech, an excellent covering of some of the topics I did not cover, and for dispelling some of the myths. I would like to give the member time to say anything he did not finish because he was doing such an excellent job in covering some of the issues that people have brought up.

However, while he is doing that, in case he has nothing left, I will mention one of the letters I got from a member in or near the area who wanted more details on the agreement itself. Of course some of the areas Westbank will have the authority to govern over are things that are part of the community infrastructure, local services similar to what municipalities might take care of: for instance, the collection of sewage, treatment and storage of water, disposal of waste, community parks and buildings, solid waste, recreation facilities, art galleries, fire prevention, street lighting systems, transit inspection, animal control, control of nuisances, and fire alarm systems.

Obviously it would not make any sense for parliamentarians to continue to manage the delivery of such services from our building—now in Gatineau, but maybe in June it will be Hull again—for a municipality or a first nation. Maybe he could speak to the benefits of self-government in general because he has had some experience, as well as to anything else he did not get a chance to finish.

Mr. John Duncan: Mr. Speaker, the parliamentary secretary has provided me with the opportunity to speak for a few more minutes, which I appreciate.

There are some fundamental areas in which federal laws will always prevail. It is good to set that table. Those areas deal with peace, order and good government. This totally embraces the criminal law of Canada.

There have been suggestions that somehow Westbank can legitimize things that cannot be legitimized in other parts of Canada. That is simply not correct. Westbank has embraced and adopted the criminal law of Canada.

Other areas are the protection of health and safety of Canadians, intellectual property, broadcasting and telecommunications, national defence, security and public safety. Some of the areas I did not talk about over which Westbank has jurisdiction relate to the wills and estates of members ordinarily resident on Westbank lands. This ties in at times with what I was talking about in terms of marital assets, obviously in the case of death. That is important. That whole area is very significant.

Westbank First Nation has jurisdiction in relation to public works, community infrastructure and services. The way it reads in the agreement is that Westbank law shall prevail over federal law to the extent of any conflict so long as Westbank First Nation health and safety standards and technical codes are at least equivalent to federal health and safety standards and technical codes.

It is the same thing in terms of traffic and transportation. The Westbank First Nation has jurisdiction, but for greater certainty, this shall be designed to be at least equivalent in effect to federal and provincial regulations, safety standards and technical codes. It is the same thing with business licensing regulations.

One thing that Westbank wants to make very clear is that federal and provincial laws apply in respect to the accreditation and certification of professions and trades, including the education professions. This agreement has been very careful in many areas.

On the enforcement of Westbank law, I already mentioned that the enforcement procedures can be comparable to but not greater than those set out in similar federal or provincial legislation. The agreement specifies that the RCMP shall render these services. Basically they are already doing that, only they are doing it under memoranda of agreement that were signed by Canada, British Columbia and the Westbank or the First Nations Community Policing Service dating back to 1992 and 1993. Those are some of the areas.

On health services, Westbank has jurisdiction in relation to the regulation of the practice of traditional Okanagan medicine and the regulation of practitioners of traditional Okanagan medicine.

● (1100)

For culture and language it is the same thing. A very important and significant area is the environment, where they have jurisdiction. The qualification is that these will be at least equivalent in standard to those set out in the federal and provincial laws of general application. In the event of a conflict dealing with protection and conservation of the environment, federal law shall apply. The same goes for environmental assessments. These are important things for people to realize.

There have been some questions about financial accountability. The Westbank First Nation agreement is very precise on financial accountability. The standards will be those recommended by the Canadian Institute of Chartered Accountants.

Another area which some people have expressed questions about relates to people's rights to access the court system. This is covered in that the agreement specifies that the judicial review procedure act of British Columbia applies to the Westbank First Nation. This allows individuals to go to the provincial court system independent of any appeal mechanism. Prosecutions for violation of Westbank law are heard in the B.C. provincial court using summary conviction procedures of the Criminal Code of Canada.

Those are the mains topics that I did not cover in my initial 20 minutes.

● (1105)

Hon. Larry Bagnell: Mr. Speaker, I want to commend the member for his article in the April 1 issue of the *Vancouver Province*. I may refer to some items in the debate later on. He made some excellent points. Basically, the conclusion was that it is time that the public supported this agreement and held it up as the model for other bands, which is quite commendable.

In my speech I mentioned many local governments, people and organizations that had been consulted and other specific interest groups. If I were a member of the opposition, I would want to know who was included in that general category. I was referring to the Sechelt First Nation, other Okanagan first nations, the Okanagan Nation Alliance, the B.C. First Nations Summit, and other first nations in Canada that are negotiating similar agreements.

Perhaps the member would comment on that. How much time is left?

The Acting Speaker (Mr. Bélair): None, but I will still allow the hon. member for Vancouver Island North to respond very briefly, if he wishes to do so.

Mr. John Duncan: Mr. Speaker, I never did hear the question. He was cut off on his question.

I think the member wanted me to make a quick reference to the businesses operating on the Westbank First Nation. My understanding is there are 200-plus businesses operating very successfully.

It is not only residents of the Westbank First Nation who are expressing confidence in the property regime and the stability of governance, but it is the business community as well. Yes, I think that is an important ingredient to this whole exercise.

[*Translation*]

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, I have often had the chance to speak about this kind of first nations self-government agreement, particularly that of the Westbank First Nation. In fact, in December, we had an opportunity to proceed quickly to adopt this bill, which will finalize many years of work on negotiations. It has also been a long task for the Westbank First Nation, which has consulted freely. All residents of the territory have been consulted, sometimes more than once on very precise questions. The people of Westbank have participated in a fine democratic exercise.

I take this occasion to acknowledge the large delegation from Westbank behind me in the gallery. They have been here since the beginning of this debate of crucial importance to their future. They have been attending our deliberations since December. Unfortunately, in December we disappointed them because one Conservative member refused to give his consent so that we could proceed quickly with this bill.

I shall not stop repeating that the most beautiful thing that can happen in Quebec or in Canada is that the major recommendations of the report of the Royal Commission on Aboriginal Peoples—also known as the Erasmus—Dussault commission—should become reality.

One of these recommendations, which is also found in the work of the Westbank community, was to make it possible to create vast reforms over the next 20 years, that is by 2018. These reforms were to have adequate resources so that all first nations in Quebec and Canada could benefit from self-government agreements based on one major principle: the inherent right to self-government.

I have been the critic on this issue for two years now. In committee and here in the House, whenever I hear some of my colleagues say, “Should we concede this or that to them? We must not give them too many powers”, I say, and I repeat, that it is not up to us to concede or give greater or lesser powers. They have these powers because of this principle that is recognized in the Constitution itself—the inherent right to self-government.

Members of the first nations will also tell you it is a right given them by the Creator. That may seem spiritual, but sometimes it is good to have a little spirituality in this Parliament to remind us of fundamental philosophical truths.

The first nations were here long before the first Europeans. They not only had rights, but owned the land. Over the years, the Europeans of the day imposed a different way of life and institutions that were foreign to the first nations. With respect to democracy, they imposed principles that the first nations did not support. Surprisingly enough, when the first Europeans arrived, most of the first nations had democratic systems and institutions and even highly developed electoral colleges, and we borrowed from them in setting up our own parliamentary and democratic system.

We destroyed everything. We said that their way of doing things was not right. We imposed our views. Almost 130 years ago, we also imposed the most despicable legislation I have ever seen in my life aside from apartheid in South Africa, and that is the Indian Act. We forced them to do things a certain way. We told them we would stick them on reserves, on very limited lands, but that they should not worry because we would provide for their basic needs. That is how we have been treating them for 130 years.

We made them subservient. We took away any means they had to develop. We also took away the rights that every person should be entitled to in the 21st century. I am talking about the right to run their own affairs, the right to make a decision, the right to manage and even the right to borrow money from the bank. We took away their ability to develop with their own territories and resources.

● (1110)

How many logging companies in Quebec and Canada have helped Parliament and successive federal governments evict the first nations and move them off the ancestral lands they had occupied for decades? All to allow the logging companies, often under foreign ownership, clear cut their ancestral lands, preventing aboriginals from developing their own resources and practising traditional activities, such as hunting and fishing.

How many injustices have the first nations been subjected to over the past 130 years, particularly since the Indian Act came into force? What were first nations children subjected to, when they were taken literally from their families and placed in schools to give them an education that was inconsistent with their culture, and also preventing them from speaking their own language? How can pride and a desire to build a better future be instilled in such circumstances?

How many oil companies, through pressure and lobbying and, at certain points in Canadian history, by basically buying off the government, managed to evict entire bands from their ancestral lands in order to exploit the resources underground? Mining companies did it too.

No royalties were paid until recently, and I could tell the House about cases in Quebec. The first nations were never given a share of these resources, be they surface or subsurface. The first nations were moved around, parked on reserves and told, “Poverty for you and economic growth for us”.

The first nations had an awakening, particularly within the past two decades. They began to believe that they had rights under the Canadian Constitution, rights too under international law and the authority, as first nations, to ensure that their future development, growth and existence belongs to them. They sought recognition, even internationally.

I am thinking of certain aboriginal leaders from Quebec who went all the way to the UN to assert their rights. At times, they were abrupt, but who would not have been, given all the historical elements that have resulted in their rights being trampled on and them made victims of a kind of code of silence to eliminate them at various periods in the past? Who would not have been abrupt in their condemnation, before the entire world, of Canada's treatment of the first nations?

We would have done the same. In fact, awareness of the situation was so much heightened as a result that international bodies such as the United Nations Organization decided to award the aboriginal peoples of Canada and all over the world rights on the international level. They decided to recognize them as real nations according to the UN definition. They also decided to accompany the world's aboriginal peoples in bringing pressure to bear on governments, particularly those in the industrialized world, to recognize aboriginal rights and ensure the provision of all the tools required for their development.

Sometimes Canada has ignored these appeals from such respected organizations as the UN. Even quite recently, during our debate on Bill C-7 on first nations governance, the former minister of Indian and northern affairs wanted to impose on Canada's aboriginal peoples an agreement on governance that they did not want, one that was contrary to their interests, and was unanimously opposed. Two members, my colleague from Winnipeg Centre and your humble servant, on behalf of the Bloc Quebecois, had to battle to make the Liberal members of the committee and the government see reason and realize that this bill did not suit the first nations.

● (1115)

It took both energy and time to make the government understand some fundamental truths, things as basic as “the reality of the modern world 101”, to make them understand this is not the South Africa of apartheid days. As world bodies have called upon the governments of the industrialized world to do, there had to be openness to the realities of the first nations and they had to be provided with the means to develop their full potential and realize their inherent right to self-government.

Believe it or not, in order to get the government to grasp just those basic principles, principles recognized in the Constitution moreover, took a 55-day filibuster. I say day, but it was often evenings or nights. We had to keep it up for 55 days. I have inquired of the clerks at the table if there was any precedent for such a long filibuster, and they assured me, though they did not look into it in depth, that according to the combined memories of the clerks over the years, this was one of the longest in the history of Parliament.

It was simply to make the government understand these fundamental truths about the inherent right to self-government, which had supposedly been recognized by this Parliament, that is, the right given to the first nations by the Creator. It was to make them understand that now, in 2003, peoples who have been defined and recognized as nations by the United Nations cannot be forced to accept what they do not want.

Moreover, it would be normal, if their future were being discussed, to welcome representatives from the first nations to the committee table, so that they could explain their realities to us, which we do not always understand, and their lifestyle, which we also do not understand, and their history, which escapes us as well, even though we know through history books about the atrocities committed toward aboriginal people in Quebec and in Canada.

It took us 55 days to explain to the government members—supposedly sensitive to the sovereignty of countries and people—the basic principles of the sovereignty of peoples. Of course, we also took the opportunity to speak about the sovereignty of the Quebec people as well. Who better than a Quebec sovereignist Bloc Quebecois member of Parliament to explain the value of a country's sovereignty to the Liberal members who think they know something about it?

It was the perfect occasion to explain to the first nations what the people of Quebec have been going through as a people for decades. We explained to them the attempts we were making to take our destiny in our own hands and not be dependent on another people, the Canadian people, for decisions that concern our future. We explained the policies that meet with widespread approval in Quebec but not here; parental leave for instance, a simple transfer of part of employment insurance as permitted by the Employment Insurance Act.

We also took that opportunity to explain that the fiscal imbalance is crushing the people of Quebec, the same way as the lack of funds transferred to aboriginal peoples to meet incredible challenges in terms of health, economic development and social development. This lack of funding is harmful to the future of aboriginal peoples.

We talked about the situation in Quebec, which has absorbed 51% of the cuts in health, education and social assistance funding that were imposed by the current Prime Minister when he was finance minister. We talked about that, too. We were able to discuss with the first nations, and my colleague from Winnipeg Centre and I became their brothers, when we were honoured with the eagle feather.

● (1120)

Agreements like the Westbank agreement should be fostered. Self-government agreements should not only be fostered, but accelerated in order to give first nations the tools for developing their full potential, and for meeting the many challenges they face. The first nations do not only have problems, but incredible challenges to meet. They have the necessary talent to take up these challenges and win.

Some communities face daily horrors. My colleague from Champlain and I had the opportunity to visit a number of reserves in his riding, Weymontachie in particular. Weymontachie has unbelievable housing problems. Almost all the homes have chronic mould. My colleague from Berthier—Montcalm and I went to Winneway in Abitibi. That is another first nation with problems, but their problems have to do with education. It They would have liked to have a self-government agreement and resources, as well as compensation for the harm caused by the federal government over the past 130 years. These first nations would have liked to have these tools, but they did not have them to meet these challenges.

In Quebec, oddly enough, there is no one better than a sovereignist MP to talk about the fundamental value of sovereignty principles. The first agreement in Canada with the first nations was signed by the greatest sovereignist leader Quebec has ever known: René Lévesque. During his first mandate he signed an agreement with the James Bay Cree. It was an economic development agreement, which also brought about social development. The greatest sovereignist leader extended a hand to the Cree people. All Quebec sovereignists and all Quebeckers in general, with a few exceptions, extend a hand to the aboriginal people.

There were other examples, but the best known is the ratification of what was called the peace of the braves agreement. It complements the agreement reached by Mr. Lévesque's government at the end of the 1970s. The peace of the braves was signed by Bernard Landry, another great sovereignist leader in Quebec. Hydro-Québec also made an addition to this agreement by signing a treaty not so long ago on the development of hydroelectric resources and respect for aboriginal peoples and their prerogatives on their own land.

There was also a process that lasted about fifteen years and led to an agreement in principle with Quebec's Innu communities. Once again, this process started under Lucien Bouchard. Mr. Parizeau tried to do the same thing with the Attikamek-Montagnais communities in 1994, if my memory serves me.

How is it that sovereignist leaders and sovereignist governments in Quebec were the ones to initiate this dialogue, which accelerated negotiations with the first nations on self-government and the provision of development tools to allow their community, whose population is on the rise, to develop? That is just it. Sovereignists fighting for freedom and the emancipation of their people—the Quebec people—are sensitive not just to the importance of such freedom, but also to the importance, for a people, of making its own decisions, the importance of instilling in its children a sense of pride about the future, not a provincial sense of pride but rather a national one.

The National Assembly is called the National Assembly and not the legislative assembly. It is this enthusiasm and this pride which I saw in the first nations that have led me, along with my Bloc colleagues, to invest such enthusiasm and to work tirelessly to accelerate the implementation of self-government agreements, in order to understand what they are experiencing and show what we are experiencing too.

● (1125)

I am convinced that, this way, all the peoples in this land will be able to live in harmony in the future, including the aboriginal peoples, the sovereign people of Quebec and the sovereign people of Canada.

[*English*]

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I want to thank the member for his address. I was delighted that he mentioned that he was willing to look at the spiritual aspect. I would like to ask the member a philosophical type of question.

It was mentioned earlier in the debate that one of the powers that was allowed under the Westbank agreement was to make this community a dry community, with no alcoholic substances. Last night I was saying to some people that I was going to try to get them to a particular village in Yukon for New Year's. The next person sitting beside me said that they should not go there because it is a dry community and how can one have any fun on New Year's?

I explained that he just did not understand. When we see the frolicking square dancing, the elders and youth partying, feasting, and the culture, everyone is having so much fun that they do not even think of alcoholic substances. I have never had so much fun and a healthy time at a celebration.

The point I am making is that different cultures have different answers, which is one of the reasons I marched on Washington. I was there on September 11 to try to protect the Anwar reserve so that the G'wichin people could survive as a culture. The reason the cultures need to survive is because they all have different ways of doing things and different answers that will help us solve our problems in this very complex world.

I know the Bloc members are very philosophical, and I would like the member to address the benefits of self-government, in that it would allow cultures to manifest their own particular culture and therefore add to the very exciting mosaic of culture in Canada.

● (1130)

[*Translation*]

Mr. Yvan Loubier: Mr. Speaker, I thank my colleague for the question. I will not go into the alcohol question in detail, because I feel the issue is broader and more basic than that.

The advantage of self-government is that it is a primary right. It is not just an advantage, but the primary right of any people in the world to exercise self-determination, to be able to make its own choices about all the parameters of its present and its future, and to try to eradicate its past, or at least that part of its past that has been less than stellar, as has been the case with the first nations over the past 130 years.

It is a fundamental right, but the exercise of that right is what is of most interest. We hear all manner of things about the first nations, and not just since I have been the critic for that issue. For some years now, we have been hearing about their high unemployment rate, supposedly indicating a lack of desire to work, and their problems with multiple addictions, supposedly indicating poor parenting skills. We have heard that they do not have to pay either income tax or other taxes. How many times have we heard all these things, things that are wrong 99% of the time?

Take the tax issue, for example. Most members of the first nations work off the reserve, and they pay the same taxes as everyone else. Not all communities have problems; others are functioning perfectly well, achieving their potential, developing.

And which communities are these? The ones with self-government, the ones exercising that inherent right to self-government. We need just look at the situation in James Bay, at how, since the late 1970s, the James Bay Cree first nation has developed. We have had a number of occasions to meet Ted Moses and his chief advisor, Roméo Saganash. It has developed in an amazing way, with its own businesses, creating jobs and providing its young people with training.

I have also referred to the agreement with Hydro-Québec. Their right to self-government is what has enabled them to negotiate as a government with bodies such as Hydro-Québec or the Quebec government on the required training for their young people, their placement in specialized work sites, and the training of Cree administrators so as to promote and achieve economic and social growth for their community.

That is self-government: it ensures, on the one hand, that people telling all kinds of half-truths about the first nations finally shut their mouths and, on the other hand, that they do not just shut their mouths, but that the first nations demonstrate their ability to develop and create a future for the next generation. Currently, in most aboriginal communities, young people do not exactly have a rosy future: they are born knowing that their future is a dead-end.

In Weymontachie, it is unbelievable! In Winneway, in Barriere Lake, what is there for aboriginal children? A first nation that, often due to the government's inertia, lacks self-government and does not have the chance to control its own future, establish its own laws and its own parameters for economic development, employment, education and so forth is the one that suffers most.

That is why, in 1998, the Erasmus-Dussault commission said, “The process has to be accelerated”. That is why I was not merely disappointed but enraged when I saw, last year, that this darned government had imposed Bill C-7 on governance. We had to debate legislation that nobody wanted and that did nothing to accelerate the self-government process among the first nations. It was an attempt to force legislation that nobody wanted down the throats of all the first nations in Canada, while at the same time, the 80 negotiating tables on self-government lacked resources to accelerate the process. That is what is frustrating.

If there had been a different minister than the one who preceded the current minister, one able to acknowledge that self-government needs to be implemented more quickly because that is the only way the first nations can develop, to ensure harmony and break the cycle of poverty imposed on them for the past 130 years, perhaps two or three other self-government agreements could have been concluded, instead of wasting the time of the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources with legislation that nobody wanted.

● (1135)

To get back to self-government, that is the first condition. When I see an agreement like that of Westbank, when this community came to see me, before I even read the agreement, on principle, I was full of enthusiasm for the idea of supporting them. When I read the agreement, I was even happier, because this is a wise and balanced agreement.

It is the same for the Innu in Quebec. That is a balanced agreement which takes nothing away from the territory of Quebec, which makes it possible for the Innu to make their own laws on their own territory and, outside their own territory, for them to share traditional activities, including hunting and fishing, with non-aboriginals. These new rules will be clearer than they are today.

There are some things in these agreements that move us and remind us that we have indeed reached the 21st century, that we have evolved over the decades, and that we have been recognizing this inherent right for a few years now.

We have to stop procrastinating. We must accelerate these self-government agreements. We have made a good start; in Quebec the process has begun for most of the first nations. We must ensure that, within this country, we respect each other, live in dignity on either side, and are able to develop with our own culture, our own institutions and the procedures determined in our own communities. That is self-government. That is sovereignty. That is independence.

That is what we are aiming for. It will happen in Quebec, for the Quebec people. When Quebec becomes sovereign, as will certainly happen in a few years, the first nations within Quebec's territory will have understood that respect for indigenous people in Quebec is a given. They will understand that respect for the dignity of aboriginal peoples—nations dealing with one another as equals—is now a given for the vast majority of the population.

When, at the general council of the Bloc Quebecois last year, I saw the ovation that occurred when respect for first nations and negotiations equal to equal were mentioned, I said to myself that we have come a long way in the last 30 years.

On the committee, I did not find the same feeling, or only some of the time. That is why my enthusiasm may have sometimes overflowed, as did that of my colleague from Winnipeg Centre. That is because we wanted to share it with our colleagues. We think we may have succeeded halfway.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I appreciate the opportunity to express, on behalf of the NDP caucus, our enthusiastic support for the bill at this stage of debate in the House of Commons today.

As the spokesperson on aboriginal affairs issues for the NDP caucus, it is a pleasure to deal with such a positive issue in the House of Commons when so often we deal with issues that are controversial. This is one bill that we should all be able to feel very good about. If we are about to wrap up this Parliament and go into an election, perhaps we can conclude this 37th Parliament on a positive note and on something for which we can all be proud.

I will begin my remarks by paying tribute to and recognizing the patient, hard-working and dedicated chief of the Westbank First Nation, Chief Robert Louie, and some of the councillors who I met personally in their patient lobbying on the Hill. They were always available as a resource to all of us. Councillor Larry Derrickson was one of them. I also want to thank the negotiators who patiently steered the process through the various stages in what must have seemed like an agonizing and painstakingly slow pace. I do admire the patience and dedication they showed, specifically Mr. Tim Raybould and legal counsel, Micha Menczer. Without the passionate and enthusiastic participation of those individuals, I think it would have been very difficult to navigate the bill through some of the obstacles, not the least of which is a seeming wilful blindness on the part of some people to see this bill for what it is.

I would like to explain in the short time I have, not only the positive aspects of the bill but to try and put to bed some some of the myths that have grown up around this bill by the very small minority of people who do still find fault with it.

I feel that we should have been a lot further along with the bill. The government side sought unanimous consent for the bill to proceed last November but consent was denied by one individual who I do not think was even objecting to the specifics of the bill so much as he had problems with the aboriginal B.C. fishery. It really was not fair to the people of Westbank to delay the bill because of some grievance on another aboriginal issue that was not even related.

By way of prefacing some of the things I will be raising, I would like to recognize that this Westbank self-government agreement is groundbreaking, in a way, for several reasons.

First, it represents a major milestone in the effort to negotiate a self-government agreement in that it is the first stand alone self-government agreement. I say that because there is no land claim element to this agreement. It is the first time that a self-government agreement of this nature has been negotiated under the 1995 inherent rights policy. This is what makes this a significant and noteworthy day.

By moving closer to self-government, we believe the Westbank First Nation will have a stronger governance regime and, contrary to some of the speakers who we have heard from on this bill, it will be more accountable and transparent to its members.

If the theme and the buzzwords of this 37th Parliament are "transparency" and "accountability", this is something that members in the House should be able to celebrate. I think the jury is in and there can be no doubt that under this new governance regime there will be more transparency and accountability to not only the members of the Westbank First Nation but the non-member residents of this geographic region and other interested parties, frankly the business community, the town council, the mayor of Kelowna, and the many speakers we heard who were not actually status Indians and supported the bill.

I will be happy to debate any member of the House, in any setting or forum, on the subject of accountability and transparency. We know the bill enables transparency and accountability.

● (1140)

The agreement has the solid support of Westbank's neighbours and on-reserve residents who are not first nation members. They recognize that the agreement will provide greater certainty in the exercise of governance and jurisdiction for all levels of government.

With the introduction of the Westbank First Nation self-government act, parliamentary approval is being sought to bring the Westbank First Nation self-government agreement into force and effect. What we are doing today is only giving the enabling legislation to finally put into full force and effect an agreement that already was ratified through an exhaustive consultation and ratification process by all the affected parties, the first nation members being only one of them.

I believe there is broad agreement in the House that the Westbank agreement is local democracy at its best. At the signing ceremony in October 2003, local members of Parliament from the Okanagan and Kelowna area were there and spoke favourably. The former Progressive Conservative minister, Mr. Tom Siddon, who was responsible for getting the negotiations going, was there. It was nice that he could be there to observe the ultimate fruition of this long 14 year process.

We believe that many aspects of the agreement are positive and clearly outweigh any objections that might be raised. Misinformation does abound, however, so I want to dispel one or two of those points.

We have heard from some critics that this is a copycat of the 1999 Nisga'a agreement. I would like to point out that this agreement is fundamentally different from the Nisga'a agreement. I will be able to explain that better when I go through some of the legal arguments that have been made.

I want to start with the inherent right of self-government. As I noted, this is the first agreement negotiated under the 1995 inherent right of self-government policy which finds its origins in section 35 of the Constitution. It must be understood that this agreement was negotiated in the context of the aboriginal inherent right of self-government. The agreement was negotiated by Canada based on this 1995 policy which clearly states:

> The Government of Canada recognizes the inherent right of self-government as an existing Aboriginal right under section 35 of the Constitution Act, 1982.

The policy calls for negotiations with first nations leading to agreements that will recognize the jurisdiction and authority of first nations governance.

Notably, not all self-government agreements are required to be in a treaty as the policy contemplates non-treaty self-government agreements. This Westbank First Nation self-government agreement is clearly not a treaty. This should be established and recognized right at the outset.

The aboriginal right of self-government is recognized by the Canadian legal system under the constitutional common law of Canada and also under section 35. While section 35(1) is an inherent point of origin, as a matter of current status it is held in Canadian law.

Those who do oppose the legislation, like Mr. Mark Milke who has written his opinions in the *Calgary Herald*, and Mr. Gordon Gibson who has expressed his reservations in an article in the *Vancouver Sun* and elsewhere, cite Campbell, the British Columbia Liberal government's appeal or challenge to the Nisga'a treaty.

Those who oppose Bill C-11 base much of their analysis on the general assumption that no aboriginal right of self-government can exist because all legislative powers are divided between Canada and the provinces under the Canadian Constitution.

● (1145)

While the Campbell ruling categorically throws out this point of view, aboriginal rights and in particular the right to self-government, akin to legislative powers to make laws, survived as one of the unwritten underlying values of the Constitution outside of the powers distributed to Parliament and the legislatures of 1867.

Mr. Milke and Mr. Gibson object to that legal ruling in the Campbell case. Given their view that all legislative powers then rest with Canada or the provinces, they see only mechanisms for a first nation jurisdiction as flowing from the delegated form of jurisdiction. In other words, a first nation jurisdiction can only stem from those powers delegated to it by the Government of Canada or by the provincial governments.

We, in the NDP, oppose that point of view. We feel it is far too narrow and we believe it is legally inaccurate. We embrace the opinions expressed by the royal commission on aboriginal people. Our interpretation, I suppose, is more in keeping with the federal government's in that we uphold and support the inherent rights policy as articulated in the 1995 policy, at least until such time as true meaning and definition can be given to section 35 of the Constitution.

I am one of those who believe that this is a necessary first step to a broader cross country settlement of outstanding self-government issues. I believe that rather than leaving it up to the courts to tell us what aboriginal and treaty rights mean, it is the role of Parliament and the House of Commons to take one step back and give meaning and definition to section 35 so we do not have this divisive struggle and expensive process, sometimes a 20 year process, to find a definition on a case by case basis.

I want to comment on some of the aspects of the Westbank First Nation self-government act on which I believe there has been some misunderstanding. An agreement we believe should be celebrated, is actually being criticized more by misinformation than by any solid and tangible reasoning.

Under this bilateral self-government agreement, Westbank will assume jurisdiction for most matters now regulated under the Indian Act. If there is one thing on which we can all agree, it is that the Indian Act is an outdated, obsolete and fundamentally flawed oppressive piece of legislation that we should all be committed to eradicating at the earliest opportunity. These jurisdictions will be phased in over time and as they are exercised, the related provisions of the Indian Act will no longer apply. In other words, this is the emancipation of the first nation of the Westbank region from under a colonial piece of legislation that has no business existing in the modern context.

In the category of laws, Westbank will have the jurisdiction to make laws in such areas as land management, aboriginal language and culture, resource management, the environment, et cetera. We should make it abundantly clear, if there is anyone under any misconceptions here, that the Canadian Charter of Rights and Freedoms shall, will and does apply in the context of this self-government agreement. I do not know how we can express it any more clearly. Those who are spreading this misinformation are those who may oppose the bill on the grounds that somehow the Charter of Rights and Freedoms does not apply. I point out and I urge those members to look at section 32 of this agreement where clearly the opening lines of the section says:

> The government of Westbank First Nation and Council in respect of all matters under its authority are bound by the provisions of the Canadian Charter of Rights and Freedoms....

I do not know how we could be more clear to satisfy anybody who has any concerns about whether or not the charter applies. For additional clarity and certainty, the final part of that section reads:

> —the rights and freedoms guaranteed by the Charter are enforceable in respect of the government of Westbank First Nation and the Council.

● (1150)

These statements in my view make it absolutely clear that the charter applies. Yet we find one legal opinion arguing that. Mr. Harvey, acting on behalf of some people who oppose the bill in the Kelowna area, points to the reference in section 32 of the agreement to section 25 of the charter, which deals with having regard to aboriginal and treaty rights in the interpretation of the charter. However, he fails to acknowledge that section 32 of the agreement is merely a statement of what is already in the charter, and the charter must be read and understood as a whole, not cherry-picking isolated sections. I hope that is the last we hear about it in this debate. I do not see how anyone could in any way argue that the charter does not apply.

Regarding non-members of the band, the charter states:

> Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Therefore, individuals can always have recourse to the courts in that case. I hope we have satisfied some of the misconceptions that exist regarding the application of the charter.

I will not dwell on this very much longer. I think we have clearly stated why the NDP is firmly in favour of the bill. We look forward to the speedy passage of it.

In closing, it has been said by people wiser than I that aboriginal nations whose rights and interests in this bountiful land predate the treaties are in fact Canada's foundation. Canada's complexity and diversity derive not only from its array of people who have arrived from other lands, but also from the original inhabitants with their many cultures and languages.

To view Canada merely as a shelter society, ignores and denies the important and lasting roles of aboriginal people in Canada's legal and political foundation. There is no need for reminders of our tragic past, but that past can be put behind us with a philosophical shift acknowledging the mistakes made in the past and moving forward with progressive self-governance initiatives such as the Westbank First Nation self-government act.

Therefore, I am very proud to say that the NDP caucus will be voting in favour of the bill. Again, I wish to pay tribute, honour and recognize the herculean task it has taken on the part of Chief Robert Louie, his councillors and the negotiators to bring the bill to the stage it is. I extend my congratulations to them and I hope we can unanimously pass the bill at the appropriate time in the House.

● (1155)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I would like to thank the member for his very thoughtful address and for dispelling more of the myths. I agree it is through lack of understanding of some of the complexities.

As the member mentioned quite strongly, some of the concerns that may come up are related to accountability and transparency. I do not have any concerns and I know he does not either. However, could explain for people who are not too aware of it more of the details in that area?

One requirement of the Westbank First Nation government is that it has to have a stringent type of transparency and accounting controls as any other government. Would he like to add any more details on that to add comfort to people who are not that familiar with it? That is not to say there has been any problem today.

As I mentioned earlier, many non-aboriginal people who have had businesses and residences under the property tax regime for years are happy and they are happy to invest there. It is a wonderfully prosperous area.

So people know, in relation to taxation which was brought up earlier in the debate, property taxation has been going on some time. Remember there are only a few hundred resident members of the first nation, but there are thousands of non-residents. They have been in the property tax regime and, as was brought up earlier, it has been quite successful. This is under section 83 of the Indian Act, which will be discontinued.

This does not change that or impose any further burdens. It will give those citizens more input in the law as mandated by the agreement and after that they cannot be changed without their say. Could the member comment on the transparency and accountability?

● (1200)

Mr. Pat Martin: Mr. Speaker, I would like to add simply that those who are opposed to the bill could not be further off the mark when they say that there may be less checks and balances in the Westbank agreement.

For the record, in 1986 there was in fact serious problems of accountability. There was a federal inquiry into the affairs of the Westbank First Nation and rumours of both federal government and band wrongdoing. In other words, there were serious problems in 1986 and self-government was recommended as one thing that should take place in order to put more control of its own destiny and more checks and balance in place. If anything, the bill is the answer to the remedy recommended back in 1986.

For the record, the Westbank First Nation agreement provides for a democratically elected government of its members. There are strict election guidelines, et cetera, that are equal to or better than the Elections Canada guidelines. For non-members, it establishes a legislative advisory council. There was no legal requirement to do such a thing. That was a voluntary move of the part of Westbank people that went beyond what was necessary.

The constitution that they put in place sets out a clear process for community involvement and ensures complete financial transparency and accountability. The constitution puts in place strict conflict of interest guidelines that are as tight as anywhere in Canada. In fact they are better than we enjoy here in the Parliament of Canada.

This is something in which people should be interested. It even says that the chief in council cannot budget a deficit without first going to a referendum of the people. They have balanced budget legislation which only a few provincial governments have. Many municipal governments enjoy balanced budget legislation. It is part of our NDP federal platform that balanced budget legislation is the direction in which we should be going. How many governments can actually make that claim of that degree of accountability and transparency?

I hope that dispels some of the myths around the Westbank First Nation agreement act.

Hon. Larry Bagnell: Mr. Speaker, I have the constitution to which the member referred, and everyone can see how thick it is. It is 99 pages and very well laid out. As the member suggested, the Government of Canada would probably be in better shape if we had not been allowed to go into debt.

I want to give him the opportunity to answer this question because I know he is very passionate about the benefits of self-government. I gave the Bloc member the same opportunity. I want to start my question with something that Chief Robert Louie said before a standing committee. He said:

> So the question is asked, what is self-government really all about? First and foremost, it is about being in control in our own house, on our own lands. Westbank First Nation has gone as far as one can under the Indian Act. Given our history, we recognized long ago that we needed better tools to promote social and economic development for the benefit of all who live on our lands. In fact, these are the tools of government that most people take for granted, unless you live on an Indian reserve under the Indian Act.

Perhaps the member could expound on the benefits of self-government as a model for the future progress of first nations in general. That would apply specifically to the Westbank First Nation.

Mr. Pat Martin: Mr. Speaker, I appreciate the opportunity to use what minutes I have left to agree with the hon. parliamentary secretary. All the empirical evidence shows that economic development is best achieved in examples of first nations communities where they have the highest degree of autonomy. There is a direct correlation between autonomy, self-governance and successful economic development. This is not just an anecdotal observation. Studies were done by Harvard University, with a number of first nations in the United States and Canada, showing a direct connection.

For all the moral and ethical reasons I could cite, self-governance is the only intelligent way to go. However, even for those who are most concerned with the economic development and bringing aboriginal people into the mainstream economy, we now find that the empirical evidence tells us that self-governance is one of the key components to a successful economic development.

I would simply close by saying that the Westbank First Nation self-government agreement will in fact bring stability and stable government to that community. The rules are so stringent and disciplined that locals are even saying that it will be difficult to get anybody to run for office.

Chief Robert Louie, the band councillors and the negotiators who have put in place this constitution certainly are not shying away from rigid scrutiny, accountability and transparency. They have put in place one of the most sophisticated 21st century governance ordinances and regimens that we have seen anywhere in North America, and it is something we can all point to as a template and as a model. Although all first nations have to negotiate their individual self-governance agreements, this one will hold its own in comparison to any others.

● (1205)

Hon. Andrew Telegdi (Parliamentary Secretary to the Prime Minister (Aboriginal Affairs), Lib.): Mr. Speaker, let me start by saying that I am very pleased with the level of discussion in the House and certainly with the tremendous support the agreement is receiving.

Let me also congratulate Chief Robert Louie and the councillors for their hard work. I know this must be a fairly emotional moment for them and for the people they represent.

Bill C-11 is an act to give effect to the Westbank First Nation self-government agreement. The agreement at the heart of the bill is the first of its kind and sets a valuable precedent for future relationships between Canada and the aboriginal people.

The agreement focuses on self-government. It is not a treaty or a land claim settlement. Pursuant to this agreement, Westbank First Nation will exercise a specific set of legislative powers and assume new responsibilities, putting the Westbank First Nation firmly in control of its economy, culture and community.

I believe that Bill C-11 represents an important step in the history of relationships between the Westbank First Nation and Canada. To appreciate the significance of the bill, one first needs to understand a bit of Westbank history.

Long before Canada became a country, several communities of the Interior Salish people, known as the Okanagan, lived on a large tract of land in south-central British Columbia and northern Washington. When white settlers began to farm in the region in the 1800s, they lived peacefully alongside the local aboriginal population. The Government of Canada established reserves in the region in the early 1900s.

Westbank First Nation, across the lake from Kelowna, split from the Okanagan band, an amalgamation of several tribes, in 1963. Westbank leaders felt they could better meet the particular aspirations of their community by working independently.

Since then, the city of Kelowna has grown and prospered, presenting several economic opportunities to Westbank. The first nation's ability to capitalize on these opportunities is limited, however, by the Indian Act, which requires the band to secure permission from the federal government before it negotiates leases or other agreements. The Indian Act limits not only the power but also the accountability of Westbank's band council. In essence, councillors cannot be held legally liable for their actions.

This combination of weak local government, resulting from deficiencies in the Indian Act, and growing prosperity led to a series of scandals and troubles in the 1980s. Charges of conflict of interest were levelled at some councillors and a climate of mistrust hampered Westbank's ability to grow.

These problems prompted the Government of Canada to order a formal investigation in 1986. This resulted in the Hall commission, which found that the problems of Westbank arose because the governance of the Westbank Indian band had been that of "a government of men and not a government of laws".

In seeking to resolve the problems and to establish a government of laws, the commission made recommendations for change and ultimately recommended the pursuit of self-government legislation for Westbank. The Westbank First Nation self-government agreement reflects most of the recommendations of the Hall commission, including the requirement to establish a constitution providing for democratic and legitimate elections of government, internal financial management and accountability to members, and conflict of interest rules.

● (1210)

Since then, the people of Westbank have worked hard to realize their aspirations. Formal negotiations between Westbank and the Government of Canada began in 1990 and proceeded throughout the tenure of successive band councils.

While this process continued, Westbank moved to improve the local economy and enhance social services. To foster economic development, the band started two businesses, WFN Development Corporation and Nu-Arc Construction. Under government supervision, the first nation has also become a busy landlord, leasing lands to hundreds of businesses and homeowners. In the 1990s, the band began to collect property taxes in accordance with the Indian Act.

Westbank's growing prosperity has benefited all members of the first nation. The first nation owns and operates its own school and community centre, a provincially licensed day care and early education centre, and an intermediate care facility for the elderly. Westbank also maintains several recreational facilities, including beaches, campgrounds and baseball diamonds.

Westbank has successfully negotiated several agreements with the private and public sectors. Sewer services are provided through a partnership with regional government. The Bank of Montreal collaborates on a loan program for homeowners.

The first nation's approach to self-government followed the same cooperative approach. Westbank leaders worked long and hard with members to develop a community constitution, with non-members to address the creation of an input mechanism, and with neighbouring communities to achieve strong and collaborative partnerships.

Memoranda of political relationship were signed with both the Regional District of Central Okanagan and with the City of Kelowna. Westbank, along with the federal government, also consulted with the Union of British Columbia Municipalities, labour groups and homeowners' associations.

During the past few years, more than 400 information and consultation sessions were held to communicate details of the self-government agreement and what it means for the first nation, for the Okanagan Nation Alliance, to which Westbank belongs, and for non-member residents and neighbouring communities. People were encouraged to ask questions and suggest ideas. These consultations inspired a number of improvements to the proposed agreement, such as the strengthening of the provisions regarding non-member residents.

The agreement was ratified by Westbank First Nation in May 2003 by a double majority. This is a higher threshold than the members of the House of Commons must meet at the ballot box. A majority of Westbank First Nation voters also approved a constitution for Westbank that sets out electoral procedures and governance structures.

The agreement between Canada and the Westbank First Nation is now in our hands. I believe we must ratify the legislation because it gives the people of Westbank access to modern, effective government.

Together, Bill C-11 and the agreement represent a vast improvement over the Indian Act and will strengthen democracy in the community. Councillors in the first nation's government will be subject to much more stringent accountability requirements, established in Westbank's constitution. Under Westbank's new constitution, voters can recall elected officials and councillors who spend money without authorization can be held personally liable.

In addition, Westbank's government will no longer be exempt from civil action, as it was under the Indian Act. Under the provisions of Bill C-11, Westbank's government becomes a legal entity that can sue and be sued. Other improvements include strict accounting and financial management practices. Westbank's books will be open to public scrutiny.

● (1215)

For the first time, people residing on Westbank lands who are not band members, approximately 8,000 in all, will have a formal statutory mechanism to influence decisions made by the first nation government. The agreement calls for the establishment of an input mechanism for non-members to safeguard their interests. The agreement requires that the first Westbank law following the effective date of the agreement establish this input mechanism.

The agreement also provides a number of other protections, both for members and for non-members. Westbank First Nation's government and its institutions are bound by the Canadian Charter of Rights and Freedoms. Further, any decisions or laws of the Westbank First Nation may be challenged in the Province of British Columbia's courts.

The net result of all these provisions will be greater public trust in government and a clearer decision making and dispute resolution process. This will help to attract additional investment in band projects, leading to more opportunities for Westbank.

In short, by putting the first nation firmly in control of its destiny, Bill C-11 will enable Westbank leaders to realize the band's goals of self-sufficiency and transparency. In the words of Chief Robert Louie:

> Self-government is about the future; it is about... creating a stable community where hard work and initiative are rewarded. The objective is to create a safe and vibrant community with a clear [idea] of who we are and where we are going.

The legislation before us today carries the principled and worthy aspirations of a people. I urge my hon. colleagues to lend their support to Bill C-11. I think this is a realization of a long term project that is going to benefit not just the Westbank First Nation but all Canadians.

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, I thank the members who are here today engaging in this debate. Also, I extend appreciation and acknowledgement to the people who have been working toward this particular agreement related to the Westbank First Nation for some 14 years. People on all sides have been involved. The various chiefs and councils and non-natives involved are all to be congratulated.

It certainly has been a long process and not one that has not been charged with emotion. There has been much emotion through the process. A lot of rational thought has gone into this, but there have been times when bridges of trust have had to be built because people on all sides have had experiences which might hinder the ability for them to really trust each other.

Certainly when a person like myself is looking at an agreement like this, I have a very strong focus on individual freedoms and individual rights. There have been times when I have said that certain aboriginal claims have been unwarranted because they have infringed in serious ways on those individual freedoms. I take these situations on a case by case basis, as others do.

At times debates like this have been charged with accusations. If one tends to vote for, or wants to see agreement for an aboriginal request, that person is seen as selling out to unrealistic demands. If one opposes certain things related to aboriginal treaties or claims, that person is accused of being anti-aboriginal, or even worse accusations.

The debate on this over the last couple of days has been fairly civil and I appreciate that. It helps us to get down to the actual words of the agreement itself. Without the focus on what is actually written and proposed, words and labels can kind of hang out there and distort what is being proposed and cause knee-jerk reactions on either side. Therefore, I want to address specifically what is in this agreement and the legislation.

I have had to challenge myself with my own positions related to broad terms. We talk about labels like "inherent right" as in the inherent right to self-government. Is that something in which I believe?

As elected people, words, once we speak them in a place like this are there forever to haunt us or to prod us onward. If people were to look back to my days at the Alberta legislature, they would see that when I was minister responsible for aboriginal affairs, one of the things I said related to inherent rights was that we all have an inherent right to self-government, but those rights must be defined. I said that I could not accept either an aboriginal claim or a non-aboriginal claim to an absolute inherent right of self-government—it is all about me self-government—with no reflection on the implications for the people in the world around me. It must be defined. I said we must have some clear definition before I could support it. My own words hold me to account over all these years.

I remember one of the first meetings I had with a former chief of Westbank First Nation. It is unique to be discussing legislation with all my colleagues here, legislation which I think will have some national impact. The entire Westbank First Nation sits on federal constitutional borders that form the constituency of the people whom I represent.

One of the first meetings I had with a WFN chief was in the run-up to the federal leadership campaign. I was taking quite a bit of flack at that point, for reasons I do not fully understand—well I do, knowing where some of the national media lies—for being "anti-aboriginal" whatever that was supposed to mean. I met with that chief and he said that one thing he knew about me was I was not inherently against them as aboriginal people. I said of course I was not, and asked how he knew that, what caused him to say that in spite of all the national media he was reading. He said he had talked with chiefs in Alberta who had dealt with me and they had told him I was honest and straightforward, that I did not always agree, but that I could be trusted and was straightforward and not against them as people. I said I appreciated that because it happened to be true.

My words have come back to haunt me in a way with this particular agreement, because I said I was open to the inherent right to self-government but that we should have it defined.

● (1220)

There are a lot of definitions in this agreement. I want to walk through some of them because I approach this agreement somewhat as a skeptic. I have said publicly in the media and in meetings with our aboriginal friends and non-native friends that I have some problems with what I am hearing about this agreement and I need to have those problems addressed before I can support it.

Let us look at some specifics. Clearly, lawyers have come out with opinions on both sides of this issue, as they can and do on every issue. If someone says, "Well, the lawyers say", that is one group of lawyers. As we know, and I say this with respect, lawyers have the capability and the great expertise to come up with a variety of positions on one particular issue. Let us look at the words that are here.

Skeptics and those who are opposed to this agreement have said that the Charter of Rights and Freedoms does not apply and that is why they do not support this agreement. The charter does in fact apply. I will read the words of the agreement:

> The Government of Westbank First Nation and Council in respect of all matters under its authority are bound by provisions of the Canadian Charter of Rights and Freedoms.

That is fairly straightforward. We may like or dislike the words, but it is fairly straightforward. What does it mean when a group says that it is bound by the Canadian Charter of Rights and Freedoms? Section 52 of the Constitution Act states:

> The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

That is fairly clear language on the issue of charter application.

Some people have said that there is this little thing in our Constitution, section 25 it is called, that says there must be due regard to aboriginal rights. That exists in the Constitution. We may like that it is there; we may not like that it is there. We may want to change that. If we think we could ever effect a constitutional change in this country, that may be something we would want to change.

Section 25 is in our Constitution and the Westbank First Nation reflects that in its agreement. It says that section 25 still applies with due regard to aboriginal rights. That is there whether we like it or not. What we have to say again is what is defined here. How broad a brush would that section 25 application be?

One of the reasons I am supporting this agreement is that when this agreement should come into law and effect when we vote on this, it would not become automatically constitutionalized as some aboriginal agreements do. Once they are voted into effect they automatically become part of the Constitution of Canada and they are very difficult to change. That is the not the case with this agreement. It will be and can be subject to change. It is not constitutionalized.

Let us look at some of the other definitions. We have dealt with the one in terms of the charter not applying. Section 25 certainly is in this agreement. We ask ourselves, has the Westbank First Nation defined and been specific on areas where it agrees, where there is no discussion virtually, that federal law applies? Let us look at that. What does the agreement actually say? It is one thing to say that nothing applies here. Let us take a look at the agreement itself.

Not only does the agreement set out minimum standards for Westbank First Nation laws, but it clearly indicates where federal application shall apply and prevail. It also lays out rules to deal with areas where conflict may arise.

For those who want specificity, as I do, I will read into the record where federal laws will apply. Part V of the agreement specifically states that federal laws dealing with peace, order and government, section 31; endangered species and fish and fish habitat, section 37; and collection of statistics and reporting on natural resources, section 38, always apply.

WFN's jurisdiction does not extend to criminal law. That is a very key point. Some critics of this have said, "There goes criminal law". It does not apply to criminal law. It is very clear if one reads the agreement.

It does not apply to areas of protection of the health and safety of all Canadians. It does not apply to intellectual property, and broadcasting and telecommunications. Federal provisions still apply. Maybe that is too bad. I might have said to the Westbank First Nation that it should put in something that protects it from the CBC, but it is still going to be open to that exposure. The laws here still do apply.

It goes on to state that nothing in the agreement will affect, and this is very important, national defence, security and public safety, the application of crown prerogatives, under section 40. Westbank is required to take all necessary measures to ensure compliance of its laws and actions with Canada's international obligations. Westbank First Nation's jurisdiction does not apply and interfere in the area of agriculture, under section 141, dealing with interprovincial and international trade, commerce and agriculture.

● (1225)

It is very specific. If there is a chance that a conflict exists, each part of the agreement lays out rules that could deal with that eventuality. In many areas, such as environmental protection, section 150; environmental assessment, section 166; agriculture, section 144; traffic and transportation, section 211; certification of trades and professions, section 289; federal laws prevail in the event of a conflict. They have also imposed upon themselves a standard that if they are putting standards in place on the first nations regarding any of these areas, they have to at least meet or beat federal standards. That applies in all of these areas. It is very clear when it comes to provincial law, section 34 addresses the fact that provincial jurisdiction applies. The charter applies. Section 24(1) of the charter states:

> Anyone whose rights or freedoms, as guaranteed by this charter, have been infringed or denied may apply to a court or competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances

In addition to the charter protection which it speaks to very specifically, the agreement provides that prosecutions of Westbank law will be heard in the provincial court of British Columbia. Some people are going around saying that if there is a prosecution on the Westbank First Nation, it will never get to appeal in the courts if one is a non-native. That simply is not true. All of the same protections and procedures that are available for non-natives off reserve are there for non-natives on reserve.

Section 48(a) of the agreement states that the judicial review procedures act of British Columbia applies to Westbank First Nation and application for judicial review will be heard in the Supreme Court of British Columbia under that act. The provisions are there also regarding provincial jurisdiction.

Are there some other areas where they are very specific? I ask myself a question when it comes to legislation. Are things going to be generally better in terms of rights and responsibilities for natives and non-natives on that particular reserve, or are they going to be worse? Let us look at some of the areas where there is improvement.

Matrimonial law up to this point in time across the nation on aboriginal reserves is not defined. We have heard from many people upon dissolution of a marriage, which is an unfortunate time and not an easy time, many times the women on reserves have no resource in law to go to in terms of assessing where assets will be applied and who will get the house or the property.

Matrimonial application upon dissolution regulations are going to be entrenched. That puts them in a better situation. That brings them to our level in terms of non-native laws.

A groundbreaking area is property rights, and it is a bit of a double entendre in saying that property rights is a groundbreaking area. This is very exciting for me. Fundamentally we cannot have prosperity in a country or jurisdiction unless there are property rights. That is fundamental to prosperity. Property rights are being written into this agreement in a way that has never been there before. If one could establish that one owned a home or property, one was subject to either ministerial whim or, and these council members will admit this, the whim of a chief or council. They might decide on whether one would get to keep a house or whether one would get to have a lot or land.

Now there will be a land registry system. Normal rules for acquisition of property are going to be put into place. Property rights are going to be entrenched in the Westbank First Nation agreement. There is going to be a codified land registry system. Mortgage values will apply. That native person will have that land and will not have to worry that if the council changes or someone on council or the chief is upset with that person, he is not going to lose the land.

I find that somewhat ironic. The Westbank First Nation wants to write in property rights. Communist China did it several months ago and our own federal government will not do it. If the federal government is listening, it could look at codifying our property rights also.

There are other areas where there is considerable improvement. Some people have thought that before they codify the land and the property rights that there will be a rush for people in power on Westbank First Nation to grab land. No. There is a freeze on any new allotments of land until the land registry system is in place on the reserve.

● (1230)

Taxation without representation has been an issue, especially for non-natives. It is very clear that non-natives now or at any time in Canada living on reserve land, they move on to that land accepting whatever lease agreement they are given. They also have to accept the fact that they do not have direct representation in terms of taxation. That has been the case since 1867. We say somewhat ruefully to our non-native friends on reserves that they have taxation without representation, but they should try taxation with representation and then see if they like it. It is not always that wonderful.

My wife and I live in a small condominium. A couple of weeks ago at a meeting of our condominium association the owners of the units developed a budget. We talked to the people who rent the units in our condominium development and told them that the fees might be going up. We told them what we were going to do, but they did not have the option of having a vote because they were renters. They did not own or have title to that land. They did not have taxation with representation. They had to take the chance and trust that we the owners would treat them well, and I think we did. But they did not have taxation with representation.

Aboriginals do not have that right on aboriginal land, but there is an improvement in this particular agreement for them. It is written in the agreement that there shall be an advisory council made up of non-natives who will elect among themselves, not be appointed, their appointees to the advisory council who will work with the band in terms of consultation and input. They will have no final say. They have never had it since 1867. We can try to change that if we want to wait another 100 years and try to change the Constitution. This agreement gives added ability for non-natives to have a say on issues relating to taxation.

There are provisions in this new agreement that do not exist now for non-natives that are similar to what we call landlord and tenant provisions. Non-natives will have a clearer sense of where they are going.

The Westbank first nation has a proven record of financial and fiscal accountability. Two hundred non-native businesses would not be registered and working on that reserve land unless they had a sense of financial accountability. WFN has established its credibility in the area.

Business people, on or off that reserve, have a high degree of respect for the business acumen and the accountability of bands in the Westbank first nation. In spite of that, provisions are written in relation to fiscal accountability, transparency, how funds are handled, where they go, and total availability and access of records.

A recall provision has been included in their election process. If their own members are deemed not be handling finances correctly, they can be recalled after being elected. I would like the federal government to listen to that. Our party has long been calling for recall provisions. The Westbank first nation has put in provisions to give its members the ability to recall. They have also included fixed date elections which is a great idea. The Westbank first nation is putting them in place along with all of the other things, and yet our own federal government will not do that.

Just as there are non-natives who like this deal, there are natives who are opposed to it. There are those who simply and sincerely do not agree with the provisions. There are some natives on reserve who have said to the Westbank first nation chief and council that they feel everything is being given away and they do not like that. They feel they are being left with nothing and all their powers are being taken away. There are some who say they want to stay under the Indian Act and do not want any powers at all except for the federal government to kick them around.

I met with some natives who had an important concern. They recognize aboriginal culture and tradition, but they also want assurances that there will be respect for a diversity of spiritual belief on reserves. There are many people on the WFN and other reserves who have been Christians for generations and some who are new Christians. They want to ensure that tradition is respected as well as other traditions. The charter and our Constitution applies. The preamble of our Canadian Constitution recognizes the supremacy of God and that applies as does the charter of rights. We cannot discriminate against people based on their particular beliefs

● (1235)

I will say again, virtually every time I have had a meeting on a first nations reserve, that meeting has started in prayer, sometimes a very distinct Christian prayer; other times it might be one where the prayer was directed toward a creator or a spirit. There is a variety, but they are respected, more so than we see in a non-native society. I just want to ensure that those provisions are there.

The last point here—and something that really shows the lack of trust that sometimes exists—is that there is a provision about intoxicants on reserve, giving the Westbank first nation the ability to deal and ban certain substances which we, in our society, might not even consider banning, but that are a threat on the reserve.

My wife and I have worked in the past with organizations dealing with people, mainly non-natives but sometimes natives, dealing with substance abuse. It is a very painful thing for an individual or a group to stand up and say that we have some problems in that area. This is a very transparent recognition on the part of the Westbank first nation people. They have brought in some ability to help them deal with that if they have to. Some members in the House have said "Do you know why they want to do that? It is because secretly they want to sell marijuana". That must be painful to members of the Westbank first nation who admit that they want to protect their own people.

As I close, on these and all provisions, I will say this, is the situation better for natives now with this agreement? Yes, it is. Is it better for non-natives? Yes, it is. Is it perfect? No, it is not, nor are any of the other laws that are constituted in this place, but it is a hallmark of responsibility. It is a hallmark of those who want to move ahead and pursue their hopes and dreams under transparency and responsibility, and I support that.

● (1240)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I would like to thank the member, as many other members have, for dispelling more of the myths and the concerns. Any time we have something new and creative, and of course running a government is very complex, there are all sorts of things people may have concerns about till they have them dispelled and the member did an excellent job. I would like to give him a chance to speak further, because it is his constituency, if there is more he wanted to say.

I am delighted he brought up the spiritual aspect of first nations people. It is just amazing how spiritual they are. I remember going to a session in a very tiny village. Part of the program was a church service. More Anglican ministers came out of the woodwork than I had seen in the rest of the whole territory. They are coming to us, I suppose, to lead us in spirit these days, so I do not think people have to worry about spiritualism. The Canadian Human Rights Act applies and in the Charter of Rights and Freedoms, as all hon. members know, there is protection of religious rights.

I also wanted to commend the hon. member for bringing up the item of taxation without representation. I will just add to what he said. He made very good points. The fact is that taxation laws come under section 83 of the Indian Act, which is of course Canadian law, so they have representation there. The Supreme Court has also determined that taxation laws will not have taxation without representation. Both the Indian Act and this agreement have come through a legislature. Although this agreement is not affecting taxation, it is still using section 83 of the Indian Act. It came out of a federal statute, and of course all citizens who live there are represented by the federal government.

Perhaps the member would like to carry on further.

Mr. Stockwell Day: Mr. Speaker, I can deal very quickly with the intent of the member's comments. Any legislation that I approach, I apply certain tests to it. First, does it comply with fundamental rights and individual freedoms? And yes, I believe this does. Does it comply with the charter, provincial laws and federal laws? Of course, I believe it does.

Yesterday, when we voted on the report stage of the WFN agreement, we also voted on another self-government agreement and land claim from another band. I applied the tests to that law that we were being asked to vote on and I voted against it. It did not meet the tests in my view; it did not comply. Yesterday, we had two votes on self-government agreements that had to do with land claims. I personally voted yes for this one and no on the other one.

Does it improve the situation for natives? Yes, it does. Does it improve for non-natives? Yes, it does. Does it address concerns of those who are opposed, is a clear test of legislation. There will always be people who will be opposed to legislation. What is shocking to a lot of people is that on this reserve there are some 7,500 non-natives who, if the Liberals call an election as we think they soon will, will be deciding if they are going to vote for me or somebody else.

Members better believe I consulted with those people. I have had now today six phone calls from people who are not supportive of this agreement. I respect their areas of disagreement. I have researched them and tried to respond to them today and at other times. I have had six calls but there may be more people, I am just saying I have quite a responsive constituency. I get calls on issues and six have said they do not like it.

The regional district representatives have agreed with this legislation and support it . The Economic Development Council supports it as does the Chamber of Commerce of Westbank. These are hard-nosed small business people who are no-nonsense people.

I have knocked on doors in that area as recently as last week. Yes, there are those who oppose it. They are not huge in numbers and their concerns are legitimate. These are some of the tests that I have applied and will continue to apply to this and other legislation. These tests have been applied and the legislation has come up in fact not lacking, but has met the test.

● (1245)

Hon. Larry Bagnell: Mr. Speaker, following up what the member said, there was also a survey recently. I think on March 22 I received the results of the non-aboriginal people and of course in that survey the majority were also in favour.

The member referred to the other vote we had last night on the Tlicho claim and self-government agreement. I hope, once we do information sessions and we sort some things out in committee, that the same type of rationale and knowledge will come out because it is totally different, but there are some tremendous things in that agreement that are very exciting.

For instance, non-native aboriginal persons can actually get elected to a council in that agreement. I am not sure if we have a model like that anywhere. So not only do they have a guaranteed committee representation in this agreement, but they can actually get elected on the community councils. If they are elected, of course, they will have all sorts of say over taxation and the other elements that affect their communities. I look forward to the debate on that aspect.

I would like to ask the member a question, for people who are tuning in at home. I know that there are many seniors watching and they may not be too familiar with what we are talking about. Since this is the member's constituency, could he go back to the basics and describe the environment and the area for people who do not know what we are talking about? Could he describe how this relates to the community and the surrounding governments such as the regional government and the surrounding Okanagan group of nations that are working together? People will then know how it all fits together and, as he said, how it is working so well with so much cooperation.

Mr. Stockwell Day: Mr. Speaker, it is not often that I get a chance or an invitation from a government member to talk very specifically about my constituency, and I am happy and certainly honoured to do that.

For those people who may not be familiar with it and so they can get an idea of what this agreement means, the Okanagan Valley of course is in the central interior and southern part of the province, surrounding and embracing a jewel of a lake, one of many, Lake Okanagan itself.

If people are familiar with the city of Kelowna, as they drive across this lake on the Kelowna bridge that spans Okanagan Lake, as soon as they touch down on the other side, they will find themselves driving on the main highway through Westbank First Nation's land. In some ways they would not even know that they have gone from one jurisdiction to another.

The land is comprised of 7,500 non-natives and about 600 natives. Some 200 businesses are registered and operating vigorously and aggressively on that land. Some of the land is beautifully situated at lakeside, where some of the non-natives and natives live and some land spans and takes in forest area. It is a large area of land.

The relationship among the natives on first nation land, the band and council, the businesses and the community is very positive. A large recreation and community complex is being built in the non-native jurisdiction, and Westbank First Nation is donating thousands of dollars to that particular development. This is fairly commonplace. It is a very unique and positive relationship that has existed for a number of years. The WFN agreement will only solidify that more, although it is not constitutionalized.

One cannot just take this and say that this has to apply to every other aboriginal area, but I think people will look at this, the property rights and related issues which I have delineated, and see the positive aspects of it. I think we would see the development of good and positive relationships across the country if people were to follow some of these basic principles and respect their individual freedoms and rights.

● (1250)

Mr. Werner Schmidt (Kelowna, CPC): Mr. Speaker, it is an honour to speak to the bill. I certainly agree with many of the points my hon. colleague just made. One point we would have complete agreement on is the status and respect that the Westbank Indian band has in the community.

Westbank First Nation has had the fortune of having been managed by a council that has done extremely well in its economic development policies and its administrative practices. It has been forward looking in terms of community involvement. It has done excellent work.

I really want to echo again the point made about the contribution that the Westbank First Nation has made to the recreational complex. I know I am getting into my hon. member's constituency when I say that because that complex is not in my area, it is in his. However, the Westbank First Nation at this point is in my constituency of Kelowna. That will change with the new boundary change.

I would like to begin my remarks by referring back to the formation of the advisory council. The agreement quite clearly indicates that such an advisory council shall be created. The point has been made that the agreement indicates the members of this council will be elected. I have the official document which contains the agreement. I would like to read into the record the exact statements with regard to non-member representation. Section 54 contains four paragraphs, and states:

> a) Non-Members living on Westbank Lands or having an interest in Westbank Lands shall be provided in Westbank Law with mechanisms through which they may have input into proposed Westbank Law and proposed amendments to Westbank Law that directly and significantly affect such non-Members.

There will be an advisory council. It goes on to state:

> b) Westbank Law providing the mechanisms required under subsection 54(a) shall be enacted prior to any new Westbank Law being enacted by Council after the Effective Date, or within 30 days of the Effective Date, whichever is sooner.

That suggests that within 30 days of this particular agreement coming into effect, there will be created an advisory council. It goes on to state:

> c) Westbank Law enacted to meet the obligation referred to in subsection 54(a) shall only be amended or replaced with the consent of the non-Members living on Westbank Lands or having an interest in Westbank Lands.

Again, that is a very commendatory kind of provision. Finally, it states:

> d) Westbank Law enacted to meet the obligations under subsection 54(a) shall provide for the process by which the consent of the non-Members shall be obtained for the purposes in subsection 54(c).

The point I want to make is that within the agreement there is a provision for the advisory council. While some people might argue that it is not a very important detail, to me, and I think to the non-members, it is a very important detail as to how the members of this advisory council will in be determined.

The point has been made that the agreement states they shall be elected. The points I have read do not in any way say that. I have been given a copy of the proposed law that is being drafted by the Westbank Nation. Clause 3 in the agreement clearly indicates that it is the intention of the Westbank First Nation, commencing on whatever day it will be, that members will serve a three year term. Clause 3 states:

> Commencing on... and every 3 years after that, an election shall be conducted in accordance with Part...of the Election Code of the Westbank First Nation for the 5 members of the Advisory Council, who shall take office for a 3 year term commencing at the end of the term of the members appointed by the Chief and Council of the Westbank First Nation.

This is the first indication that these people will be elected, and that is good. They absolutely should be elected. However, this is not part of the agreement itself.

● (1255)

The agreement says that there shall be such a council. This is law made by first nations which says how members shall be elected. It is a useful distinction to be clear that this law can be changed whereas the agreement now becomes entrenched in the legislation of the Parliament of Canada. It is an important point to recognize.

I also want to indicate that I have tremendous respect and confidence that the Westbank First Nation will expand and develop further its proposed draft law in terms of the function and operation of the advisory council.

The fact remains, however, that this is a document that can be changed at the wishes of the band council and is not part of the agreement itself. That is a technical point, but it is a significant one.

This is an old chestnut that has been around for a long time, but I would also like to go one step further and read into the record the provision of section 25 of the Charter of Rights and Freedoms. It states:

> The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including
>
> a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and
>
> b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

While section 25 clearly indicates these rights and freedoms exist, it also provides a look forward into the future. Any rights or freedoms that will be granted through a land claims agreement will now be protected under section 25 of the charter.

Some people have argued that it means the charter does not apply. It is quite to the contrary. I think it does apply. However, what this does is create rights and freedoms for one group of citizens that may or may not be the same as those accorded to other citizens of Canada. This is a significant point that needs to be registered.

I want to move on to further point that has to do with the creation of a third order of government. Some people will debate this point. The very fact that there is a debate about whether it does create a third order of government will be fodder for many court decisions and many lawyers will make a lot of money trying to interpret this section.

I would like to place my particular interpretation on this in the context of the Constitution of Canada. The Constitution of Canada clearly has within its confines, because that is how we run our country, all the powers that exist in Canada for any government. It clearly divides it into two parts. First, the federal Government of Canada and second, the provinces.

All the powers are contained within the constitution. Those powers that now exist for the federal and provincial governments are interpreted in terms of the exclusionary principle, or the doctrine of exclusivity. It says very clearly that the authority given to make legislation to one level of government cannot then be taken by another level or order of government. It is pretty clear in a variety of instances here that the law of Canada and the law of the provinces will be subject to the laws of the Westbank Nation.

There will be an endless argument about this. It seems to me that what will happen is the people will argue that Parliament has clearly delineated in the agreement that there will be these kinds of powers for the provinces, these kinds of powers for the federal government and then there will be these powers for the Westbank First Nation.

This suggests to me that a new order or level of government has been created. I am sure there are those who will disagree with this and I guess we will just have to have that disagreement. However, this will probably be the fodder for a number of court cases in the future.

● (1300)

I also would like to briefly refer to the financial accountability and transparency. There is no question that within the context of this Westbank First Nation agreement there is the apparent structure to create transparency and accountability. There is no doubt in my mind that the practice of the Westbank First Nation has been to be accountable and to be transparent, and it has done a very fine job of that.

However, there are certain elements here that are not quite clear. I think it is the lack of clarity that causes me to have very serious concerns about this particular section. First, it divides the revenues and the expenditures of the band into two sections or two silos. The first one is local revenues and expenditures and the second is non-local revenues and expenditures. They are consolidated into a budget document, but the effect of certain provisions creates this very distinct silo. Number one is the provision on capital expenditures. The funds that are collected locally come from two sources. It could be argued that they are all the same, but they are not because the distinction is made in terms of capital expenditures.

First of all, there are those local revenues that come from the members of the first nation, and then there are those revenues that come from those who are not members of the first nation, and these are separate. As for the capital expenditures with the money that is collected from the first nation, if the capital expenditure exceeds $500,000 it requires a special meeting and a referendum in order for that proposed expenditure to go through.

When it comes to the capital expenditure of moneys that are collected from non-first nation members, then the $500,000 cap does not exist. In fact, there is no cap. This is why the advisory council becomes so very significant. Admittedly the advisory council has no direct input; it has an advisory function only. The Westbank law should, and must in my opinion, clearly identify what the relationship will be between the advisory council and non-members. The bulk of this local revenue will come from non-first nation members. Therefore, it is really important that these people be consulted and have significant input into the decisions that affect them directly.

My concern here is not so much that they have a vote on the council. The significance here is that there must be realistic and reasonable democratic participation and representation. That becomes the issue. It is going to be a real challenge for the Westbank First Nation to develop this law so that in fact there can be reasonable democratic representation.

I would suggest, then, that it is a fact that there are some very significant omissions which need to be brought to our attention and developed before we agree to this bill in its entirety. Once again, I want to repeat that the opposition here is not to the functioning of or the operation of or the work that has been done by the Westbank First Nation. Rather, it is to criticize this particular bill from two perspectives. Number one, it is being pushed with undue haste, I think, and I do not know why that is the case. The other perspective is that it is not complete enough in order for us to have confidence that it can in fact form the template for future self-government agreements that might be modelled after this one. That is my concern.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I want to try to clarify the member's concerns and have a good discussion. I want to make sure we have them clear, because they are very technical. It is good that he has brought them up because we have not really discussed any of this today. It is a good point.

First, of course, I have to disagree with his comments about haste. I think we have been in negotiations for 10 years now and, as I mentioned, we have had 400 consultations, so I do not consider this hasty.

On the committee and once the law is put in place, the member mentioned some good elements that were in the draft, which is great, mentioning that the concerns would be taken care of if that draft goes through. The point of the item he read out, which is clause 54(d) of the agreement, is that once it is enacted, in place and effective, it cannot be changed—and he said this is an admirable clause, which is good—without the consent of the non-aboriginal people. That is as good at solidifying it as if it were in the agreement itself.

Under this system, they certainly have far more representation than they did before the agreement. As we know, and as I mentioned in my speech, before the agreement, and probably because of the competence of the Westbank First Nation, those 7,500 or so people and 200 businesses have chosen to locate there. They have chosen to do so because of the good governance there.

Originally there was no representation, although they have the advisory council. I think we have to take this in good faith because of that experience. The advisory council has had 43 meetings already, so that shows the good faith in its dealings with non-aboriginal people. Of course, the first nation needs them too. It is a great partnership. I think we have to take in good faith that it will continue in good faith, and of course once that law is in place it cannot be changed without the non-aboriginal people saying that, even if they get a council they disagree with.

I wonder if the member could comment on that particular provision and protection for his concern.

● (1305)

Mr. Werner Schmidt: Mr. Speaker, yes, I think the fact is very commendatory. The hon. member raises clause 54(d) and I agree with his observations completely. The difficulty lies not there; the difficulty lies in the initial election of the members of the advisory committee. That is where the issue is, not with clause 54(d). That is fine; it is just the initial stages before that where there is a difficulty.

As for the other part on the advisory council, there is an advisory council operating now and it has been reasonably successful although there is a lot of argument about whether it actually has been reasonable representation. That is because of the appointment process. I think the suggestion being made is that if this actually becomes law—and I have no reason to believe that it will not, but if it does we have to depend on that—it divides the area into five sectors. It is proposed, I think, that each of those sectors would elect a particular person.

However, the key thing here is "elect" rather than "appoint". I think the election is contained within the law. If the law happens and actually does say "elect", then it cannot be changed. I think that is a very good provision, but we do not have it in place now. That is my concern. It should be in place now.

There is another observation I would like to make. I have a copy here of the constitution that is subsequent to the agreement and I have the agreement. The agreement is a considerably smaller document than the constitution that follows as a result of the provisions of the agreement. On this, I want to commend the people in that some really good work has been going on here. That part is good, but what I would suggest is that the same kind of credibility ought to obtain to this law of appointing the Westbank council. That is my issue.

Hon. Larry Bagnell: Mr. Speaker, to continue, I think I probably would agree with the member's concern if we were working in a total vacuum. Of course once the law is in place, if it covers what he would like, then there is no problem, because it cannot be changed. But I think if we take in the context that this law is being developed in full consultation with the non-members, with the advisory council and the first nation, the law will probably reflect what the member wants but more importantly it will reflect what the non-aboriginal people in the area want.

Now if it were to go off the rails for some reason, if there were a bad influence that got in there, that law could still be challenged under the charter. It has to be charter proof and safe, so there can still be challenges. Of course anything else in this agreement can be challenged in court. There is protection for everyone in that respect, so I will beg the member's indulgence.

Because of the cooperative system that is in place, because the non-aboriginal people are designing this law, and because once in place it cannot be changed, this sort of liberal and flexible component allows them to come up with the best method of election and best provisions—in this case when they have such a good working relationship—and may lead to a creative process that the member would be happy with.

● (1310)

Mr. Werner Schmidt: Mr. Speaker, I have no difficulties with the present context. I would like to assure the House that this is not the issue here. The issue is that we are not dealing only with the present. We are dealing with the future as well.

I am sure the hon. member is going to say immediately that this is exactly why clause 54(d) is here. That is quite right, but there has to be a good starting point and it is the assurance of a positive, solid starting point that I want to emphasize.

I have done it twice already and I will do it again. I believe that the current first nation council has excellent intentions here and they probably will do the right thing. I certainly hope so. But if we are going to pass legislation here saying, "I hope they will", that is not good enough.

The constitution is clear and the agreement is clear as far as it goes, but it does not go far enough. This is a very critical part, because this represents roughly 93% of the people living on Westbank lands. We cannot just gloss this over and say it does not matter. I think it matters a lot.

Hon. Larry Bagnell: Mr. Speaker, maybe we will ponder this more. I think that if the member looks at my arguments and looks at how it has worked so far, he may have more assurances, but let us go on to another area that the member raised, that of the charter.

A member raised a point about the charter, in that a statement saying "not less than the provisions of the charter" was made, and members were worried about that statement. All I will say about that in clarification is that this actually was put in there not to have less provisions than the charter to protect people, but to have more.

An hon. member: That was in the Tlicho bill.

Hon. Larry Bagnell: Oh, that was in the Tlicho bill. The charter and human rights apply to everyone. There is no problem there.

I would just like the member to give one last comment on the third order of government problem that he has. It is quite clear and has been decided by the Supreme Court of Canada that although we have government to government to government relationships as far as operational types of relationships, the Constitution still has only two orders of government, and this does not create a third. This is operational and because it can be changed any time by the federal government, it is not permanently giving up any powers.

Mr. Werner Schmidt: Mr. Speaker, I think the hon. member has just articulated exactly the debate that will continue on the third order of government. It is a matter of interpretation. The interpretation will go one way with one group and another way with another group.

The really significant things for us all to recognize are that the charter is there for all Canadians, that there are special rights given to first nations, and that the Constitution contains all the powers of any government in Canada. I do believe that where there is the right given to first nations to legislate in areas that are constitutionally under the jurisdiction of the federal government or under the provinces, either one, it is ultra vires of the Constitution.

Mr. John Cummins (Delta—South Richmond, CPC): Mr. Speaker, before I begin my address, I want to make a couple of comments in preface to what I want to say. The first is that there is much in this agreement that I like. In fact I could quite easily have voted for the bill if the amendment that I had proposed, which unfortunately was not accepted by the Chair, had been accepted. That amendment simply would have removed the reference to inherent right from the agreement and any other impediments to application of the charter and the Canadian Human Rights Act. If that had been accomplished I would not have had difficulty in supporting the bill.

The second point I would like to make very quickly is that this agreement is the first agreement under the government's policy of recognizing the inherent right to self-government. It is a policy that the Liberal Party has maintained for probably close to 20 years. Certainly in 1993 it was part of its policy provisions. Yet that whole notion and the implications of it have never been debated in the House. That is the essence of what I would like to say today.

We all believe that aboriginal Canadians, like other Canadians, must be able to manage their own local government. This is remarkable legislation before us. It is the result of a well-intentioned effort to enlarge the capacity of the Westbank First Nation to govern its own affairs.

However it has gone far beyond the usual model. It incorporates a concept which was turned down by Canadians in the referendum of Charlottetown accord, that is the inherent right of self-government creating a third order of government.

The federal government describes the bill as the model for aboriginal self-government agreements across Canada but what it really creates is a quasi-feudal enclave beyond the reaches of the charter of rights and Parliament.

A few weeks ago the Minister of Indian Affairs and Northern Development admitted a growing problem of protecting the rights of aboriginals living on reserves across the country. He noted that the protections given to aboriginal rights in section 25 of the charter were being used to shield abuse from challenge under the Canadian Charter of Rights and Freedoms. His solution, and apparently the government's solution, was to look the other way.

The minister stated:

> We may want to consider self-government instead. Some would argue that this is something for the community to resolve.

Senator Beaudoin, a learned scholar and expert on the Constitution and human rights, disagreed. Senator Beaudoin's response to the minister got to the nub of the problem. He stated:

> You say that it is up to the Aboriginals to do this. I do not agree. It is our duty here to do that. There are two orders of government in this country—the federal and the provincial. The Aboriginal people have collective rights, but the power to improve the situation is within the Parliament of Canada and I do not think that we should wait for the existence of a third order of government because the power is with the Senate and the House of Commons.

That is my starting point. This legislation would alter the Canadian Constitution and extinguish charter rights for about 8,000 Canadian citizens living at Westbank which includes about 500 aboriginals and 7,500 non-aboriginals.

Under Canada's Constitution there are two orders of government, the federal and the provincial. Any laws we enact must be compatible with the scheme established in the Constitution that all powers are divided between the federal and provincial legislatures.

Second, that aboriginal government must be clearly subject to the Charter of Rights and Freedoms and no impediment should be put in the way of a citizen's access to the charter, whether they be aboriginal or non-aboriginal.

Do we really make things better by creating aboriginal governments as charter free zones where hundreds and thousands of aboriginal Canadians will have their access to their charter rights placed in doubt? Let me turn to the issue of the third order of government for a moment.

Part IV of the Canadian Constitution is entitled distribution of legislative powers. It divides all legislative authority between the federal and provincial legislatures. Section 91 enumerates the federal powers in 28 sections. Section 24 is legislative powers and responsibilities with regard to Indians and lands reserved for Indians.

● (1315)

In addition to the 28 classes of federal power enumerated, it provides that the federal Parliament shall "make laws for the Peace, Order and Good Government of Canada". This has been taken to mean that Parliament may legislate in regard to additional matters that have a national or interprovincial dimension.

The powers of the legislatures of the provinces are enumerated in section 92. There are some 16 classes of provincial powers enumerated. It is stated, both in the concluding part of section 91 on federal powers and in section 92, that the province may legislate "generally in all matters of a merely local or private nature".

Thus, the list of legislative powers are exhausted between the federal and provincial legislatures.

That is not merely my position but the position of justices of the Supreme Court of Canada, such as Willard Estey and William McIntyre; former British Columbia judge, Michael Goldie; Senator Beaudoin; and even Alex Macdonald, the former NDP attorney-general of British Columbia.

There is a way to establish enhanced self-government that is compatible with our Constitution for those aboriginals who desire it. That is the model pioneered at Sechelt. Odd as it may seem, I believe my old nemesis, the Conservative government in 1986, got the Sechelt local government legislation right. It was right to refuse to base local government upon what the Liberal Party then and now call the "inherent right of self-government".

Indeed, the PC Party position of last fall prior to the merger was right on the issue of Westbank. The PC position was that the Charter of Rights and Freedoms must apply to any local government, that it must be a delegated form of local government, as all local government is in Canada, and, in keeping with our division of powers between the federal and provincial governments, that no third order of government be created.

The Tories got it right and, believe it or not, I am happy to acknowledge it.

We must never lose sight of the constitutional framework bequeathed by the Fathers of Confederation. We must also respect the actual nature of aboriginal communities and their needs. Are we merely empowering a few at the expense of the many with this agreement and agreements such as this?

Aboriginal communities are seldom more than a few hundred people and all are almost always made up of a number of extended families as might be expected. The individuals in these communities are struggling. More than $10 billion is being spent on them by the federal government but these struggling individuals seldom, if ever, get the helping hand they need.

The dirty little secret that we all know but hesitate to say is that much of the $10 billion is eaten up by the chiefs, the councils and their hangers-on, lawyers and consultants. That the chief of a band of a few hundred souls should receive more money than the Prime Minister of Canada is reprehensible and particularly so when their community is wanting. More often than not, the chief and his family control the council and its spending. This bill may well make that situation worse.

What individual Indians want and I believe need are the tools that the rest of us take for granted. Parliament cannot guarantee good local government but we can and should give individual Indians the tools to hold their local government accountable.

The Indians who have spoken to me in the past weeks, and many have been Indian women, believe they have no way to challenge and hold their chief to account. They believe the bill will make matters worse for them. These concerned individuals who have called me are no more interested in collective ownership than medieval peasants were before land reform in Europe a few short centuries ago. They cry out for a government that is transparent and accountable to them. Instead, we here in the House seem intent on throwing them to the wolves.

As members of Parliament we are obliged to deal with three fundamental problems in the bill.

First, Westbank residents, both aboriginal and non-aboriginal, would lose the protection of the Charter of Rights and Freedoms and the Canadian Human Rights Act.

Second, the bill recognizes and establishes a third order of government based on the inherent right that is incompatible with Canada's constitutional framework.

Third, the bill would eliminate any accountability for the millions of federal tax dollars that the bill requires to be paid to the Westbank government annually.

● (1320)

In addition, the bill does not establish mechanisms to ensure fairness, equity, openness and transparency at the local level, tools that are necessary to empower local residents.

Lastly, the bill would prohibit the 7,500 non-aboriginal Westbank residents from voting or otherwise participating in those aspects of Westbank government that will affect them.

The results of the recent referendum at Westbank suggests that many residents have concerns. I believe those Westbank members want a measure of self-government, but self-government that is subject to federal and provincial law. The alternative scares them, being subject to the rule of local band leaders implementing their own laws before their own tribunals. Opponents of the Westbank agreement say the agreement strips them of basic rights and protections.

Self-government must fit within our Constitution so that the aboriginal people can rest assured that they retain their rights as Canadians and Canada's ongoing unity may be assured.

● (1325)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, there was a lot there that would allow us to have a very interesting debate in the time remaining.

First, I do not understand the premise that this would alter the Canadian Constitution or the Charter of Rights and Freedoms. After Meech Lake and the Charlottetown accord, people know how difficult it is to change the Constitution. A lot of people would like to make it easier to change but one does not just change the Constitution.

The other reference I do not understand, which all parties have made numerous times, concerns the Charter of Rights and Freedoms. The fact is that the charter has applied and will continue to apply equally to those on the Westbank reserve and all across Canada. I do not understand their argument on that and I would like some clarification so I can debate it.

Mr. John Cummins: Mr. Speaker, I appreciate the question because it gives me a chance to clarify that issue, and I know it is a contentious issue.

As I stated in my address, section 91 of the Constitution provides the federal government with certain powers and included in those powers is the right to establish some laws governing Indians. Section 92 contains the rights and obligations of the provincial legislatures. Between the two sections, section 91 and section 92, they contain all the legislative authority in Canada. The provincial governments delegate authority to municipal governments. That is a delegated form of government and it is the type of government that I would suggest should be in place for natives.

What government is saying with this policy of inherent right to self-government is that sections 91 and 92 should be ignored and that the authority for this inherent right of self-government flows from section 35 of the Constitution which recognizes inherent aboriginal rights.

Therein lies the nub, because if the authority to self-government flows from section 35, then section 35 is subject to section 25 of the charter, which in fact states that native and aboriginal rights are not subject to the charter. Therefore it acts then as a shield to protect any actions of a native government because its powers and its rights flow from section 35.

Quite simply, the power of a native government to operate flows from section 35. When that happens, that triggers section 25 of the Charter of Rights and Freedoms, which is there to protect inherent aboriginal rights. In fact, then it will shield the actions of an aboriginal government from challenges by the charter and the Canadian Human Rights Act.

What is written in the agreement means nothing. What is interesting is that the lawyer for the Indians, in a document that was prepared in response to one that I had prepared, suggested the same.

Hon. Larry Bagnell: Mr. Speaker, section 35 does not trigger section 25. Section 25 applies all across the country. It applies now; nothing changes. The Westbank agreement does not change anything. If there were a problem it would still be there, but there is no problem. Section 25 does not make people immune to the charter. The charter has to be sensitive to certain aboriginal rights.

The member mentioned in his speech that we have to go back to the act of Confederation of 1867 as a base. If we are to go back in history, then what does the member have to say about the royal proclamation of 1763 and the rights that came under it? Do we have to go back to that type of governance? What about before the royal proclamation when there were first nation governments on this continent for thousands of years and quite successful governments from their perspective? What about going back that far?

I do not think we can go back to an arbitrary point in time and say we have to have the number of governments that were specified at that time. Lawyers have already said that this does not create another level of government anyway.

● (1330)

Mr. John Cummins: Mr. Speaker, I am not quite sure what the member meant. I am not going back in time when I say there are two orders of government. That is in our Constitution. That is how this country is ruled. As a member of the House he should understand that.

What I am saying quite clearly is that a delegated form of governance that should apply to aboriginals could flow from class 24 of section 91 of the Constitution which gives the federal government responsibility for natives and their lands. That delegated form of government could flow from there as municipal government flows from the provinces.

What the government is saying is that the right for aboriginal government does not flow from either section 91 or section 92, but it is an inherent aboriginal right flowing from section 35 of the Constitution. Section 35 recognizes the existing aboriginal treaty rights of the aboriginal people of Canada.

The right flows from there, and then we go back to section 25. I think the member used the words in referring to section 25 that it should be sensitive to the aboriginal rights recognized in section 35 but that is not the wording here. It is not to be sensitive to, section 25 states:

> The guarantee in this charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada, including—

It then goes on to list them. This is a direct cover, a shield. It triggers the application of the charter to protect aboriginals and their rights from any intrusion by the charter. Section 25 acts as a shield to protect native rights from any intrusion by the charter.

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, reference was made to voting at the band level and the ratification process. I have a comment which I am sure will invite a response from my colleague.

The Westbank is no different from other democracies from the standpoint that the band council in this case has to balance some competing interests. It is obvious, but I will state it anyway, that a very identifiable group in opposition to this agreement at the band level consists of people who think that Westbank should be sovereign. That is certainly much more than I or this Parliament would probably be willing to accept.

There is identifiable opposition who believe that the Westbank First Nation should remain under the Indian Act because they are concerned about losing those apron strings. There is another identifiable group who oppose this and are all over the map.

From the standpoint of ratification and divisions within the Westbank First Nation, they are no different in respect to this initiative than they would be in any other community on any other initiative. That is what democracy is all about.

● (1335)

Mr. John Cummins: Mr. Speaker, I am not quite certain of the point the hon. member was trying to make. I am not taking issue with the ratification of the process. I do not believe that I discussed it.

The member mentioned the issue of sovereignty. There are more than a dozen areas where the agreement suggests that where there is a conflict between Westbank laws and federal and provincial laws, the Westbank laws will prevail. That does put Westbank in the category of above and beyond the control or the authority of the federal government. More plainly put, the agreement declares that the Westbank government is an aboriginal right, and if the Westbank government operates on the basis of an aboriginal right, its actions will be shielded from charter challenges. It is as simple as that.

Mr. Ted White (North Vancouver, CPC): Mr. Speaker, that was a very interesting interchange which perhaps was at a more legalistic level than my speech will be.

I rise today to mention something that took place following our caucus meeting this past Wednesday. I attended a meeting with representatives of the Westbank band, all of whom I think have been in the public gallery listening to our speeches on the bill. I also had the pleasure of meeting with Chief Louie in the opposition lobby yesterday.

I mention this context because I want to put into perspective my opposition to the bill. The fact is there is not universal agreement that this is a good bill and those with opposing positions do have a right to speak in this place without name calling or getting too upset. I believe it is our duty as parliamentarians to ensure that opposing concerns are put into the record in this place.

My contact with the band members yesterday was very pleasant. We had an excellent discussion after the caucus meeting. There were many questions answered and there was no personal animosity whatsoever. There was a sharing of ideas, answering of questions. It was very healthy.

I attended because I needed some questions answered, but I also wanted to gauge their reaction to the opposing perspective that I had been expressing at earlier stages of the debate on the bill. In that respect, it is important to note that there was no hostility but rather what appeared to be a genuine interest in and respect for a difference of opinion.

The representatives even volunteered the information that there was far from unanimous support among band members themselves. That was just referred to by my colleague from Vancouver Island North. There were a variety of opinions among band members that did make it in some respects, from what I understand from the contact yesterday, a bit of a struggle to get the agreement through some stages and to pass the various votes along the way, but that those who have brought it this far truly believe in democracy and they consider it very healthy to engage in the type of debates that certainly took place at the band level. They have not been upset by the differences of opinion that have been expressed here.

I do congratulate them for that because I genuinely believe, as my colleagues have expressed, that this agreement will work well for the Westbank band. It is going to work well because of the very different attitude that we see expressed by this particular group of band leaders from that which we see in many other bands.

It is also a very different attitude from what we have seen in the House from some Liberal members and the NDP who have yelled insults across the House and words like "shame" at those of us who have been giving voice to concerns of others. Their attitude is so close-minded that it completely fails to recognize that a sizeable percentage of Westbank members have themselves for one reason or another expressed opposition.

Whether we consider that to be valid or not is another debate for another day but the fact is there was disagreement. It was not a 100% vote at every level for everything that is in the bill. It would be wrong for us to leave the public impression that therefore in the House there was 100% agreement on every aspect of the bill. I actually think it is a shame that some government members and the NDP have not seen fit to represent some of the concerns of band members who voted against the bill.

One of the concerns that we had explained to us yesterday by the band representatives was that some members were concerned about the allocation of land resources, in particular certificates of possession which we on off reserve lands do not have to worry about, but it is similar to getting title to a piece of property. There are always concerns on reserves surrounding these certificates of possession and the right to use a particular house or piece of land.

In my riding there are three aboriginal reserves. I receive expressions of concern weekly from band members who are worried about their right to pass on a house when a husband dies, if there is a divorce, or a disagreement with band leaders. This seems to be a constant worry and threat being held over the heads of band members certainly in the area where I live.

In the case of the Westbank, all of the evidence indicates that this agreement will work well. The attitude is that those at the top clearly favour democratic processes, wealth creation, private property rights and open governments; but as I also said, band members on reserves in my riding do not believe that this type of agreement would be helpful to them.

● (1340)

I received an e-mail yesterday confirming that my election lawn signs will once again appear on the lawn of a Squamish elder because of my support for their positions on issues of self-government. They have very real concerns with this type of self-government agreement.

In order for similar wealth creation and private property rights to exist on, for example, the Squamish reserve in my riding, band members tell me that there would first have to be a major change in attitude by the band chiefs, so that there could be truly democratic processes on the reserve.

As it stands, and again I say band members tell me, votes and meetings are stacked by the purchase of votes with alcoholic beverages, promises of home renovations or some other favour. Sometimes band members claim that they are not informed about meetings or that secret meetings take place to approve things which are later hoisted upon them. They wish they were part of a band system like the one found in Westbank but they are not. They are worried that any support I show for this type of agreement would automatically translate into support for a similar agreement for them.

I therefore owe it to them to express their concerns and to vote against the bill on the principles that they have expressed to me.

On another issue, the lawyer for the Westbank band, who was at the meeting yesterday, acknowledged, as my colleague from Delta—South Richmond said, that there are differing legal opinions as to the application of the Charter of Rights and Freedoms, despite what the minister says. He stood up a few minutes ago and said that lawyers say that there is no problem here. Some lawyers say that there is no problem while plenty of other lawyers say there is.

I believe we will have decades of litigation as a result of this agreement. In fact, it is my understanding that a legal challenge is already underway.

We also do not know where this will lead because of the way laws apply on reserves. For example, there was a front page article in the *National Post* yesterday labelled "Get Your MRI on a Native Reserve". The story told of a Saskatchewan band that is planning to offer for profit medical services on reserve because the Canada Health Act, it claims, does not apply to those on a reserve.

In that respect, I am surprised that the NDP members, who constantly harp to the Liberal government on allowing for profit medical services to be run by corporations, are not attacking a Saskatchewan Indian band for wanting to do the same thing. Perhaps it is part of their way of being close-minded about differences of opinion on bands and they never see anything wrong with anything that is done on an Indian reserve.

However it is because of the unpredictable nature of the way that laws apply on and off reserve that leads us to the possibility of decades of litigation on this particular bill. This could have been avoided, at least in part, or reduced significantly if we had adopted the amendment proposed by my colleague from Delta—South Richmond and which, unfortunately, did not pass in the House.

Also at the meeting yesterday I asked a band representative whether consideration had been given to a model of land ownership along the fee simple basis, similar to what we have off reserve where we actually own our land and register with a land titles office and then amalgamate with the existing municipalities.

The answer given was that the band members on balance wanted to protect their culture. I respect that decision, but doubt still remains behind the scenes whether this idea really was dismissed because it is about the dissolution of an existing bureaucracy within the band and amalgamation with another bureaucracy.

I hear those types of discussions in my own riding where there are three municipal councils, the North Vancouver district, the North Vancouver city and the West Vancouver council. There really is no reason for having three different councils on the north shore of Vancouver. We could probably operate very well with one.

Every now and again we get the suggestion that maybe there should be an amalgamation, that it would save costs and that it would be simpler just to have one council to deal with all the issues. Then, of course, these special interest groups, being the council members themselves, argue against it and prevent it from ever going to a public vote. This is just human nature. I do not mean it in an unkind way, but I do believe that this type of power situation always goes on in the background.

One of the band representatives did admit at our meeting that race based law is a reality in Canada. That is my final reason for continuing to oppose this bill on behalf of my constituents, both native and non-native, I would say.

● (1345)

With three reserves in my riding, there is strong opposition to government based on race or ethnic background. The overwhelming position is that everyone should be treated equally as Canadians, subject to the same laws and opportunities with no distinctions based on race.

Many of my constituents believe that this self-government approach is badly flawed, is akin to apartheid and is completely unacceptable in a civilized country in the year 2004. They also believe that our aboriginal neighbours in North Vancouver would have a much better life and a far better standard of living if they were set free from the shackles of the Indian Act and the threat of self-government.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I do not know where to start as there were a lot of areas. The first thing I mentioned this morning in my opening remarks was that if there was any opposition, I was hoping to get it in on the record today so we could debate it.

As the member mentioned and as I mentioned earlier, as we have moved along there has been more and more agreement. As people begin to understand the various clauses, which makes the agreement more binding, and their benefits, they come on side.

The concerns people had about meetings and having their say, this particular agreement with this 99 page constitution, as was mention by another member this morning who went into all the details about transparency and accountability, gives much more accountability, transparency and assurance that the people living on reserve will have their say and that things will go in an orderly fashion, not that I have heard any complaints to date anyway, but they will be even more regulated in that respect because of a constitution that is excessively detailed.

With regard to the many legal challenges, perhaps the member could outline what might be a legal challenge, because of course there have been all sorts of lawyers working on this. I believe there are 17 self-government agreements in the country already. Some of them are constitutionally protected and there have been no challenges to those. I do not think it will take years of wrangling if the only question is on health care, because that could be answered in five minutes by a lawyer. Health care is not one of the powers in this agreement, although it is in other land claim self-government agreements.

This may perhaps get the member more worried but section 222 contains a list of items that we may look for in future negotiations and the powers in which they could become involved. One of those is section 8, which mentions health, in addition to what is provided for in respect of traditional aboriginal medicine in this agreement.

Why would people be opposed to giving a certain group of people, whoever they are, the ability to regulate their own language, culture and all these things in their area when the majority of the surrounding governments agree, the municipalities, the province of British Columbia and all the adjacent people?

The member is correct, and I said it earlier, there are people who disagree, both on and off the reserve, but it is certainly not anywhere near a majority. Perhaps he could follow up on some of those areas.

● (1350)

Mr. Ted White: Mr. Speaker, I could probably make the same comment that the minister did, which is that it is little hard to know where to start here.

I guess I could start by saying that we should look at the government's structure. At the meeting yesterday with the band representatives I asked why we were not allowing non-aboriginals to run for council because that really would be democracy.

I will compare that to a situation in my own riding, an example that has been mentioned to me by more than one constituent on more than one occasion. Let us imagine a situation where a Squamish Band member or a Burrard Band member arrived on voting day for the voting of the municipality of North Vancouver and was told that he or she could not vote because he or she was a native Indian and had no right to vote at the polling station. If we turn the tables it looks pretty ugly.

This is the type of situation that concerns people in my riding, both native and non-native, that it separates us based on race and that it is not a healthy situation.

As I have already said, I believe the agreement will work for the Westbank Band as long as there is that goodwill that is there right now. It relies entirely on the goodwill of the people who are running the council. It would be very difficult for Westbank to turn back the clock at this stage. There is a culture there of wealth creation, entrepreneurship, and it is really improving things for everyone.

However that is not the case in other parts of the country, which is one of the reasons I expressed that I was opposed to this on behalf of my constituents and on behalf of other Canadians. This is much more far-reaching than just an approval by the council for Kelowna or the people who live in the immediate area who at the moment see no problems. This is a much more wide-ranging consideration when we think of the implications if the goodwill was not there and we apply the same agreement to some other band council somewhere else in the country.

One thing I did not mention in my speech earlier but mentioned during an earlier stage of debate on the bill was on the first page of the agreement itself. It states that the regulations created by this council will not be subject to scrutiny.

As a member who sits on the Joint Standing Committee on Scrutiny of Regulations, this really bothers me. One of the things we have found in the Joint Standing Committee on Scrutiny of Regulations is that government departments often make mistakes and errors when they create regulations. Sometimes they create illegal situations and sometimes they improperly take money from people. It is a very healthy situation to have someone scrutinizing these regulations, pointing out the problems and getting them fixed.

It is very worrisome when we have a situation where we are going to have regulations that are concealed from scrutiny. In British Columbia, where we have more aboriginal bands than anywhere else in the country, if they all had this type of agreement and they could all have regulations not subject to scrutiny, no one would know what law applied where. Going from Westbank into a part of North Vancouver there would be no consistency.

For me that is troublesome. It is something that probably no one else thinks too much about. I mentioned it because I am on that committee. Maybe the minister could think about the things that I have brought forward in my response to his question; namely, race based government and the implications that it has for all of Canada, and secondly, the scrutiny of regulations.

● (1355)

Hon. Larry Bagnell: Mr. Speaker, I would be happy to reply to all of those concerns. First, on scrutiny, the member is right. It is a good system. We have our laws and we have scrutiny of regulations for them. There is nothing to say that the Westbank First Nation might not develop that system for its laws. Maybe some provinces would for their laws. So there is no problem with having a second look at regulations.

Another point was, why not allow non-aboriginals to run for council? Yesterday we presented the Tlicho self-government agreement, a very creative agreement, and under that agreement, non-aboriginals are allowed to run for community governments. The member voted against that agreement.

Mr. Leon Benoit: Why the inconsistency?

Hon. Larry Bagnell: I will answer that question in a second, but I want to answer the member's question first. He was talking about more protection in this agreement. The non-aboriginals now have no protection except through the advisory council. This agreement gives them protection. Not only does it give them protection, it is not arbitrary, like he is suggesting it will be in the future. It is not just goodwill; they have this 99-page constitution they will have to follow. They have the agreement, which is a law, and it can be challenged in the courts.

Finally, related to race based issues, the Constitution allows for affirmative action. The member asked for equality. There is inequality in Canada. There are two groups of people. There is one that has more poverty, more death in childbirth, more dropouts and more substance abuse. That is what these types of agreements are made to change so that there is equality in Canada.

Mr. Ted White: Mr. Speaker, how easily the minister cast aside the concern about scrutiny of regulations simply by saying "we can think about it and maybe we will incorporate it at some point".

Then he cast aside the concern about the inability to run for council by talking about a completely different agreement. What use was that to the debate?

Then he talked about challenging in the courts if goodwill disappears and suddenly someone is wronged, but these things cannot be challenged in the courts without a huge amount of money. The situation that is being fought in the courts by my colleague from Delta—South Richmond regarding the aboriginal fishing rights took 8, 9 or 10 years and half a million dollars. The average person cannot fight that sort of thing. It is completely impossible.

The minister has not adequately responded to these things. It is a shame that time is up.

STATEMENTS BY MEMBERS

[*English*]

MIGRATORY BIRDS

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, it being Earth Day today, this statement is devoted to migratory birds.

In February 2002, the Sierra Legal Defence Fund, on behalf of eight environmental groups, claimed that the Government of Canada was failing to enforce the Migratory Birds Convention Act, thereby allowing the estimated destruction of 45,000 migratory birds and nests in the year 2001 alone.

In March of this year, a full investigation of the complaint relating to clear-cut logging operations causing nest destruction was ordered by the NAFTA North American Commission for Environmental Cooperation, based in Montreal.

Given that 21 species are already listed as species at risk in the Ontario boreal forest, I urge the Minister of the Environment to ensure that the Migratory Birds Convention Act is enforced by the Canadian Wildlife Service.

BILL C-250

Mr. Leon Benoit (Lakeland, CPC): Mr. Speaker, Bill C-250 is currently before the Senate. This bill raises serious concerns about freedom of expression and religion. That is why I and most of my colleagues have voted against it at every opportunity. It is also why I continue to work very hard to try to prevent this bill from passing in the Senate.

There is no question that we reject completely hatred directed at any group, but under Bill C-250, religious leaders and organizations could be committing an offence simply by discussing essential matters of their faith with their congregations. Those who teach children in faith-based schools could also be censored.

The fact is that Bill C-250 does not protect secular professional, educational and academic opinions and speech. I am committed to protecting freedom of speech and freedom of religion, even if these Liberals are not, and I am committed to representing my constituents on issues which are important to them.

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● (1400)

INSURANCE INDUSTRY

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, we can now add churches, sea cadets and scrapyards to the growing list of those having trouble with insurance of one kind or another. Insurance has become a serious problem for the Anglican Church. Sea cadets may lose their boats because of insurance costs. Scrapyards may be unable to perform their valuable recycling functions.

Although auto insurance often receives attention, problems with the industry do not end there. The availability, adequacy of coverage and choice of insurance of all sorts are a problem in all provinces and territories for all Canadians. Realtors, owners of small and large businesses, school bus operators, school boards, farmers, arena operators, homeowners and many others are on the same list as the Anglican Church and those who drive cars.

I have been asking for a national inquiry for a year now. Insurance is largely in the provincial domain, but when a problem is truly national, only the federal government can deal with it quickly and effectively.

I urge the government to launch a fair and open national inquiry into insurance now. This can only benefit the industry and Canadians.

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[*Translation*]

HAITI

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, it is my great pleasure to pay tribute today to all our Canadian soldiers posted abroad, particularly those who are currently in Haiti.

I recently was in that country with the Organisation internationale de la Francophonie and I was able to see the daily work of the entire team and, in particular, the extremely beneficial impact of their presence. Economic activity has resumed in the streets of Port-au-Prince. Children have gone back to school because the multinational forces of Operation Halo have secured the peace so vital to getting the country back on its feet.

I would like to take this opportunity to give a special thanks to Lieutenant-Colonel J. P. Davis, Commanding Officer of Operation Halo. I also want to thank Captain Brian J. Wright, Staff Officer, Major Brian Hervé, National Support Element Commanding Officer, and Captain Antoine Tardif of J5 Information Operations, all from Task Force Haiti, for their patience and cooperation.

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[*English*]

MULTIPLE SCLEROSIS

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, this past weekend many people in my riding of Cambridge took part in the annual Walk for MS to help find a cure for multiple sclerosis.

MS is the most common neurological disease affecting young adults in Canada, yet scientists and researchers do not know what causes MS.

The annual cost of MS to Canada is $1 billion. Last year the society raised close to $19 million. This money helps fund a wide range of support services to help persons with MS manage and cope, to discover better treatments, and to move more quickly to finding a cure.

The Cambridge unit of the Multiple Sclerosis Society of Canada has been incredibly successful in past years, and last weekend's Walk for MS was no exception. I wish to congratulate all the local volunteers, participants and supporters on a very successful but wet Walk for MS event.

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MINING INDUSTRY

Mr. Andy Burton (Skeena, CPC): Mr. Speaker, last week I attended the Minerals North Mining Conference in Smithers, B.C. Highlighted was the mining industry's interest in the northwest.

This year, mineral exploration expenditures in B.C. should exceed $100 million, four times the $22 million of a few years ago. New mines in the northwest should be developed over time, including: the Red Chris Copper Project; Galore Creek Copper and Gold; Klappan Anthracite Coal; Kemess North Copper and Gold; and the Tulsequah Chief. Operating mines include the fabulous Eskay Creek gold and silver property, the Huckleberry and Kemess Copper Mines, and the Endako Molybdenum Mine. All of this is in the northwest.

I am excited about these opportunities and encourage both levels of government to cut the red tape. I believe that we must encourage development of our mineral resources to create new jobs and opportunities for Canadians.

Projects that create wealth pay for essential services like health care and education. B.C.'s mining industry has contributed and does contribute to our economy in a major way.

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[*Translation*]

THE ENVIRONMENT

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, Earth Day was celebrated for the first time in 1970 and today, 184 countries are participating in this day dedicated to the environment. Quebec is no exception.

This morning, in my riding of Rosemont—Petite-Patrie, I participated in an activity where more than 1,000 primary school children took to the streets to demonstrate their desire to respect the Earth.

Respect for the Earth is shown in many ways, including limiting greenhouse gases. In Canada, because of lax Canadian policy, greenhouse gases increased by 20% between 1990 and 2000, except in Quebec. During that same period, Quebec's efforts held its increase in emissions to 4.4%

The federal plan on climate change proposes investments to reduce greenhouse gases by using a sectoral approach. I want to remind hon. members that the Bloc Quebecois has always favoured a territorial model for implementing the Kyoto objectives.

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● (1405)

RAI INTERNATIONAL

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I would like to reaffirm my support for Canadians of Italian heritage who are calling for access to Italian digital television. RAI International is already available in 238 countries.

In September 2003, I wrote the CRTC on this. Since then, the member for Saint-Léonard—Saint-Michel, myself and several of our Liberal colleagues have expressed our support in this House for RAI International's application to the CRTC. We are totally justified in this and I hope, for the sake of Canadians of Italian origin throughout Canada, that the CRTC will give a favourable response to them and to RAI International, whose application is supported by a petition containing more than 106,000 signatures as well as over 330 letters.

[*English*]

THE DALAI LAMA

Mr. Rob Anders (Calgary West, CPC): Mr. Speaker, it is my humble honour today to welcome to Ottawa His Holiness the 14th Dalai Lama.

The Dalai Lama is a Nobel Peace Prize winner and a relentless campaigner for freedom and human dignity. He has led the non-violent struggle against the occupation of Tibet for decades, against all odds. In exile, His Holiness has successfully led his people in the field of education and the preservation of their ancient and unique Tibetan culture.

I hope that all Canadians will embrace the peaceful spirit of his visit and that it will bring attention to the human rights situation in Tibet.

Canada has an historic opportunity to help launch negotiations between representatives of the Dalai Lama in China to broker a peaceful solution in Tibet. One hundred and sixty-two parliamentarians have called on the Prime Minister to act as an honest broker. It is time for the Prime Minister to stand up to the plate of moral leadership and do what is right.

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TRANSPARENCY INTERNATIONAL

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, I would like to present to the House the following facts as stated by Transparency International, which has proven that Canada is one of the least corrupt countries in the world, in order to respond to the continuous allegations of corruption raised by the opposition on a daily basis, which are completely unacceptable.

Transparency International's *Corruption Perceptions Index* charts levels of corruption in the public sector and politics as perceived by business people, academics and risk analysis.

We note that it is not only in poor countries where corruption thrives. Levels of corruption are also worryingly high in some European countries, such as Greece and Italy, and in oil rich countries such as Nigeria, Angola, Azerbaijan, Libya and Venezuela.

Transparency International ranked 133 countries in 2003. Canada ranked 11th, indicating very low levels of perceived corruption. It may be of interest to know that the U.K. ranked 13th and the U.S. 19th.

It is time the Conservative-Alliance stated the facts and stopped the rhetoric.

EARTH DAY

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, today is Earth Day, a day to recognize the importance of the environment to all who share this planet. What began as a small grassroots celebration some 34 years ago is now recognized in more than 100 countries and by hundreds of millions of people.

Canada first officially recognized Earth Day in 1990. Since then, largely through the efforts and leadership of a number of environmental groups and activists as well as labour organizations, such as the Canadian Labour Congress, and Canada's first nations, some important progress has been made on environmental issues. Regrettably, there is still much work to do, and the government has much to learn from those efforts.

Finally, on Earth Day, I invite all to celebrate the importance of the steps, small and large, we can all make to create a sustainable future.

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[*Translation*]

THE DALAI LAMA

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, today in Parliament we welcome a Nobel Peace Prize winner, respected spiritual leader and figurehead of the pacifist movement, His Holiness, the Dalai Lama. The Bloc Quebecois welcomes him with pride and great joy.

As head of the government in exile of Tibet, a territory invaded and annexed by the People's Republic of China in 1950, the Dalai Lama is seeking a negotiated solution with Beijing. This is no easy task, since the Chinese authorities have been engaged, since the invasion of Tibet, in heavy-handed repression coupled with an active policy of colonization or Chinafication of the territory.

Nevertheless, the Dalai Lama constitutes the very incarnation of Buddha for his people and thousands of the faithful throughout the world.

My colleagues of the Bloc Quebecois join with me in greeting him and thanking him for his smiles, and the hope and serenity he exudes everywhere he goes. Our thoughts go with him in his quest for the independence of his people and his country.

* * *

● (1410)

[*English*]

CHRONIC FATIGUE SYNDROME

Mr. Rodger Cuzner (Bras d'Or—Cape Breton, Lib.): Mr. Speaker, chronic fatigue syndrome is a debilitating disorder characterized by profound fatigue that is not improved by bed rest and may be worsened by physical activity.

People with CFS can be so tired that they do not have the energy to get out of bed for more than a few hours a day. In addition to fatigue, sufferers report various non-specific symptoms, including weakness, muscle pain, impaired memory and concentration and insomnia. In some cases, CFS can persist for years.

The cause of CFS has not been identified and no specific diagnostic tests or cure are available. Over time it can cause injury to the brain, the immune system and muscles of the people who suffer from it.

Canadians who suffer from CFS often feel overlooked as there is no treatment or cure for their condition. I feel it is important to raise awareness of this debilitating disease so we can one day find an effective way to treat CFS and allow its suffers to enjoy a normal and active life.

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EARTH DAY

Mr. Bob Mills (Red Deer, CPC): Mr. Speaker, it is my pleasure to rise today to mark Earth Day.

I would like to use this opportunity to outline the Conservative Party ideas for a cleaner, healthier environment. It stands in contrast to the Liberal government's policy, whose only recent House initiative is to remove a portion of a treasured national park for a housing project.

Central to our policy is the understanding that scientific development, technological innovation and economic growth are essential for a cleaner, healthier and safer environment.

Environmental policy must be practical. It must balance competing social interests. It must minimize, harmonize and rationalize the overlapping laws and jurisdictions. It must recognize that provincial and territorial governments must play a role in federal environmental policy.

Canadians deserve cleaner air, land and water. They deserve a Conservative government which will help deliver it.

* * *

EARTH DAY

Mr. Raymond Simard (Saint Boniface, Lib.): Mr. Speaker, today is Earth Day, a day on which we as Canadians should reflect on our ability to be custodians of the earth's vital natural resources. I want to highlight one particular resource today, which is water.

As members well know, water is essential to life and to the health of humans and ecosystems. Canada has 7% of the world's supply of renewable fresh water. This provides us with both tremendous opportunity and the responsibility to be careful stewards. The responsibility extends beyond our borders. Globally, more than a billion people lack access to safe drinking water and more than two billion lack adequate sanitation. Canada is honouring its commitment to work with our international partners to cut those numbers in half by 2015.

At home, the government is leading in participating in a range of initiatives to improve water quality for Canadians and the natural environment. The federal government will continue to work closely with our partners in the provinces and territories to ensure that Canadians have clean, safe and secure water.

Oral Questions

GOVERNMENT OF CANADA

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, CPC): Mr. Speaker, a constituent asked me recently why I spend so much time criticizing the Liberals and their long list of scandals. The answer is, the money wasted could have gone a long way.

The $2 billion wasted on the gun registry could have gone a long way to reducing health care waiting lists.

The $1 billion HRDC boondoggle money could have gone a long way to helping people suffering with arthritis, Parkinson's, leukemia or countless other illnesses to receive the treatment they need.

The $250 million wasted on sponsorship scandal could have gone a long way to meeting the health care accord commitment to provide all Canadians with access to catastrophic prescription drug coverage.

Liberal scandals are not just about wasted money. They represent lost opportunities to help those in need to get the help that they really need. That is why these scandals matter. Every dollar wasted is another reason for Canadians to abandon the Liberal Party and vote for better government with the new Conservative Party.

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HOMELESSNESS

Hon. Sue Barnes (London West, Lib.): Mr. Speaker, Canada's homeless population is diverse and includes single men and women, youth and families with children. Research has shown that many women who are homeless have fled abusive relationships.

The government has undertaken a number of initiatives to help these women and other homeless persons. In 1999 the government launched the national homelessness initiative to help communities reduce and alleviate homelessness.

Two examples in London, Ontario that help show the need of people and how we are trying to help are the funding of the At^lohsa Native Family Healing Services to establish a six bed transitional shelter for aboriginal women and five bed emergency shelter for aboriginal individuals and also funding for mission services to provide increased services, including additional beds and linens.

Over 790 organizations across Canada have or are receiving now project funding to improve and develop new support services for homeless people. The government is proud of this partnership role in the fight against homelessness.

ORAL QUESTION PERIOD

● (1415)

[*English*]

FOREIGN AFFAIRS

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, today I had the honour, along with other leaders of the opposition, to meet with His Holiness, the Dalai Lama. We discussed a variety of topics, not just spiritual matters, but also political and human rights concerns in Tibet and China. The Prime Minister is instead meeting behind the cloaks of religious leaders and discussing only a limited agenda with the Dalai Lama.

Why has the Prime Minister allowed China to dictate the terms of his own conversations with the Dalai Lama?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, as the Prime Minister of Canada, I will decide whom I will meet with and whom I will not meet with. I will decide where I will meet with them, and I will also decide the subjects that I want to address with them.

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, presumably he would do that on behalf of Canadians who want all these things discussed with the Dalai Lama.

This is a pattern: David Herle in Earnscliffe making announcements about our relationship with the United States; Jean Lapierre dictating what our relationship with Quebec should be; and now we have China dictating our relationship and conversations with Tibet.

Is the Prime Minister capable of making these decisions on his own without a focus group?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I would simply point out that I will be the first Canadian Prime Minister to meet with the Dalai Lama. I would ask the hon. member, who is a member of the Conservative Party, what advice he gave previous Tory prime ministers, Mr. Clark and Mr. Mulroney? Did he suggest to them that they meet with the Dalai Lama? Because if he did, they did not take his advice.

* * *

SPONSORSHIP PROGRAM

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, I am glad to know today I am a Progressive Conservative. Apparently yesterday I was an Alliance, but it keeps changing over there.

Speaking about confusion, we read today that Jean Lapierre, the leader of the bloc-liberal, is saying that now is the time for the RCMP to lay charges in the sponsorship affair, that it would really help the Prime Minister's re-election chances in Quebec.

Does the Prime Minister agree that it would look just a little more than suspect for the RCMP to act on Mr. Lapierre's demands at this point in time?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I may have been a little confused as to the political party to which the Leader of the Opposition belongs or once belonged. He has belonged to so many political parties over his political career, but there is one thing on which he is actually right. He has never been a progressive Conservative.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Au contraire, Mr. Speaker, I think my new leader is very progressive and very honest, I might add.

Jean Lapierre, the Prime Minister's unelected, hand-picked lieutenant from Quebec, talk about a democratic deficit. In a recent interview Mr. Lapierre commented on everything from the election timing to ad scam to the laying of charges by the RCMP. By providing this type of commentary, he simultaneously politicizes and compromises an RCMP investigation that is ongoing.

With his proximity to the Prime Minister, does the Prime Minister condone this commentary?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I am sure the hon. member, of all people in this House, appreciates the fact that police investigations proceed in this country regardless of the personal opinions of anyone, including Mr. Lapierre.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): That is just it, Mr. Speaker, I do understand the seriousness. These types of statements by a key person seen to be the main spokesperson for the Prime Minister in Quebec about an ongoing police investigation are completely unacceptable. It is reminiscent of the same old Liberal Party approach, the machinations and manipulations that we have seen during Shawinigate, APEC, Airbus and now ad scam. This is more evidence for Canadians that there is not a shaft of daylight between this Prime Minister and his predecessor.

The Prime Minister has been appointing candidates. Maybe it is time he fired one. Will he do that?

● (1420)

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as I have indicated, and the hon. member is fully aware, police investigations in this country proceed without any reference to the personal opinions of anyone.

I also want to reassure everyone in the House that any decisions in relation to final prosecutions in these cases will be made by the attorney general of Quebec.

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[*Translation*]

TAXATION

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday, I asked the Prime Minister to demand that CSL International, a subsidiary of his family business, repay the $100 million it illegally avoided paying in taxes to Quebec and Canada. While the Bloc Quebecois is condemning the objectionable behaviour of the subsidiary, the Minister of Finance is talking about the head office.

Will the Prime Minister, who is no stranger to his family empire, have the decency to recognize that, in Barbados, the CSL International subsidiary is just a front, that all the decisions are made in Montreal and that, consequently, $100 million in taxes was not paid, thereby contravening the Income Tax Act?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, once again, the leader of the Bloc is misinterpreting the facts. The legislation that is involved here, Bill C-28, which is the genesis of his inquiry, has no connection whatsoever with CSL.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister of Finance is deliberately confusing the head office and the subsidiary. Furthermore, he is suffering from amnesia. Yesterday, he falsely claimed that, in terms of tax havens, all the bills introduced in the House by the current Prime Minister sought to eliminate loopholes.

So I ask the Prime Minister himself, who sponsored Bill C-28 in 1998, to tell the House what the purpose of that legislation was, other than to ensure that CSL International—I repeat that I am referring to CSL International, which is merely a front, and not CSL—is automatically considered an active business operating so as to avoid paying taxes?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, a senior official of the Department of Finance explained the situation in enormous detail before the standing committee of the House. There were questions a number of months ago from the Bloc along the same line.

The fact of the matter is that Bill C-28, the legislation in question here, deals with foreign corporations and has nothing to do with CSL.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, the Prime Minister maintains that he excused himself from cabinet each time decisions about shipping were being discussed.

If that is the case, how does the Prime Minister explain that, when Bill C-28—which deals with shipping companies, among others—was introduced, he was the one who sponsored it in the House?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, again, the bill in question deals with nothing whatsoever that could put the Minister of Finance in conflict with his responsibilities.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, here is yet another example of the fact that, each time he finds himself backed into a corner, the Prime Minister refuses to speak.

Will he admit that, when it comes to granting benefits to one of his companies, he does not hesitate to intervene directly and even make legislation retroactive for his own purposes?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the question is simply nonsense. There is no truth or basis whatever to the allegations.

The hon. gentleman is trying to draw connections between different companies that are entirely different and a piece of legislation that has absolutely nothing to do with CSL. That was described in detail by tax experts from the Department of Finance before the transport committee.

* * *

HUMAN RIGHTS

Hon. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the right hon. Prime Minister who I am glad is meeting with the Dalai Lama.

I hope that when he does meet with the Dalai Lama that perhaps the Dalai Lama could instruct the Prime Minister as to the difficulty of separating the spiritual and the political. Indeed, many of the best things about political life ought to be grounded in some sort of a spiritual view of the world.

Does the Prime Minister not think that it is difficult to separate the spiritual and the political? Would he not regard the whole question of human rights as having a spiritual dimension, and if so, will he be raising that with the Dalai Lama?

● (1425)

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I think that the comments in the preamble by the interim leader of the NDP are very much to the point.

I absolutely believe that human rights are a spiritual issue as well as others. I certainly have no difficulty raising the issue of human rights with anybody, anywhere, at any time.

Hon. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, having said that, could the Prime Minister tell us whether he intends to discuss with the Dalai Lama what can be done to get China to improve its human rights record, to treat Tibet with more respect, to negotiate autonomy within the Chinese state, and all the things that the Dalai Lama has talked about?

What would be so spiritually uninformed or inappropriate about talking about those kinds of things?

[*Translation*]

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I can assure the interim leader of the NDP that I intend to discuss a whole series of spiritual issues. The Dalai Lama himself declared that he was coming as a monk. These are subjects he wants to talk about.

That having been said—absolutely, the question of human rights must be brought up when one meets with any international leader, especially one with such broad influence as the Dalai Lama.

* * *

[*English*]

SPONSORSHIP PROGRAM

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, the Prime Minister's hand-picked Quebec lieutenant is trying to give political direction to the RCMP to lay criminal charges in the sponsorship scandal. By the Prime Minister's silence, the Prime Minister is allowing his political friend to direct and influence the RCMP criminal investigation.

The Prime Minister appointed Mr. Lapierre. Will he hold him accountable for his reprehensible action or is that what he expects of his political friends?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as I have said, the personal opinions of Mr. Lapierre or anyone else are totally irrelevant in relation to police investigations.

They would be totally irrelevant in relation to any decision as to whether prosecutions will be commenced and pursued in relation to any given case. That is going to be a decision that will be made by the Attorney General of Quebec.

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, the Prime Minister has slammed the public accounts committee for its work in investigating the funnelling of tax dollars into Liberal friendly ad firms.

Now, his Quebec lieutenant, in fact, his appointed person, is pushing the RCMP to lay criminal charges to ease political pressure on the Liberals in Quebec.

Why is the Prime Minister more interested in interfering with the investigation in the scandal than getting to the bottom of this mess?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, the hon. member is very aware that no one pushes the RCMP. Police investigations will be conducted in accordance with normal police procedures and the opinions of anyone, including Mr. Lapierre, are irrelevant to that.

However, I do believe it was a member of the official opposition, I believe it was the hon. member for St. Albert, who at one point, when asked, suggested that someone should go to jail. I leave those comments with you, Mr. Speaker.

Some hon. members: Oh, oh.

The Speaker: Order, order. I am sure there are many suggestions but we do not need to deal with those now. We are going to have a question from the hon. member for Okanagan—Coquihalla.

* * *

GOVERNMENT CONTRACTS

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, since 1993 the Earnscliffe Strategy Group has taken about $6 million from the Liberal government and $2 million when the Prime Minister was finance minister.

Since then, David Herle has gone on to stage manage the Prime Minister's leadership campaign. He is now the co-chair of the Liberal election campaign. He has been installed as chief pollster. Now, Mr. Herle makes formal policy announcements instead of the Prime Minister.

My question is, and Canadians want to know, who is running the government? Is it David Herle from the Prime Minister's Office, or is it the Prime Minister from Earnscliffe's office? Which one is it?

● (1430)

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, I do not know to what formal policy announcements the hon. member is referring.

The fact is that Mr. Herle is a very active member of the Liberal Party. There is no doubt about it. He is a knowledgeable political analyst.

However, I do not know to what great announcements the hon. member is referring.

FOREIGN AFFAIRS

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): I will help the Prime Minister, Mr. Speaker.

On April 11 Mr. Herle was on national television making an important foreign policy announcement about the government's plan to establish a new secretariat in Washington. The Prime Minister tried to recover from that five days later with great fanfare by announcing in a Toronto speech that this was going to happen.

This is a fair question. Who is running the government? Is it Mr. Herle from the Prime Minister's Office, or is it the Prime Minister from Earnscliffe's office, and if it is Mr. Herle, when can we expect the next announcement from him?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, let us talk about the quality of research on the Alliance Conservative side. The fact is that the suggestion for the secretariat came from the Liberal caucus about a year ago.

Subsequently, I talked about it in speeches during the leadership race and then it was in the Speech from the Throne. It has been actively debated.

I can understand that the hon. member might not have known what the Liberal caucus suggested. I can understand that he might not have followed all my speeches during the leadership race. However, I saw him; he was here for the Speech from the Throne. Surely to heaven he listened to something.

* * *

[*Translation*]

THE ARMENIAN PEOPLE

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, yesterday the House of Commons passed Motion M-380 recognizing the Armenian genocide of 1915 as a crime against humanity. But, despite that clear vote, the Minister of Foreign Affairs lost no time in declaring that the government's position would remain unchanged.

Will the Prime Minister tell us whether or not he agrees with the minister?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, we have great respect for the motions and statements made in this House. We take them very seriously.

However, Canada's foreign policy is a matter for the government, of course, and we have clearly said that our relations with Turkey, a NATO ally, remain the same as before.

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, how can the Prime Minister, who claims he wants to end the democratic deficit, say such a thing when he feels he is not obliged to respect a vote by the majority of members in this House?

In other words, through his minister, is the Prime Minister saying to the House, "Talk all you want; we will do what we please"?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Not at all, Mr. Speaker. Each one acts in his own field of competence. That is true.

Canada's foreign policy is our responsibility. We assume this responsibility as part of with all our responsibilities to our allies, and we will continue to do so seriously, while always respecting the will, the wishes and the opinions of the members of this House.

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SOFTWOOD LUMBER

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, on April 13, 2004, groups representing the softwood lumber industry, including the Quebec Forest Industry Council, wrote to the Minister of International Trade to share their concerns about Washington's draft agreement.

Can the minister, who plans to respond to the American offer by the end of the month, confirm that he will never accept a sellout agreement to appease the Bush administration at the expense of the forestry industry?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, it is true that we have had many discussions with the provinces, the industry, workers and producers in the softwood lumber sector. We will continue to pursue our plans in two ways; by continuing the negotiations and by continuing to press our case in the dispute. Our goal is to obtain free trade for softwood lumber.

● (1435)

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, the minister has confirmed that we have every reason to be worried. The last time the government wanted to respond to a U.S. draft agreement on softwood lumber, the industry had to mobilize to prevent its collapse.

Can the minister assure us that he will not use the election to negotiate a secret agreement on the backs of workers and the softwood lumber industry?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, I must say that this matter is of the highest importance to me. It takes all of my time and I will continue to work for Canadians on this issue.

* * *

[*English*]

GOVERNMENT CONTRACTS

Mr. Loyola Hearn (St. John's West, CPC): Mr. Speaker, in justifying awarding contracts to his friends, the Prime Minister explained how time was always a factor in his decisions. There was always a pressing need or a deadline which made it impossible to call proper tenders.

Why this pressing deadline for awarding a $160,000 contract to Earnscliffe to provide communication and strategic advice? Is it the election call, and if so, why is he using the public purse to pay for political propaganda?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, Health Canada uses the services of a number of suppliers of strategic communications services through standing offer contracts that are placed by Public Works and Government Services of Canada.

Public Works and Government Services of Canada respects the Treasury Board guidelines for doing so. The process is absolutely transparent and neither myself, as a minister, nor my office entered at all into the granting of those contracts.

Mr. Loyola Hearn (St. John's West, CPC): Mr. Speaker, remember that old song, *You Gotta Have Timing,* take-a take timing? They certainly have it down pat.

Some hon. members: More.

The Speaker: We are not having any singing in question period.

The hon. member for St. John's West has the floor to ask a question and we will hear the question.

Mr. Loyola Hearn: Mr. Speaker, they do not appreciate music.

Under a standing offer issued on March 29, 2004, Earnscliffe will be on call to provide Health Canada with advice and strategy on some of the most sensitive files on the political agenda.

Why is the Prime Minister contracting out this work when people in the department are being paid to do it?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, it is absolutely normal that Health Canada uses the best possible advice it can get across the land. This is why we organize workshops across the country as well. We need the private sector sometimes to organize some of these workshops and get some advice, the best possible strategic communications advice.

Earnscliffe is one of the four companies that we have on standing offer. This is not a decision made by the minister nor his office. The opposition knows that very well. The process is transparent and we respect it.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, the Prime Minister is quite proud of his relationship with the Ottawa lobbyist firm Earnscliffe. They made him Prime Minister and he repays them with taxpayer funded contracts.

Earnscliffe was just given $160,000 to advise the health department on reforming health care. Earnscliffe, however, is also contracted to do business with private firms promoting privatization of health care.

Why does the Prime Minister think that awarding contracts to his friends at Earnscliffe will promote the public interest when they are clearly working against the public good?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, we get the best possible strategic communications advice we can get. This was made by standing offer, organized by public works in a very transparent way.

I can tell the House that Earnscliffe has organized its way of working with a Chinese wall between its operations. It has been reviewed by the ethics counsellor. They do respect what the Supreme Court of Canada indicated in its 1998-99 annual report that they respect absolutely those guidelines. Therefore, the ethics counsellor approves that they can do both, advise on strategic communications and the other activities they have—

● (1440)

The Speaker: The hon. member for Edmonton—Strathcona.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, here are a few facts about the Prime Minister and Earnscliffe.

In the 1990s he rigged the finance department contracting procedure to benefit Earnscliffe. When he was fired from—

Some hon. members: Oh, oh.

The Speaker: The hon. member will not want to suggest there is any rigging going on. That is something done on sailing ships. He will stick to facts. If he is going to give a list as a preamble, he had better make sure it is all in order because I will not hear that kind of language.

Mr. Rahim Jaffer: Mr. Speaker, he arranged certain contracting procedures for Earnscliffe. When he was fired from cabinet, his successor as finance minister cancelled all those contracts with Earnscliffe.

Earnscliffe began work in earnest for his leadership campaign and then when he became Prime Minister the taps started opening up again to Earnscliffe.

How much money has flowed from the PMO to Earnscliffe since he has taken over?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, with respect to the hon. gentleman's preamble, once again he insists on misstating the facts.

The contractual arrangement with Earnscliffe preceded the existence of the government in 1993. There were two short term extensions of that contract while the Department of Public Works was arranging a new competitive process. When that process was finally available in the latter part of 1994, the contract was again fully competed and on a competitive basis Earnscliffe won the award.

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ETHANOL INDUSTRY

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, yesterday at Iogen Corporation here in Ottawa, the Prime Minister witnessed the launch of the first tanker truck full of cellulose ethanol fuel on its way to market.

Given that the government has invested $21 million in bringing this technology to this stage, is the government now prepared to act according to the Speech from the Throne and the budget and assist in the commercial expansion and development of cellulose ethanol?

Hon. R. John Efford (Minister of Natural Resources, Lib.): Mr. Speaker, the Government of Canada has been a long time supporter of innovative environmental technologies, such as clean-burning fuel.

In February the Government of Canada allocated $78 million to seven new ethanol plants across the country as round one with more to come in the near future.

Also, the Government of Canada reaffirmed its long time support to environmental technologies by announcing in budget 2004 a full $1 billion in additional funding for this area. Shell Oil's ethanol was named as one potential area of investment for this new program.

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HEALTH

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, the Prime Minister and the Liberals say that it is the Conservatives who want private, for profit health care. The reality is that the Prime Minister is setting the stage for private, for profit health services. This is verified by the Earnscliffe lobbyists standing at the Prime Minister's right hand, as well as the Liberals' hiring Earnscliffe to advise Health Canada.

Would the Prime Minister prove that he is different from the Conservatives and stand up and tell all Canadians that his government will not allow private, for profit health service delivery in Canada?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, the question went in all kinds of directions, so I will use this opportunity to absolutely confirm to the House the firm intention of our government to work very closely with the provinces. The Prime Minister has committed to meet the first ministers next summer, following the good work we will be doing in the next few weeks and months with the health ministers.

We will want to guarantee the five principles of the Canada Health Act. We will want to work cooperatively with the provinces for a long term plan for the long term sustainability of our health care.

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[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, the Minister of Human Resources recently said in the House that seasonal workers in the riding of Beauséjour—Petitcodiac will not be penalized for having banked hours for employment insurance benefits. His department assured me that the people in the riding of Acadie—Bathurst would be treated the same way, but it reversed its decision and is now asking them to pay.

Can the Minister of Human Resources commit to equal treatment for seasonal workers everywhere experiencing the same problem, and not just those in Liberal ridings?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, seasonal workers across Canada are experiencing this problem. My department and I, personally, are treating everyone the same way. We are dealing with the problem and we are trying to put all the department's resources into finding solutions for individuals, no matter where they work.

● (1445)

[*English*]

SPONSORSHIP PROGRAM

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, Canadians want some straight answers about who is responsible for spending sponsorship millions in a way the Auditor General found broke every rule in the book.

Today a mid-level bureaucrat, Chuck Guité, claimed the Liberals gave him leave to award millions upon millions as he alone saw fit. Are Canadians to believe that a lone bureaucrat was allowed to spend all that money with no political direction or oversight?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, as the hon. member knows, the public accounts committee is in the process of interviewing a whole range of witnesses on this important topic. I am sure that all members of the House, including the member, will look forward to the report of the public accounts committee commenting on his testimony, as well as other versions of what might have happened at what time during the last few years.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, I remind the Liberal government that the Auditor General uncovered such outrageous abuse of sponsorship spending that it triggered both a parliamentary and a judicial investigation, as well as multiple criminal investigations.

Canadians are being asked to swallow that all this can be laid at the door of a single bureaucrat who is pretty much a legend in his own mind. If the Liberals sat back while all this went on, why would anyone want them to run the country?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I am sure the hon. member is aware of the testimony this morning. I am sure she, along with her colleagues on the public accounts committee, will be paying very careful attention to this version of what might have happened compared to other people's versions of what happened, come to some conclusions, some findings and present them in a report to this House, which all members of the public accounts committee are encouraged to bring as soon as possible.

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, one of the things that became clear in this morning's testimony is that the secret Liberal unity fund laid the ground for the sponsorship debacle.

As finance minister and vice-chair of Treasury Board, the Prime Minister funded and had full knowledge of the unity honey pot and therefore he shares responsibility for the sponsorship scandal.

Why should Canadians trust the Prime Minister to clean up the sponsorship mess that he helped to create when he was the most powerful member of the Chrétien cabinet?

The Speaker: The hon. President of the Treasury Board.

Some hon. members: Oh, oh.

The Speaker: Everyone knows that the President of the Treasury Board is a very popular minister but we have to be able to hear his answer and if everybody is yelling and cheering for him, we cannot hear it. The hon. President of the Treasury Board has the floor.

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the question was why should Canadians trust this Prime Minister on this question. Simply because he has set up the most open, transparent process it is possible to have. Day by day the facts are coming out. As I have always said, the Prime Minister has nothing to fear from the truth.

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, that is quite a mouthful coming from the $13 million man who just caused $83 million to evaporate into thin air.

We found out today that three former Liberal ministers of public works had a casual relationship with the truth in disclaiming any knowledge of a relationship to Chuck Guité.

Given that it is clear from today's testimony that the sponsorship program was designed by and for the Liberal Party with political direction from the very highest levels, why should Canadians trust the government to clean up the mess that it created?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I am not sure to which testimony the hon. member is referring. The account that I heard of the testimony of Mr. Guité today said exactly the opposite, that there was no political direction in terms of the decisions he was making with respect to advertising firms.

* * *

[*Translation*]

OLDER WORKERS

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Mr. Speaker, after a press conference called by the Whirlpool workers and the Bloc Quebecois, Human Resources and Skills Development staff met with the workers. These workers have an unusual and original proposal for providing assistance to workers aged 55 to 65 who are about to lose their jobs.

Can the minister tell us whether he intends to give a favourable response to the Whirlpool workers who came here yesterday to denounce his neglect?

● (1450)

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, the only neglect that needs to be denounced made here is neglect of the truth. The truth is something the hon. member across the way has obviously never known.

The task force with which the meeting was held is going to produce a report, and when I get that report, I will reach my decision.

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Mr. Speaker, the Liberal member for Montmagny-L'Islet has had the proposal from the Whirlpool workers in hand since last fall and has done nothing about it. In reaction to Bloc Quebecois pressure, Human Resources and Skills Development staff finally met with them yesterday.

Does the minister at last plan to approve federal funding for this project before the plant closes on May 14?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, I want to stress that the hon. member is aware that my department and the Government of Canada are always there, prepared to help workers in what is obviously an unfortunate situation.

We are trying to put in place the programs required to resolve the problems and what are, I hope, temporary interruption of earnings for all those who are out of work.

* * *

[*English*]

LIBERAL PARTY OF CANADA

Mr. Ken Epp (Elk Island, CPC): Mr. Speaker, the Prime Minister is making a mockery of democracy. There is nothing democratic about appointing candidates in ridings and not allowing the people to choose.

In Edmonton East a favourite Liberal is in the process of being anointed and others are not even being allowed to compete. In Burnaby—Douglas the chosen Liberal poster boy is fast tracked while Canadians of Chinese origin are given the heave-ho.

How does the Prime Minister square these actions with his throne speech—

The Speaker: I think the hon. member for Elk Island knows that questions in question period must concern the responsibilities of the government. The appointment of candidates is a party matter and I need not remind him of that. Maybe in his supplementary question he will come up with a question that is relevant to the responsibilities of the government in the House.

Mr. Ken Epp (Elk Island, CPC): Mr. Speaker, the throne speech said explicitly that the government would address the democratic deficit. I think it was called democratic renewal. If democracy does not include the election of candidates, than I do not know what democracy is. How does he square it?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, overwhelmingly across the country, take a look at the Liberal candidates. They have won their nominations in open fights, and we are very proud of the great diversity of the Canadian population that is represented.

If one wants to talk about needs for the democratic deficit, I suppose one could call in Ezra Levant. I am sure he would be prepared to give us some advice. Perhaps we should call in Grant Devine. He might like to give us some advice. How about that epitome of Alliance democracy, the whole case of Jim Hart?

HUMAN RESOURCES DEVELOPMENT

Mrs. Judi Longfield (Whitby—Ajax, Lib.): Mr. Speaker, as you know, students across the country are either in the throes of exams or will soon finish their school year, and we all know that they will be on the hunt for summer jobs. I know that the Minister of Human Resources and Skills Development announced the start of a summer career—

Some hon. members: Oh, oh.

The Speaker: Order, please. The hon. member for Whitby—Ajax has the floor and we will want to hear her question. If everybody keeps talking in the House instead of in the lobbies or out in the antechamber, it is impossible to hear, and the hon. member for Whitby—Ajax is entitled to be heard.

● (1455)

Mrs. Judi Longfield: Mr. Speaker, as I was saying, the Minister of Human Resources and Skills Development announced the start of a summer career placement program a few months ago and the deadline for employers to sign up has come and gone.

Could the minister inform the House how many students we expect to benefit from this very important summer project?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, I am delighted to do that because every year, as the member knows, the summer career placement program has been extremely successful. It even helps those in Bloc ridings because they cannot help themselves.

However, every summer the Government of Canada puts forward some $90 million to help 50,000 students who are in secondary schools or post-secondary education and who are pursuing career related employment.

I am proud to say that this is just one element of the youth employment strategy which on a year to year basis engages some one million young men and women around the entire country, and we are proud of that kind of achievement.

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FOREIGN AFFAIRS

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, earlier in question period the member for Okanagan—Coquihalla asked the Prime Minister about Earnscliffe's announcement of a new secretariat of the Government of Canada in Washington. The Prime Minister responded that he should have known about this because it was in the throne speech. Tell the Prime Minister it was not in the throne speech.

Has the Prime Minister had time to consult with Earnscliffe, and will he tell us that this announcement was in fact not in the throne speech?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, the throne speech dealt extensively with our relationship with the United States. It dealt extensively with the need for a more sophisticated relationship.

In the debate here in the House surrounding the Speech from the Throne there was extensive discussion about this item before and during the throne speech debate. It was also discussed outside the House. As a matter of fact, I think it was about a week ago that I made another major speech where I announced it again.

The problem may well be that not only has it been announced once, it has been announced a number of times. I hope, surely to heaven, it is getting through to the hon. member.

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GOVERNMENT CONTRACTS

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, in all fairness the Prime Minister should simply have got up and admitted he was wrong and mistaken, instead of weaseling out of the truth once again. He obviously is not going to do that.

However, there is another question on Earnscliffe. The Prime Minister was asked if he would reveal the total amounts of contracts that had been funnelled to Earnscliffe under the government. Will he agree to do that?

Right Hon. Paul Martin (Prime Minister, Lib.): Mr. Speaker, information such as that is obviously public knowledge and I am sure it will be made available. There is a way in which it should be done, and it will be done.

* * *

[*Translation*]

PUBLIC SERVICE

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, contrary to what the Minister of Canadian Heritage said yesterday—

Some hon. members: Oh, oh.

The Speaker: Order, please. The hon. member for Québec. We must hear her question. There is too much noise today.

Ms. Christiane Gagnon: Mr. Speaker, contrary to what the Minister of Canadian Heritage said yesterday, the letter received by Ms. Gendron was signed by an official from Canadian Heritage. The minister responsible is indeed the Minister of Canadian Heritage and it is up to her to take action.

If the minister refuses to act, are we to understand that she favours the decision of her officials over protecting the rights and freedoms of Ms. Gendron, who is, after all, engaged in a legitimate political activity?

Hon. Hélène Scherrer (Minister of Canadian Heritage, Lib.): Mr. Speaker, what I said yesterday and am repeating today, is that this is a matter that concerns departmental human resources and is between the employee and departmental human resources.

Some hon. members: Oh, oh.

Ms. Suzanne Tremblay: That makes no sense.

* * *

HEALTH

Mr. Eugène Bellemare (Ottawa—Orléans, Lib.): Mr. Speaker, it is clear that the future of our health care system—

The Speaker: Order, please. The hon. member for Québec has asked her question and received an answer. That is the end of that question for today. We cannot continue with all this noise.

If the hon. members wish to continue the discussion, and in particular I refer to the hon. member for Rimouski—Neigette-et-la Mitis, they can do so in the lobby.

Mr. Eugène Bellemare: Mr. Speaker, it is clear that the future of our health care system, that symbol of our Canadian identity, is the number one priority for Canadians.

My question is for the Minister of Health. The minister has given more details on the plan for partnership with the provinces and the renewal of Canada's health care system. In light of the 2000 and 2003 agreements, can he explain how and why he believes a lasting agreement can be reached this summer?

● (1500)

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, I thank the hon. member for his question. We must seize this historic opportunity to work closely with the provinces and establish a plan for lasting reform.

Following the 2000 and 2003 agreements on health, we are determined to sit down with the provinces in order to arrive at a plan whereby our government is prepared to inject more funding in addition to the $36.8 billion already provided for in these agreements.

As for accountability, we must move beyond this stage of one level of government being accountable to another. What we want is for both levels of government to be accountable to their citizens.

* * *

[*English*]

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Right Honourable Patricia Hewitt, Secretary of State for Trade and Industry of the United Kingdom.

Some hon. members: Hear, hear.

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BUSINESS OF THE HOUSE

Mr. John Reynolds (West Vancouver—Sunshine Coast, CPC): Mr. Speaker, I would like to ask the government House leader if he could advise the House what the business is for the rest of today and, if the Prime Minister keeps on delaying the election again past this weekend, what we will be doing next week in the House of Commons.

[*Translation*]

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, this afternoon, tomorrow and Monday, we will continue with the business listed, namely third reading stage of Bill C-11, an act to give effect to the Westbank First Nation Self-Government Agreement, this reading of Bill C-12, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, third reading of Bill C-15, an act to implement treaties and administrative arrangements on the international transfer of persons found guilty of criminal offences and third reading of Bill C-10, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

We will also continue with the report stage of Bill C-23, an act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other acts, as well as debate on the motion to refer committee before second reading Bill C-29, an act to amend the Criminal Code (mental disorder) and to make consequential amendments to other acts.

Tuesday shall be an allotted day.

On Wednesday, we hope to be in a position to take up the final stages of Bill C-9, an act to amend the Patent Act and the Food and Drugs Act. I understand that there are some discussions under way that could make it possible to deal with this bill a bit earlier. The government would be prepared to cooperate with any such desire.

I hope that my colleague across the way, and all of his colleagues, are in excellent shape, because we have a lot on our plate.

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POINT OF ORDER

HON. MEMBER FOR NEW WESTMINSTER—COQUITLAM—BURNABY

Hon. Mauril Bélanger (Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, it was brought to my attention that the member for New Westminster—Coquitlam—Burnaby was in the House prior to oral question period, at which time he apparently took some photos, in violation of the standing orders.

I ask the Chair to verify if this is true and, if so, to ensure that it does not happen again.

[*English*]

The Deputy Speaker: The member in question, on the point of order raised by the Deputy Leader of the Government in the House of Commons, has just left the chamber. The Chair will take the matter under advisement and will get back to the House.

GOVERNMENT ORDERS

● (1505)

[*English*]

WESTBANK FIRST NATION SELF-GOVERNMENT ACT

The House resumed consideration of the motion that Bill C-11, an act to give effect to the Westbank First Nation Self-Government Agreement, be read the third time and passed.

Mr. Lawrence O'Brien (Labrador, Lib.): Mr. Speaker, it is the second time in two days that I have had the opportunity to speak to a first nations agreement. Yesterday we voted and today I am speaking to the Westbank First Nation self-government agreement, Bill C-11, which is enabling legislation.

The bill has two main features: it gives the force of law to the Westbank First Nation self-government agreement; and it makes consequential and coordinating amendments to other federal acts.

At the outset I would like to emphasize that this agreement is not a treaty. In other words, it is very similar to what I am used to in Labrador. We have the Labrador Inuit agreement, which is going for ratification this spring and, hopefully, will become law in the next 12 months. We have the framework and the ratifications of another agreement coming forward with the Labrador Inuit Association, and we have a pending claim with the Labrador Metis nation. Therefore I am very familiar with this subject area of first nations agreements.

This agreement is the first stand-alone self-government agreement negotiated under the federal government's inherent right policy to be presented to Parliament. This policy recognizes the inherent right of self-government as an existing aboriginal right under section 35 of the Constitution Act of 1982. The policy and the agreement based on the policy do not, however, define the inherent right to self-government, as only the courts may determine its nature, scope and content.

In this regard, the Westbank First Nation self-government agreement sets aside the debate regarding who has such a right and the scope and content of such a right and focuses rather on setting forth practical arrangements for a number of jurisdictions where Westbank First Nation may exercise law-making authority.

The agreement clearly states that the parties do not consider the agreement to reflect any definitive legal views with respect to how the inherent right of self-government may be defined in law. Further, for greater certainty, section 8 of the agreement states that "nothing in the Agreement shall be construed as recognizing or denying any aboriginal right, recognized and affirmed by section 35 of the Constitution Act, 1982".

This agreement does seek to change the relationship between Canada and the Westbank First Nation, representing a break with the existing Indian Act regime which has created a dependency relationship with first nations and has undermined the relationship between the first nation leadership and the band members. I think that is a very important point because I believe the Indian Act is greatly outdated. Putting terms into the agreement that are different from some aspects of the Indian Act shows that we are in the mode for modernization.

Under the terms of the Westbank First Nation self-government agreement, the Westbank First Nation would act as a government primarily accountable to its members. The federal government would be removed from the day to day operations of the Westbank First Nation and its reserve lands.

The agreement requires the Westbank First Nation to establish a constitution that would provide for a democratic and legitimate government and institutions that would be fully accountable to Westbank First Nation members. The Westbank First Nation constitution must provide for, among other things, democratic election of council members, conflict of interest rules and appeal mechanisms.

● (1510)

The Westbank First Nation developed and ratified its constitution in May 2003. Upon implementation, the constitution would be a law of Westbank First Nation and, as with any other Westbank law, would not be approved by Canada.

The agreement sets out rules applicable to the Westbank First Nation government, its constitution and the exercise of law-making powers in a number of agreed upon subject matters, including: agriculture; culture and language; education; environment; health services; lands and land management; licensing, regulation and operation of business; membership; prohibition of intoxicants; public order, peace and safety; public works; resource management; traffic and transportation; and wills and estates.

Except for membership in the Westbank First Nation, the law-making authority would only extend to matters on reserve and would not include matters that are not specifically addressed in the agreement, such as social services, child and family services, policing and creating a court. Also, the agreement specifically excludes criminal law, protection of health of all Canadians, intellectual property regarding all matters under federal jurisdiction, as well as broadcasting and telecommunications from the jurisdiction of the Westbank First Nation.

The agreement is a bilateral agreement between Canada and the Westbank First Nation that replaces most of the provisions of the Indian Act. As the Westbank First Nation exercises its law-making power over a subject matter covered by the agreement, the corresponding provision of the Indian Act will no longer apply. However, certain elements of the Indian Act, such as Indian status, taxation and certain regulation-making powers of the governor in council, were not the subject of negotiations and are therefore retained. For example, the agreement does not confer any taxation powers on the Westbank First Nation and, accordingly, existing property tax related bylaws will continue in accordance with section 83 of the Indian Act.

Upon implementation of the agreement the fiduciary relationship would be maintained but, as the Westbank First Nation exercises its jurisdiction, Canada expects that its fiduciary obligations would diminish.

Canada's full legal framework is reflected throughout the agreement, which is premised on the concurrent application of federal laws and first nation laws passed in accordance with the parameters of the agreement. Provincial laws of general application will also continue to be treated in the same fashion as they are under the Indian Act. The Westbank First Nation government will be bound by the Charter of Rights and Freedoms and the Canadian Human Rights Act.

The Westbank First Nation represents an unusual profile in that, in addition to its 386 members living on reserve, there are approximately 8,000 non-member residents living on Westbank First Nation lands. Non-members will continue to be protected by the charter and the Canadian Human Rights Act. The agreement stipulates that leases to non-members created, granted or issued pursuant to the Indian Act would continue in accordance with their terms and conditions.

The agreement also requires that, following the effective date, the first Westbank First Nation law must establish a mechanism providing non-member residents with a formal statutory right to provide input into matters that significantly and directly affect them. With this future obligation in mind, the Westbank First Nation consulted with non-members and established an interim advisory council in 1999.

● (1515)

Furthermore, the agreement requires that the Westbank First Nation constitution establish an appeal mechanism and provides that the Westbank First Nation may establish administrative bodies to resolve administrative disputes under Westbank law, including landlord and tenant issues.

In closing, the current Indian Act regime tends to undermine the relationship between the Westbank First Nation chief and council and band members. Implementation of the agreement would modify the relationship between Canada and the Westbank First Nation such that the Westbank First Nation would assume increased responsibilities and develop governance structures outside the Indian Act that respond to the individual needs and aspirations of the Westbank First Nation.

Mr. Rick Laliberte (Churchill River, Lib.): Madam Speaker, I was just reviewing the self-government proposal that was ratified by the first nations themselves after thorough discussion with their membership and the surrounding community of Kelowna.

I have a question for the member concerning the perceived relationships with the greater community. The unique situation with Westbank is that it is within the municipal boundaries of Kelowna. However there are provisions in the bill to address that relationship with the municipality and the greater community surrounding other first nations within the Westbank region along the Okanagan. I guess there also is a county or rural municipality beyond the Kelowna boundary. Perhaps the member could focus on what is provided in the bill.

Mr. Lawrence O'Brien: Madam Speaker, as I understand this, Canada was very careful in negotiating this first nation agreement to make sure it did not impede any of the rights under the Canadian Constitution, the Canadian Human Rights Act and the various ways and means in Kelowna and the surrounding area. It specifically mentions the 8,000 non-members on the Westbank reserve. The government paid particular attention to ensure that the rights of non-members would not be jeopardized.

I am fairly familiar with this concept because we are in a ratification forum in Labrador with the Labrador Inuit Association agreement where great strides have been taken by the negotiating powers to make sure that non-members are protected and their rights continue as they do for Canadians like ourselves.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Madam Speaker, the member has good experience in this area. I would like him to expand on how much more first nations will progress economically, in governance, in health and in social systems once they have more control over their own destiny.

Mr. Lawrence O'Brien: Madam Speaker, I feel very comfortable with that question. In my eight years in Parliament I have seen the concerns of aboriginal organizations in my own riding, the Inuit of Labrador, the Innu Nation, the Labrador Inuit Association, the Westbank First Nation, during various agreements with which we have dealt. The big concern and major issue is giving them economic stability, economic growth and economic understanding.

From my understanding and knowledge, I find the more economic growth that aboriginal first nations get, the more stability they get in their social values. It cultivates their cultural values. It gives them a right within themselves and a freedom to go forward. I have to say, from my firsthand knowledge of all of this, that I have heard nothing but very positive stories. I have no doubt, from the Westbank First Nation perspective, that the same will apply.

● (1520)

Hon. Larry Bagnell: In regard to this particular agreement, Madam Speaker, before the agreement comes into effect, this aboriginal government has a lot more and in fact 25% of the non-aboriginal people in Canada that live on reserve. It is a huge amount. I think it is 7,500 people, and there are a few hundred people on the reserve. There is an advisory council at the moment where these people have some say, but this particular agreement will put in place protections for them which will formalize that council so the non-aboriginal people have input into the laws and workings of the government. In fact, once it is put in place, that law cannot be changed without their consent.

Does the member see this as a good model? The fact is that non-aboriginal people are being given a place on reserve that they are comfortable with and are also being given a say.

Mr. Lawrence O'Brien: Absolutely, Madam Speaker. This model is making sure that non-members on reserve or non-members in any claim area, whether it is for Inuit, first nations like the Westbank or the Métis or any claim that Canada entertains, first and foremost have mechanisms put in place to protect the rights of all non-members on any particular reserve. In this case, the department and the Government of Canada have made sure that those mechanisms have been duly noted and are formal. If there are any disputes between members and non-members, there are mechanisms to take care of it. I think that is the way to go.

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Madam Speaker, I too stand to speak in support of Bill C-11. The first thing I will note is that I have been here much of the day and have heard many of the speeches, and I think we must be careful to acknowledge that this is in fact what I would characterize as a pilot project. We ought not to engage in hyperbole to say that this is the answer, because the answer is very complex and the situation in many first nations across the country is radically different from what it might be in the Westbank region.

Having said that, let me say that Bill C-11 would give effect to the Westbank First Nations self-government agreement. This agreement is the first stand-alone self-government agreement negotiated under the government's inherent right policy, and this is a process which has come to the House after some 14 years of discussion on the ground.

This is a policy that attempts to reach decisions on a local basis because it is local decisions which best reflect what people want and what people need. As a result, this agreement would lead to improvements in many areas for the first nations people of Westbank, certainly including housing and certainly including employment.

In this place many of us will know of the history of the Department of Indian Affairs and Northern Development. From a historical perspective, we know about what were called Indian agents who were there to supervise bands, who were there in fact to superimpose the view of the Indian affairs department on first nations people. This agreement does away with that. In fact, this agreement is 180 degrees in the other direction.

Crucial to the ratification by members of the Westbank First Nation was a comprehensive negotiation process, which has resulted in this agreement and for which many of the speakers here today have indicated there is real support. We have to emphasize that this was negotiation. In fact, the negotiation started out in certain quarters, I am told, where there were many people who were hostile to the agreement, some of whom have come on side. Like it is with any other agreement, there are always those who at this time will remain opposed to this agreement, but what is certain is that it was a real negotiation process.

We have a word that we toss around in this place, but I am trying to avoid it. That word is consultation. I am trying to avoid it because I must say that I have arrived at the point where I no longer know what consultation means. In fact, it is my belief that consultation has no meaning whatsoever. We have a lot of consultants running around consulting through consultations and what it all means in the end I do not know. But this is about negotiations, about real people sitting down and having a framework for negotiating, and over a period of time in fact coming to an agreement.

This negotiation process has ended positively. It has clarified the relationships between the provincial government and the federal government and the first nations with respect to laws, and it has set up public advisory and accountability to members provisions.

As I said earlier, the negotiations between the Westbank peoples and the Government of Canada began in 1990 and continued through the tenure of two band councils and, as we would say here, through the tenure of two governments.

Westbank brought people together from many communities, many lifestyles and many occupations to try to come to some common understanding of where they were going.

It is interesting to note that there was an advisory council set up to represent the 7,500 or 8,000 people who live on the reserve but who are not aboriginal people. In cooperation with this council, Westbank is in the process of developing a law to formalize the advisory council as a permanent institution under the legal regime of Westbank.

● (1525)

This first nation also worked hard to achieve strong and cooperative partnerships with neighbouring communities. Memoranda of understanding have been signed with both the Regional District of Okanagan and the City of Kelowna. Westbank has also met with the Union of British Columbia Municipalities, a treaty negotiation advisory committee, organized labour groups and homeowners' associations. What is clear is that there were a lot of discussions that this was not the imposition of a “deal” on attractive land. Westbank went out into the surrounding areas to contiguous communities and contiguous landowners and had discussions so that there was a level of comfort.

That does not mean there is complete agreement. It does not mean that everybody is happy, but there is clear understanding as to where this is going. In fact, I have been told that there were more than 400 information sessions and discussion sessions which were held to talk about the details of the agreement and what it would mean, not only for the aboriginal people, the Westbank First Nation, but for the 7,500 or 8,000 non-aboriginal people on Westbank lands and for the neighbouring communities, the contiguous communities.

Information was distributed in many ways, through the media, through local radio and discussion sessions, and through meetings such as those that are often held by groups such as a chamber of commerce. They allowed people to ask questions, receive answers and put forward their ideas.

Once again this is not to say that the events leading to the signing of this agreement on October 3 of last year were smooth. These things are never smooth. Sometimes the discussion was heated. I will say that sometimes people disagreed, because it is clear that not everyone was or is in favour of the agreement. What is certain is that in terms of these public meetings where discussions took place, everyone had an opportunity to speak, and not only to speak but to be heard. Those people who wished to appear and speak were allowed to, whether they were band members or from neighbouring communities.

What is clear is that this is an open process and it is a democratic process in that sense. It encouraged many of those who either voted against the agreement or were in fact from a neighbouring community and were in opposition to the agreement to accept the outcome in an open way.

I think that is because this is a cooperative community in Westbank. Westbank allows people to speak. People can disagree but they understand that they can still reach some form of consensus or agreement. Westbank has been described, for members from that part of the world, as one of the most progressive first nations in Canada.

It is through this process that the Westbank First Nation has shown us that there are many forms of democracy and that this process can in fact be democratic in that it allows wide and open participation. Everyone who wants to is allowed to have their say, and not only to have their say but to be heard and to have some possibility of impacting the outcome of this agreement. It is my belief that such a process can only be good for governance structure, particularly around first nations, because I think that first nations government structures, as is often referred to in this country, have had a long history that is often characterized as tortuous.

● (1530)

The self-government agreement also calls for a Westbank constitution which was ratified by members at the same time as the agreement. Constitutions are the cornerstones of a legal regime. In this case, it will determine the community's governance for everything from the election of officials, budgets and how laws are made, and it sets out a set of core, or in this case, community principles.

I believe that the constitution that has been worked out in the case of Westbank is significant because it was developed locally and it has local application. The constitution, as constitutions must, reflects the wishes of the people rather than having it imposed by a bunch of consultants, lawyers, or worse yet, by a bunch of people from the Department of Indian Affairs and Northern Development.

This constitution is a product of the Westbank First Nation's approach. It is a group of community people who worked for almost a decade to draft the core laws. Community meetings were held to discuss issues. They worked through problems and they put forward ideas. It is not complete.

I understand that the issue of matrimonial property has not been resolved at this point, but the fact is that they have a mechanism in place. They have enough goodwill that they are going to arrive at a point where the business or issue of matrimonial property will be worked out.

It is also important to understand that those who live on the reserve but are not aboriginal also shared their views. They got involved. When an agreement was reached and a draft constitution was ready, it was distributed, and once again, everyone was able to have his or her say, to be heard and to impact the outcome.

This form of agreement building or deal making has strengthened their constitutional outcome and will ultimately improve the way they are governed because people are, and this is not a very profound observation, more likely to respect and obey the laws, and participate in organizations that they intimately know because they were there and were part of the creation of both these laws and institutions. People in this case have a distinct sense of ownership.

A constitution formulated locally in this way will only lead, I would think, to improved governance of this first nation and will in turn lead to a better local municipal structure. It has important impacts, if this is a success, on other first nations.

Through their constitution the Westbank First Nation people have shown that what seemed like impossible, or maybe I can characterize it as difficult issues, could be overcome. I think this is a case of a community demonstrating that an agreement can be tailored and should be tailored to fit local circumstances, that agreements that are national in scope and that are imposed locally often, or perhaps one could say usually, fail because they do not fit local circumstances. In the end, the rights, and more importantly, the interests of everyone who is local can be respected because they were part of it.

The negotiators from the federal side recognized the potential, and I would like to think the value of this pilot project, of the Westbank approach. And that in fact the agreement that was reached was fair and had widespread public support in that part of the world.

● (1535)

In conclusion, I would like to say that there is widespread local support. There are people, still today, in that part of the world who are opposed to it, but what is clear is, even from the members who represent abutting ridings or who represent a riding where this property is, there is agreement.

The agreement has been built on foundations of discussion and consensus that have been driven locally, not by Ottawa. We are told that it meets the needs of the first nation's people there, but equally important, it meets the needs of this 7,500 or 8,000 non-first nation people who live on this first nation's property. It also meets the needs of members in abutting contiguous communities.

As I said in the beginning, I like to think of it as a pilot project. It is a first time agreement under the policy framework which was laid out more than 14 years ago. An agreement of this nature, where it is driven locally, has buy-in and cross-community agreement, will lead to a good local governance, to a strong local community, and of course, to what I think all Canadians want, wherever they are, which is a good local economy where there is economic opportunity, where there are jobs, and where there is local harmony among all the communities.

Mr. Ted White (North Vancouver, CPC): Mr. Speaker, the last 40 minutes or so in this House has had the appearance of the government filibustering its own bill.

I would like to ask the member who just spoke, did he write his own speech, and if not, who did? Is there a filibuster going on here to hold the bill up because nobody else in the whole place is putting up speakers except the government side who are even asking themselves questions? Maybe the member could answer those questions.

● (1540)

Hon. Roger Gallaway: Mr. Speaker, first, I have been on record in many newspapers saying that I never deliver, never would and never have, canned speeches.

An hon. member: Until today.

Hon. Roger Gallaway: They can heckle all they want, but I do not, and that was not a canned speech.

Second, he is asking me a question of the government. I do not speak for the government. He might want to pose that question in question period tomorrow, but I do not speak on behalf of the government.

Mr. Rick Laliberte (Churchill River, Lib.): Mr. Speaker, I have a question for the hon. member. I think he could speak with quite distinct experience from his own constituency in his community. Within the provisions of the Westbank self-government act, there are opportunities for additions to reserves and the willingness that the first nations of Westbank would ascertain their property under the definition of Indian lands under the Indian Act.

There is a history within the Chippewas of Sarnia of an example that land set aside for the Chippewas of Sarnia was put under the War Measures Act as opposed to the Indian Act and the end result was that they lost that land.

I think there is very huge hesitancy and uncertainty within the Westbank first nation, and also other nations throughout Canada. They want to preserve a lot of this land under reserve definition because of this specific experience. Maybe the hon. member can share the history of the Chippewas of Sarnia and their land deals.

Hon. Roger Gallaway: Mr. Speaker, part of the premise of the question is incorrect because there have never been any lands taken from the reserve properties of the Chippewas of Sarnia under the War Measures Act.

In fact, there was property taken from the Stony Point reserve, which lies some 50 miles roughly north of the City of Sarnia on Lake Huron. That property was taken under the War Measures Act in or about 1940. The people of the Stony Point reserve were displaced under certain provisions that are some 64 years old now and were moved to another reserve in the neighbourhood, if I can put it in that sense, and I do not intend to be flippant about it. They were moved to another reserve that was also on Lake Huron. That has been a flashpoint in that community because it was imposed historically under the guise of the exigencies of the second world war.

Even today there are problems because of the complexities of land around reserves. In fact, because the property was held under the War Measures Act by, I believe, the Department of National Defence, the end result is that it has yet to be deemed to be band lands or aboriginal lands, notwithstanding the fact that about nine years ago it was agreed that this should be the case.

These things are very complex. That is why I think in a case such as this where there is local autonomy away from the Department of Indian Affairs and Northern Development, it does not mean that it is perfect, and it does not mean that all is well and good, but at least the decision making is going to be made locally.

The Sarnia reserve which was surveyed in 1818 has a history of, over the years, selling off lands on occasion to the abutting petrochemical business which came in a large measure to Sarnia during the second world war. That, I know, is a matter of regret. I know that the Chippewas or the Aamjiwnaang of Sarnia are attempting to acquire surplus lands which was sold to companies such as Imperial Oil a number of years ago and return them to band status.

The great asset in terms of the Sarnia reserve is that it has an industrial park that has done very well because it is managed by the local band. The end result is that there is a lot of employment created on the reserve, both for first nations and off-reserve people.

● (1545)

Mr. John Cummins (Delta—South Richmond, CPC): Mr. Speaker, the government wants to prolong the debate. I would like to ask a real question. I understand my friend opposite is a lawyer when he is not in the House, so I think this question should have particular appeal to him.

The agreement declares that the Westbank government has an inherent aboriginal right under section 35 of the Constitution. If the Westbank government operates on the basis of an aboriginal right, my contention is that its action will be shielded by section 25 from charter challenge. Would the member care to comment on that?

Hon. Roger Gallaway: Mr. Speaker, I thank my friend for that very good question. I have heard a lot of people in the House today, on both sides I believe, talking about how the Charter of Rights and the Constitution will apply on this property, under the auspices of this.

I also heard the member from Okanagan read section 52 of the Constitution Act, 1982 which defines what the Constitution is and says that the Constitution is in fact the supreme law of Canada, although I do not have it in front of me.

I think the question that is being asked is on section 35, and whether in fact it gets them sideways out of this. It is tough to discuss the specific sections when they are not in front of me. However, that is what I would call the first nations clause in the Constitution. There will be a lot of arguments because there are many who think that the Charter of Rights is in fact the Constitution. That is a preposterous claim that is often made in this place by many people.

Mr. John Cummins: I asked a question, answer it.

Hon. Roger Gallaway: I am getting to it. The question, as I understand it, is whether the Constitution will apply to it, or if this section 35, which I believe is what the member referred to, in fact will walk them out of it. These are all questions about which the legal profession loves to hear. These are all questions that create an industry, but I will say this. The matter to which the questioner refers has never been before the court to my knowledge, and I do not say that is correct.

What I am saying is that all provisions of the Constitution apply on this land, and if the member thinks that one particular part of one constitutional document, that is to say, one clause of one constitutional document will override everything else, then I am afraid he is wrong.

Mr. Rick Laliberte (Churchill River, Lib.): Mr. Speaker, it is truly an honour to speak in favour of Bill C-11. In large part we have heard the debate take place and opposition members not rising. The bill is worthy of being discussed. We need dialogue on the Westbank situation not only in this chamber but throughout Canada.

This region of the country, as I mentioned in previous debates, is unsettled territories. These are treaty lands that the entire country has negotiated for the territory to become a country as a Canadian crown, or what we call crown lands. However, in this region the treaty process has not been complete. The treaty process would need partnership between the province, the federal government and the first nations themselves. We hope that process will come to its conclusion in the very near future.

My colleague who spoke previously mentioned that this was a self-government deal that was needed now so the community could have the law-making powers on education and culture, finances, land use policies, land lease policies and on resource development within their lands.

This self-government deal is an opportunity for Canada to look into other opportunities. There are many other arrangements, as we experienced yesterday with Bill C-31 and the Tlicho in Treaty No. 11. This is another self-government agreement within the treaty boundaries of an existing treaty. However, this is a self-government deal without a treaty. It is an historical point in our country to reach out to these first nations that wish to seek a better administrative structure and a better decision making structure away from the Indian Act.

I welcome any opposition to speak against this. This is the time and place to debate it, not collapse the debate. Let us hear it out. Let us find out what the opposition is.

This also is an opportunity to look at statements that have been made by some individuals who were opposed to the bill. They talked about taxpayers' rights and representation. I believe the country should have citizens' rights.

Many of our young people may not be deemed or labelled taxpayers. What rights do they have? Is it the level of taxes people pay that measures how much influence they have? I dare say that is a totally wrong definition of democracy and not what the world should be looking at. Democracy should be based on the rights of citizens. We are all Canadians. All Canadians should have a right in the House of Commons, not only the tax paying public. This is an opportunity for us to have this type of a debate in the House.

I also think it is an opportunity for young people who may not be taxpayers because they are unemployed. They may be people in hard times. They may not be contributing toward taxes because they have been unable to afford property and then pay property taxes.

There is a whole different realm and reality in Canada that should be taken into context as a true nation.

When the debate comes as a taxpayers' federation dialogue or mantra or lobby, that is the wrong perspective of democracy. Democracy should be based on equal citizens no matter where we are. The original nations presided on this land way before any crown or any other European country discovered the new land called North American or Turtle Island, as it is perceived in our stories.

The whole story of the self-government deal in the Westbank First Nation is an historical time to reflect on Canada's history and its future. It has been deemed that there were two founding nations of France and England which came to terms to create a country. I say the treaties that came into being created this country.

There were original treaties with the French nation. There were original treaties with the English nation. They knew that to ascertain this territory, they had to make agreements, sacred accords with the original nations. They were the keepers of this land. They were the true owners of this land.

● (1550)

I dare say the definition of ownership because, in large part, it is our belief that this land was a responsibility for us, not a right. To exercise that responsibility, here is a self-government model where these people will be electing their leaders. There will be 7,000 or 8,000 non-members of the Westbank First Nation living among them.

There will be laws and provisions to help guide them in their decisions for the future. The House should be making provisions for the first nations or the original nations to be part of the decision making of Parliament. That is why I speak about a third house of Parliament where the real first nations, the original nations of this land, not the band councils as defined by purview of the Indian Act. would sit. I am speaking of the Okanagan Nation, the Cree Nation, the Mohawk Nation, the Wyandot Nation, the Haida Nation. All these nations are missing today in 2004. They are not being respected or properly recognized.

I think the indigenous decade is coming to a close. Canada has an opportunity to pay respect to this, as my region did in Treaty No. 6 and Treaty No. 10. They celebrate their treaty every year when a day is set aside as treaty day. Canadians should be celebrating the existence of the treaty in our country, like we celebrate Canada Day. The country was created by a peace and friendship treaty.

Today we have a very renowned visitor, the Dalai Lama, within the realms of the House. He has been spreading the word of peace and friendship throughout the world. I think he celebrates and feels the peace and friendship on which Canada was founded. I think he feels at home here because we have the peace and friendship initiatives of our nations. They want to live among us. There is no need to fight. There is no need for opposition. There is a need for consensus and a need to find ways to live among one another.

I always coin it as a river of nations. We are here from all corners of the world, as well as the original nations. We have to find ways to live together as one nation, as one country. This is an opportunity where the people of the Westbank First Nation can be given the self-government tools and means to make their own decisions on issues such as finances, culture, education, social well-being and the future of their children, and to find a place within the community of Kelowna, within the province of British Columbia and within this nation of Canada.

Let them speak for themselves. Let them express themselves on the world view, with the gifts that they have as an Okanagan nation. Let them express themselves in their language, in the way they have been brought up. There are harsh realities within that parched, semi-desert region. However, there is also the beautiful aspect of orchards, the river and the sacred responsibility to life that will continue in the future. All this comes into play.

This is a time for Canada to debate this, to share this world view of our country. I welcome the opportunity to speak on this. I commend the leaders of the Westbank who have brought this forward. I commend the democratic process that they have chosen. It is not perfect. There is no perfect democracy that we can find as an example in this world right now. We are trying to push democracy in other regions of the world, the war conflict countries of this world. Maybe through the self-government practices of the original nations of Canada, they will start practising the original governance models.

As we live in Ottawa, there is the Algonquin nation to the south, from where the hon. Speaker comes. The original six nations of the Iroquois confederacy live within the Great Lakes. We should let the original governance structures be practised. Let them be celebrated. Let them make their mistakes. If mistakes are made, they will correct them. However, these models of governance may some day transform the House into a new governance model.

Maybe some day the Westbank experience will bring forth an enlightenment to the legislature in British Columbia to change its governing structure within British Columbia. Maybe their governance structure or governance model might supercede what the Kelowna mayor and council are practising right now under the municipal governments of Kelowna.

● (1555)

Those governments may have the perfect opportunity of a well-described democratic community governance. Maybe Kelowna will adopt these models of governance. Maybe the model of governance by the central Okanagan regional district that surrounds the communities is imperfect. Maybe the people of the Westbank First Nation will be practising a governance model that will improve all our lives.

We all must have faith that these people will make their decisions appropriately for their people and that they will incorporate their decisions with the people who will live among them. This self-government agreement is certainly a vehicle that they wanted and one for which they have strived. We must allow them that.

This is a democratic country. They have democratically spoken with their voices. I believe the true nature of the original making of this country, a peace and friendship country under treaty, was through our sharing and teachings of the two row wampum, where the vessel of the original peoples was bound together with the vessel of the newcomers.

This self-government model is their vessel. We must allow them this journey of life, this river of life, with the vessels in unison with the municipal, provincial and federal governments. We may eventually have three orders of government that will parallel what we call our three orders of government: federal, provincial and municipal. Maybe they will have a national, tribal or first nation community band level government.

This is an opportunity for them to practise and show us their ways but without example how can we judge? Let them show us by example.

I challenge the members of the House, if there are any conflicts or arguments they have on the self-government deal, to please express them in the House and allow other Canadians to digest a different perspective.

Here is an opportunity to allow a first nation, which has duly negotiated through the proper processes under the government's policy of self-government, under the auspices of section 35 of the Constitution, the inherent right to self-government, the opportunity in a modern context to govern themselves in the ways they wish.

At the same time, those ways of governance are not in any way to be judged lesser or greater but maybe a sharing of those forms of governance might transform our country into a better and greater place where more people of the world, as they discover our bountiful gifts, our resources and water, may also discover Canada has bountiful gifts of knowledge and that knowledge is carried by the original nations.

Those original nations have a great responsibility and great respect that this can be carried and nurtured by them, not to be given away to somebody in their caring, that they can find their way under an Indian agent away from the Indian Act, that they can bring that responsibility home.

This is what the Westbank First Nation is all about. It is an exercise of its right to govern itself. It is an exercise of international respect of an original nation within the boundaries of a country to exercise, in its language and its world view, a way of governance that may some day influence our system of governance, as imperfect as this House is and as imperfect as the provincial houses are.

Maybe allowing these first nations to govern themselves under these structures, under their laws and their ways, is a way for Canada to mature into the truly beautiful nation that was envisioned between the original founders, the crown and the French nation that came in. It is a river of nations and a nation of rivers.

This is their opportunity and we must allow them. I beg all my members to support the bill and give these people a proud place in this corner of Canada in a beautiful part of British Columbia. Allow them to exercise their way of governance as they have negotiated. Allow them to make the changes that they will make into the future and allow them to seek assurances and certainty through the treaty-making process that they are continuing to strive for, that the treaty process will take precedence very soon. I hope it takes formality and finalization in all of British Columbia.

● (1600)

The nation must rest assured that we can live among each other and that it is no longer a battle of us and them. Let us come together as one nation.

I will conclude my speech by saying that this is one time that I can beg for the support of all the members. Allow the Westbank First Nation to seek its way of governance by passing the bill into law.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I want to take this time to commend the aboriginal members of our caucus. It is tremendous to have three aboriginal members to give us different perspectives on items that people would not otherwise think of, coming from different backgrounds, and perhaps open our eyes on some of these new concepts.

In particular, I would like to congratulate the member who just spoke. I know his time in the House is coming to an end. He has been a tremendous asset for our party in many of the behind-door meetings I have had. He has been a champion of aboriginal initiatives and has fought hard behind closed doors to get some very interesting and creative ideas forward.

I would like to ask him to comment on three concerns that were raised this morning. As this is a permanent record, I am sure that everyone wants to make sure the record is accurate both for the concerns that were raised, which were good, and the answers to those concerns. I wonder if the member could talk about the concept of the third order of government.

Someone suggested that this would create a third order of government, which it would not, technically or constitutionally. What it would do, operationally, is allow people to govern their own snow shoveling, culture, land, water and sewage services, and those types of things. I would like him to speak to the comment that was made earlier that we should not be creating a third level of government, which of course I do not agree with.

● (1605)

Mr. Rick Laliberte: Mr. Speaker, as far as I know, there are three levels of government in Canada: federal, provincial and municipal. When the treaty-making process took place and the British crown, after ascertaining its rights to enter into treaty because of the treaties it already had with France, entered into these treaties, those differences were settled. However I think the British crown was remiss in that it did not respect the nations, the tribes and the communities, the bands.

Putting it into perspective, the original nations had their levels of government as well, their levels of confederacies among nations. They had land use agreements and transportation through the river systems agreements among the different regions of the country. Those nations were involved and they had agreements. They had Wampum belts. There is oral history and significant history that documents all of this.

With respect to the third order of government, which is the substance of the debate, we already have a third order of government and it is the municipal level. The federal government transfers powers to the provinces which in turn transfers powers to the municipalities. Within the band councils, under the Indian Act, powers were transferred directly from the federal government.

There are 630 Indian bands across the country. What about their tribes and their nations? That is what I am bringing forward to this House. What about the tribes and nations as governing bodies? Why are they not recognized in modern day Canada?

The Okanagan nation is a nation in and of itself. Westbank is a part of the Okanagan nation but Canada does not recognize the Okanagan nation. These nations have to practise in their own ways. Through that practice and that recognition there will be a greater magic taking place in this country. There will be greater responsibility because some of those gifts of governance, some of those gifts of wisdom and intellectual property have to be protected by the nations themselves, not as the generic term of first nations.

The Okanagan have their own language and their own inherent rights and properties. They carry their own medicine and their own knowledge of the land and animals that are within their region. There is traditional knowledge but it is based on each a nation and it is locked in their language.

The Dene cannot carry the knowledge of the Okanagan. The Okanagan do not carry the knowledge of the Mohawk. The Mohawk do not carry the knowledge of the Cree. We should allow these nations to come and celebrate their knowledge. We should allow them to express themselves in their way. Canada would be a greater nation by sharing this openness, this generosity, these Canadian principles and values. Why can we not share this openness? Why are we shy? Why are we unsure of opening our arms and allowing us to come together as one nation?

That as why I deem our country as a river of nations. No matter where we are, we should be proud of our ancestors. The strength of our ancestors will make our nation strong. We must be one nation. We must flow as one like the river.

● (1610)

Hon. Ethel Blondin-Andrew (Minister of State (Children and Youth), Lib.): Mr. Speaker, today I feel very honoured to have the opportunity to speak to Bill C-11, the Westbank First Nation self-government act.

I want to begin by offering my congratulations to the Westbank First Nation people who have worked for so many years to arrive at this very practical and workable agreement.

In a very broad sense, in response to the candid language in the Speech from the Throne, the government's objective is to close the socio-economic gap that exists between aboriginal people and other Canadians.

I must say that this has been a banner week for aboriginal people, starting with the round table where all aboriginal peoples' leaders or representatives participated in a round table that dealt with education, health, social development, political leadership and moving the agenda forward for aboriginal people in general. It also included women and all the representative groups, as I mentioned.

We have also brought forward Bill C-31, the Tlicho agreement, which is an agreement for the Dogrib people of the Northwest Territories, 3,000 people who have achieved their claim. The agreement embeds self-government within the body of the claim. It is the first time that this has ever happened, and it has many other features as well. Before that, we introduced the Westbank self-government act, which I think is very comprehensive and very complementary to the objectives we have in working with aboriginal people.

This is the direction in which we want to go. We do not guide ourselves by the words of other people who have their own academically inclined opinions or biases. This is government policy we are dealing with. This is very deliberate and very intentional. This is something we mean to do and this is something that we, with the aboriginal people, mean to implement.

As a country we see too often what the Speech from the Throne called "shameful" conditions faced by too many aboriginal people in this country. This situation is not something over there or removed from our experience as Canadians. It is something within the fabric, may I say, of the family of Canada. When I say that the situation faced by aboriginal people is not something removed or distant, I mean that the situation is one that touches all of us. We all share a responsibility.

As part of our response, we need to change our perceptions and approaches.

I am going into my 17th year as a member of Parliament and always have been part of a committee, either in cabinet or as an ordinary member, on the Constitution and whatever front there was to advance the aboriginal agenda. I take a great deal of pride in that. I meant to do that and I have done that with so many of my colleagues on all sides of the House over the years.

I know that we need to take a collaborative approach with first nations people and Inuit and work in partnership on shared goals. We also need to change our thinking that the answers to longstanding issues will be found exclusively in Ottawa or in a provincial or territorial capital. That is not the case. Rather, we need to come together. Governments, parliamentarians, aboriginal people and others need to come together in common cause to find solutions to what we agree are unacceptable conditions. Speaking on the bill before the House today I think gives clarity to the fact that we have come together as individuals to share our views on this. We are not necessarily of the same mind in terms of policy, but we all have opinions on where we should go.

I am convinced that enacting this self-government agreement will benefit not only members of the first nations but also the people of Canada overall. Strong, self-reliant first nations have much to contribute to Canada, economically, socially and culturally.

When a community undertakes a self-government agreement or finishes a claim, there are many beneficiaries. Many of them do not belong to those groups or those nations. There is a shared prosperity in the completion of claims and in the arrangements that aboriginal people make for themselves.

● (1615)

This agreement gives Westbank leaders the tools they need to develop their community. It will enable the Westbank First Nation to create government structures that are both effective and representative.

It will foster economic growth in the community by helping local entrepreneurs continue to attract investors and business partners.

Close scrutiny of the self-government agreement reveals how it will foster accountability and self-reliance for the Westbank First Nation. Under the terms of this agreement, key decisions will be made by the people most familiar with and most affected by local issues. I am convinced that this will lead to further improvements in housing. There is a huge housing crunch, a fact that was brought forward on Monday by aboriginal leaders, and it has been brought up successively. It is a major challenge.

What is the best approach to this? Obviously the best way is partnership and collaboration. Involving aboriginal people in the design and the implementation of any policy or any major project is the only way that we will be able to resolve this issue. I am convinced that it will lead to improvements in employment and in the quality of life in general for aboriginal people.

Westbank is confident that these improvements are best accomplished by governing themselves with a representative and effective government capable of exercising law making authority and assuming new responsibilities.

There are those who have concerns within the context of this discussion about how all people within Westbank will be represented. Let us look at the section that talks about the self-government agreement gender issues. The Westbank First Nation self-government agreement negotiating team received direction from a committee composed of Westbank members and elders, et cetera, of whom approximately 70% were women. The committee, acting at arm's length from the chief and council, also provided direct input into the development of the Westbank First Nation constitution.

The Westbank First Nation has been cognizant of gender related issues and the importance of having them addressed in the negotiation process. The Westbank First Nation sought the representation of women in key aspects of the decision making process. Their input in both the negotiations and the development of the Westbank First Nation constitution has been sufficient to ensure that gender issues have been considered.

The broader Westbank First Nation membership, including those off reserve, has also had the opportunity to raise gender related issues throughout the negotiation process. Perhaps it is because their experiences have been a bit coloured by things that may have happened in the past.

Public information sessions, town hall meetings and direct mail-outs to homes and businesses formed part of an intensive information campaign. I think that this is really important. Westbank First Nation has in the past been a focal point for gender issues. In 1986, the Supreme Court ruled on a case. I think the leadership, in its vision and in its direction, has taken the direction of those people and has been visionary in accepting and designing a process that would include those issues. Most of all, I am convinced that this self-government agreement will lead in dealing with sensitive issues such as that.

Westbank is confident that these improvements are best accomplished by governing themselves, including all people, and having an effective government capable of exercising law making authority and assuming new responsibilities.

Provisions were made for municipalities that are very much like those that were made here, but there are those who would say that the Westbank people are getting preferential treatment. That is not so. Treating everybody the same does not spell equality. It spells sameness, not equality. Sometimes we have to take extra measures to ensure that equality is reached because people are at different levels.

The bill now before the House would help to establish precisely this kind of government through enactment of this agreement. The Westbank First Nation would become self-governing, assuming jurisdiction over and responsibility for its own affairs.

Not only are our policies our own, but our policies are designed to empower people, not to weaken them, to empower them and make them a force that can be self-sustainable economically, socially, culturally and politically. That is the goal of every community across this country.

● (1620)

Let us look at the association of municipalities. The goal of the municipalities is to take more power, apply it locally and make it work for themselves. Why should it be different for Westbank? Westbank should have the same opportunity to be self-sustaining, to be economically viable, and to assume political responsibility.

In short, Westbank will establish and maintain a democratic government within the constitutional framework of Canada. People should hear those words: "within the constitutional framework of Canada". This government will respect Canadian law and recognize that all members of the first nation, like Canadians everywhere, are subject to the Criminal Code and the Canadian Charter of Rights and Freedoms.

In order to foster better relations with non-member residents on Westbank lands, Westbank First Nation will create a mechanism to ensure that non-member residents can have input into laws that affect them directly. This marks a significant improvement over the Indian Act situation. This is no different from the way aboriginal people have traditionally welcomed outsiders to their lands, the way they welcomed the first Europeans to join them in this country. There is no difference. This is an accommodation of the same kind in another era.

Under this self-government agreement, the first nation will have a range of powers. Eventually the first nation will enact laws in areas such as land and resource management and aboriginal language and culture. This is so important: we are our culture and we are our language. I speak my own language. I am not from Westbank, but I admire those people. In fact I almost killed myself getting over here when I was in my office and the time had almost expired and I thought I would not lose another opportunity to speak on a bill that affects aboriginal people. It really goes to show I would do almost anything for the people of Westbank. I made it here but I am actually a bit out of breath.

I want people to know about these priorities. To have jurisdiction over and responsibility for managing land and resources is huge. It is empowering. That is the way it should be. If we do not deprive people of their language and culture but instead enhance them and preserve them, that is an even better thing. It is especially good for the children, and for the elders and of course everyone else too, but I think of it that way because I was a teacher in a previous incarnation.

It is in these areas that a key feature of the agreement lies. With these new powers, Westbank assumes control of its resources. The first nation powers under the agreement include the right to grant interests and licences on its land. This is a good thing. My grandparents and I lived on a piece of land that became Norman Wells. Imperial Oil had resources there for over 75 years. My family never benefited from that. My family lost its property to those companies. We still live in the vicinity but our families were moved. We were never compensated, and that is fine, but it should not be that way. It should not happen that way. It does not happen that way with farmers, and if it does, it should not. It should not happen to anyone.

Under the agreement, the community gains the freedom to establish partnerships and conduct business according to its own needs while at the same time respecting the interests that already exist. Westbank First Nation already has demonstrated that it knows how to manage its affairs responsibly and profitably. After all, this is one of the most prosperous and successful aboriginal communities in Canada, and one of the most beautiful, I must say.

Westbank of course is blessed with a spectacular natural beauty, located as it is on the shores of Lake Okanagan adjacent to the city of Kelowna. The first nation is ideally situated to benefit from the region's booming economy and Westbank has made the most of these advantages. It is a tourist's dream. It is a place where tourism and ecotourism should bloom and prosper.

The first nation and its members have opened lands to development, making the first nation a busy land manager. Today, Westbank's commercial district features a number of shopping centres that generate substantial rental income and provide job opportunities for band members.

● (1625)

Westbank has established a reputation as a fair land manager, a trustworthy partner and a reliable neighbour. People have nothing to fear from this agreement. We should not be fearmongering. We should not create paranoia where there is none, where there is a willingness to include, where there is a willingness to engender a good relationship and partnership. People should not work at making it something negative and to be paranoid about.

What is perhaps most striking about Westbank's success is that much of it was accomplished under the limitations of the Indian Act. Now the first nation wants to establish a new relationship with the people of Canada, a more equitable relationship that will enable Westbank to realize its full potential.

The people of Westbank are clearly ready to fulfill their obligations. They have been working toward this agreement for more than a decade. They have staged more than 400 information and consultation sessions. They have secured the support of the municipal and regional governments, chamber of commerce, labour unions and a broad range of special interest groups whose concerns and goals are closely linked to those of the first nation itself.

Westbank also drafted and approved a constitution that sets out governing structures, assigns duties and clarifies band memberships. I am convinced that the community consultation process that produced Westbank's constitution will lead to stronger, more effective self-government. Community leaders, after all, participated in every phase of the constitution developed and will contribute to its institutions.

The constitution and the self-government agreement will also establish a valuable reference point for treaty negotiations between the governments of Westbank, Canada and British Columbia. Of course we all know that B.C. has one of the most complex set of arrangements, or in some cases lack of arrangements, that exacerbates the situation.

Enacting the Westbank agreement would certainly have a positive impact outside the province. Although it is British Columbia's third self-government agreement and the 17th in Canada, it is the first stand-alone self-government agreement under Canada's inherent right policy. This is an important milestone. The agreement demonstrates that the Government of Canada can work with first nations to arrive at agreements tailored to the specific needs of a community.

I want to say that I will do my share, my utmost to make sure that a decade's worth of hard work will not be in vain, for we are entrusted with the aspirations of these people. We are entrusted with their goals and dreams. It is not that they want to work against Canada; they want to be and work with Canada.

Today I ask the members of the House for their support in providing the tools needed to build the community envisioned by the Westbank First Nation. Clearly the progress Westbank has already made on governance has put the community on a path toward self-reliance and prosperity.

I have to refer to the documents. There is a section for almost everything in this agreement. One section talks about protection of other Okanagan first nations and non-members. It is a very accommodating document. It talks about Westbank government, the application of laws, agriculture, self-government agreement within the Canadian legal context, gender issues. It also talks about government to government relationships. It talks about culture and language, education, environment, health services, lands and land management, licensing regulation and operation of business. It talks about membership in Westbank First Nation. It talks about public order, peace and safety, prohibitions of intoxicants, public works, community infrastructure and local services resource management, traffic and transportation, wills and estates, enforcement of Westbank First Nation law, financial arrangements, financial management, and implementation of the Westbank First Nation self-government agreement.

This will not be done on an ad hoc basis. This is systematic. This is planned. This is deliberate. This is an awesome document. This is an attempt by a people to be what they should be: equal with the rest of Canadians and have the opportunity to be self-sustaining and prosperous. We should all support this document.

● (1630)

[*Translation*]

The Deputy Speaker: It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Sherbrooke, The Environment.

[*English*]

Mr. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, I noted with some interest that the member said that she was asking for the support of the House. I think she would know that in the vote last evening indeed there was overwhelming support for this bill.

Therefore, could she help me understand if there is some kind of strategy that her government is presently undertaking with respect to this debate that perhaps she could enlighten us on? I do not know if it is correct or not, but I should mention that I believe we have some people even in this chamber who are watching us who are very interested in seeing this bill go ahead.

What we find perplexing is that in spite of the overwhelming support of the House for this bill, the fact that there is very limited opposition and indeed any of those issues have been fully vented in the course of this debate, that the government continues to filibuster its own bill. We are rather confused about that, particularly when I for one happen to agree with the member that we should be getting on with the business of the House.

Would it have anything to do with the fact that the Prime Minister and the government are not prepared to govern at this particular point? For example, let us look at the other bills that will immediately follow this bill should debate collapse. Bill C-10, the marijuana bill, is at third reading, which means that we could have a debate on that and get that through. Bill C-11, the Westbank bill, certainly is one that we could dispose of right now. Bill C-12, child protection, is a bill that is at third reading and could be disposed of fairly quickly. Bill C-15 concerns the transfer of offenders.

The House is trying to get these bills through. Indeed in ordinary procedure one would have the opposition trying to stop things, or the opposition trying to bring forward particular points of view, which is just fine. That is what the parliamentary process is about.

Considering that the Liberals' legislative cupboard is completely bare as a result of the Prime Minister having no idea of where he wants to take Canada, is that the reason, in the judgment of the member, she herself, unimaginably, would actually be part of the filibuster of this very important bill that the people of Westbank want to go ahead?

Hon. Ethel Blondin-Andrew: Mr. Speaker, I sat here the other day and I am still stinging from the venting of the said members, some of whom are not here. I sat through every word of the umbrage they took to the general intent. There is a member standing in the House who was also speaking to this bill.

I sat there as a first nations person and took that garbage from them on this well-intended document. They used the charter against aboriginal people. They tried to use the charter. Obviously most of them have not read the document. I have read it. I have looked at it. Had they read it, they would not have made the comments they made the other day. It was an insult to every member in the House.

Mr. Myron Thompson: Why is it being held up? Get going.

Hon. Ethel Blondin-Andrew: The member from the NDP and I stood up and we were both talking about representation.

This government has no lack of work to do. We are also doing Bill C-31, the bill for the Tlicho self-government agreement. I visited the members opposite weeks ago to ask for unanimous consent to put that bill through. They would not give it.

I do not want to hear this from those members. That is fallacious. That is false. Those members are playing games and they know it. I spoke to a member and that member told me they would not do it. She said, "This is politics". Those were the words of the member.

I went to beg with them and the Tlicho people sat in the gallery and watched as I tried to negotiate with them. They said no, they would not do it. Those members need not talk to me about filibustering because I know. I went there in earnest. I would not say this without having tried.

On the Prime Minister's performance, the Prime Minister has put the government in a situation where we have no deficit. We have paid down the debt. We have implemented a number of bills far in excess of what was done before at this point in time.

I cannot believe that members of the opposition would be saying the things they are saying when I listened to every speech here the other day on the Westbank agreement.

Chief Robert Louie sat in the gallery and listened to that garbage. We are lucky that those leaders have the vision they have because this is what they have to put up with. This is not the real—

● (1635)

Mr. Charlie Penson: Mr. Speaker, I rise on a point of order. It seems to me that we have to keep our debate level civil here and that is simply not happening when we are talking about garbage from members of Parliament. That is not in order. I would think that the member should stay away from that kind of comment.

The Deputy Speaker: Quite respectfully, the point of order was more of a point of debate. Certainly it is always appreciated by the House when members want to remind other members to conduct their affairs in a parliamentary fashion. Has the minister of state concluded her remarks and if not, I will give her the floor.

Hon. Ethel Blondin-Andrew: Mr. Speaker, I am a bit animated, but I am passionate about my people. I do believe they have a role in Canada that the member does not recognize. The member does not recognize that these people should be self-governing.

An hon. member: I do.

Hon. Ethel Blondin-Andrew: Then get up and say that. The member should get up and say that he believes in what the Westbank people have put forward instead of taking umbrage with every nitpicking detail, as he did the other day.

I sat here and I listened to him the other day. Mr. Speaker, I am sorry, it was not garbage, it was political refuse.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, not only did they nitpick the other day, and I have been kind to them, until this came up. I have been very nice to them. I complimented them on the good move last night by most of their party. The members who are here today put their points forward respectfully and now we get this.

As the member just said, speaker after speaker before Easter were not speaking to these points. They were just delaying it. We could have had this bill through before Easter. It could have been in the Senate now.

We do not want any excuse like this, that we are delaying the bill. Two aboriginal people just spoke. Those members are suggesting that the aboriginal people in the House should not speak to a bill that concerns them and I think that is terrible.

The member brought forward concerns. This is the record, as I said, earlier of the bill. I want to put these on the record and then ask my question of the member, so that the record shows that all the concerns on the bill have been answered.

In relation to section 25 being a right that cannot be overturned, once again the government's position is that this legislation does not convey any specific aboriginal right. Therefore that does not apply. In fact, even if it did in the bill, and this is very esoteric, but there is a specific technical court test that it has to pass and it still would not pass. Therefore that is not a concern.

The only other outstanding concern related to why we are getting rid of the Statutory Instruments Act and that type of protection. The Statutory Instruments Act requires that the deputy minister of justice and the chair of the Privy Council look at the bill again. That is just like the minister of Indian affairs. It is once again paternalistic. It is not allowing for full self-government. To balance it, we put a registry in the bill so there has to be a public registry that performs the same function.

As the House knows, last night I was personally very disappointed on the no vote on a similar bill, the Tlicho bill, by only one party. I will not say which one, we must be positive here. However there was a no vote on the Tlicho bill.

The member is a great champion of aboriginal rights. I want her to explain the advantages of self-government in the Westbank and Tlicho regimes and what this will do.

When we get these answers to the concerns and the first nations perspective on the record, then we are going to pass the bill.

● (1640)

Hon. Ethel Blondin-Andrew: Mr. Speaker, I talk about how accommodating the bill is and they say they have agreed with that. If that is the case, I believe the self-government regimes put forward by the Tlicho bill and this bill are visionary. They are futuristic, they are far reaching.

The bill addresses what the members are always complaining about. They want aboriginal people to be accountable, to be responsible, to assume responsibility for their lives, economically, socially, politically. They ask why people are not doing that. This will allow that. This is an empowering document. This is a tool that will allow it. Bill C-31, the Tlicho bill will do that also. It will give them an opportunity to demonstrate to the member and the rest of the world that it is possible for them to be self-determining.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

And the bells having rung:

The Deputy Speaker: Accordingly, the vote on Bill C-11 is deferred until the end of government orders next Monday.

[*Translation*]

Hon. Mauril Bélanger: Mr. Speaker, if you were to seek it, I think you would find consent to further defer the division from Monday at the end of government orders until Tuesday at the end of oral question period.

[*English*]

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

Government Orders

CRIMINAL CODE

The House resumed from April 21 consideration of the motion that Bill C-12, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, be read the third time and passed, and of the amendment and of the amendment to the amendment.

Hon. Gar Knutson (Minister of State (New and Emerging Markets), Lib.): Mr. Speaker, it gives me great pleasure to rise again to speak to Bill C-12, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

As all hon. members know, Bill C-12 proposes a number of criminal law reforms that seek to better protect children against sexual exploitation, abuse and neglect, to facilitate testimony by child victims and witnesses, other vulnerable victims, and witnesses in criminal justice proceedings, as well as to create a new offence of voyeurism.

I believe that all of Bill C-12 is important and I support the whole of the bill. However, I will take the time that remains today to restrict my comments to those provisions that respond to the concerns relating to the age of consent to sexual activity.

Bill C-12's objective on the issue is clearly articulated in the first paragraph of the preamble:

> Whereas the Parliament of Canada has grave concerns regarding the vulnerability of children to all forms of exploitation, including child pornography, sexual exploitation, abuse and neglect;—

The focus of Bill C-12's response to concerns about the age of consent to sexual activity is on the exploitative conduct of the wrongdoer and not on whether the young person or victim consented to that conduct. This is, in my view, both the right focus and the right response.

More specifically, Bill C-12 proposes to create a new category of prohibitive sexual exploitation of a young person who is over the age of consent, that is, someone who is 14 years of age or older and under 18 years.

Under the proposed reform, courts would be directed to infer that a relationship is exploitive by looking to the nature and circumstances of that relationship, including the age of the young person, any difference in age and the degree of control or influence exerted over the young person.

I understand that there continue to be calls to raise the age of consent to sexual activity. Why is this? As I understand them, these calls seem to be motivated by a number of different reasons. For example, one reason sometimes given in support of raising the age of consent is that raising the age of consent to 16 or 18 would prevent others from forcing young persons into the sex trade.

In response to this, I note that it is already an offence under the Criminal Code to force anyone under the age of 18 years into prostitution and that this offence carries a mandatory minimum penalty of five years imprisonment. I would think it is also against criminal law to force anyone into prostitution.

Another reason given seems to be related to the differing understandings of what is meant by sexual activity. Canadian prohibitions against sexual activity do not differentiate between sexual activity that consists of kissing and sexual activity that involves sexual intercourse.

I do not believe that Canadians think that a 14 or 15 year old girl is not mature enough to freely make a decision to kiss her 17 year old boyfriend. Nor do I believe that Canadians want to criminalize a 17 year old for kissing a 14 year old girlfriend. Whether we as adults like it or not, the reality is that adolescents engage in sexual activity and the criminal law is not the place to deal with this type of activity.

I think other reasons sometimes given is that 14 or 15 year olds are too young and immature to fully appreciate the consequences of their decisions to engage in sexual activity. While it is true that a 14 or 15 year old does not typically possess the maturity of an 18 year old, as a society, nonetheless, we consider them mature enough to be treated as an adult under the new Youth Criminal Justice Act for the commission of serious violent offences.

Whatever the reason for advocating an increase in the age of consent, the common thread appears to be the prevention of sexual exploitation of young persons. This intent is to be applauded. On this I think that Bill C-12 delivers.

Unlike proposals to raise the age of consent to 16 years of age, Bill C-12 proposes to extend protection not only to 14 and 15 year olds, but also to 16 and 17 year olds. It would protect youth from exploitation at the hands of anyone.

● (1645)

Bill C-12 contains many welcomed reforms to the criminal law to protect our most vulnerable members of society. I hope that all hon. members will support Bill C-12 to better protect Canadian children against exploitation in all its forms.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I listened to the speaker in regard to the number of reasons why people were suggesting that the age of consent should be raised from 14 to 16 years of age.

One particular reason that he has not stated is that it is pretty obvious from all the information that we have gathered over the last few years that a huge majority of Canadians are asking for it. The last I heard they were the bosses of this place and we are their servants.

As their servants, why do we not comply with the wishes of the huge majority in this country and raise the age of consent?

Hon. Gar Knutson: Mr. Speaker, I appreciate the question coming from the hon. member. I think reasonable people can differ on this. We come to the issue of the age of consent from different philosophical backgrounds, religious backgrounds, and cultural backgrounds. I think it is within the bounds of reason that people have different views.

They can also have different views about the appropriateness of using the criminal law to force people to behave in a certain way. The criminal law should be our last resort of making people do things. For example, as a father with three children, ages 14, 12 and 8, I have concerns about when they would engage in sexual activity and at what age. However, I do not rely on the criminal law to govern that activity.

I rely on providing them a good home, with certain standards, making certain decisions, and fundamentally appreciating that actions have consequences. At a certain age they are not old enough to appreciate the consequences of their actions and the best thing to do is to avoid certain activities that might have very serious consequences; and sexual activity is one of them.

To get to the member's point, we would disagree just on the fact that the overwhelming majority of Canadians think that the age of consent should be raised. In my constituency office, I do not see any particular evidence to that degree. This is not an issue on which I have received a number of telephone calls. Certainly, there are some people in the community who would like to see it raised to 16 years and I respect those views.

For the arguments that I have laid out, I do not think we want to criminalize sexual activity above a certain age. I think that it is an important view and I do not want to dismiss it out of hand. However, I do not believe that it represents the view of the overwhelming majority of Canadians as the member has indicated.

● (1650)

Mr. Ken Epp (Elk Island, CPC): Mr. Speaker, I would like to ask this member whether he thinks it is okay for a 25 year old to have sex with a 14 year old and if he does not think so, why does he not do something about it?

Hon. Gar Knutson: Mr. Speaker, I just addressed that in the previous questions. Of course, I do not think it is appropriate for a 25 year old—

An hon. member: Oh, oh.

Hon. Gar Knutson: Mr. Speaker, I would like to ask the hon. member whether, given the seriousness of this topic, we could discuss it without interrupting each other because this is a serious topic.

It goes very much to the core beliefs of a majority of Canadians. I would like to ask the member not to heckle me while I am trying to give my response. I understand that is not the way it is normally done in this House, but I would think that, given the issue of child exploitation, we might not debate the way we normally do and that we might just be quiet and respectfully debate with each other, given that different people can have different views.

The point I was trying to make is that it is about the limitations of the criminal law and do we use that as a sledgehammer to bring about what I would think is a good social purpose?

I agree with his point that it is wrong, in a general sense, for a 25 year old to have sex with a 14 year old and that under certain circumstances the criminal law would intervene. It is in the bill and so I think that the hon. member should still support the bill.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I am pleased to address this topic on one more occasion.

I do not disagree with a lot of the philosophy behind the thinking that goes with the bill. I do not care to get into those kind of philosophical debates as to whether we should have a law indicating it is not a smart thing for a 40 year old, for example, to convince a 14 year old to have an activity at that age. There should be a stringent law to deter people from that possibility, but that is not a major part of my concern in regard to the bill.

Many in here know from the past where my concern comes lies, and that with the protection of children through the elimination and absolute ban of child pornography. We recently voted on a motion I put forward in the House of Commons. It asked for the creation of legislation that would eliminate all defences for people using child pornography for the purpose of exploiting children. That motion was unanimously accepted.

The problem I have with Bill C-12 is it does not do that, and therein lies the debate. Many Liberals will say the words "artistic merit" have been removed from the bill, but the words "public good" have been replaced them. Therein lies the topic of my debate, child pornography.

I would like to point out something for all members of the House and for the Canadian public at large. As a member of Parliament and the opposition critic, I have been working on child pornography. This is not a sporadic incident or something that comes up occasionally or seldom.

Before I came here today, I did some research. I have examples showing that this is not an occasional incident. Cases of child exploitation through the use of child pornography happen every day across Canada. They are not reported, or printed in big headlines in newspapers or not talked about on television. This is going on in a huge way, and we are unable to recognize that fact.

I have recent article from the last few days which appeared in the *Calgary Sun*. The headline reads, "No Jail Time in Kiddie Porn Case". This is a small article not a big article like we read on the front pages. A guy was convicted of kiddie porn, but he was not put in jail. He was considered treatable, and he would stop this nasty business. He received no punishment except house arrest. Just recently a former Saskatchewan RCMP officer was found guilty of child sex offences, and he too received house arrest as punishment.

These cases illustrate to all Canadians, particularly members in the House, that individuals in Canada who are charged and arrested or being investigated for the offence of using child pornography come from all walks of life. People sometimes think only bums or whoever might be doing this, but that is not so. Bankers, teachers, preachers, officers of the law and others are being charged with this offence. It is widespread, and it is a huge industry.

● (1655)

I have another case in which a Alberta man ran a child porn ring, an international group distributing child pornography on the Internet. They were making huge profits. Lots of big, grown-up men are making money from absolutely evil pictures that come across the Internet. They are exploiting our young children across the nation. More than 1,000 images and 250 video clips were on the computers of this individual. That is astounding. There were videos of the most awful stuff one could imagine, children as young as two years old having sexual acts with adults. If that is not evil, I do not know what else one would call it.

A 78 year old man from the Waterloo region faces child pornography charges. Good grief, a 78 year old man. Then a London child porn offender, and I am talking just this week, got house arrest. A huge amount of material and images which he had brought back with him from a business trip to some other parts of the world were found on his computer. It is unbelievable. This guy is a successful businessman, making big bucks off the avails of child pornography, involving very young children.

Another headline states that an ex-Children's Aid Society worker was busted again. This was in Windsor. He is 27 years old. He is back in custody. He was busted once again because he had all this filth in his possession which exploited young children. Another headline says that porn charges were laid in Niagara Falls. He is to appear in court in St. Catherines next week.

I could go on and on. I have a whole pile of these. I could give example after example. Any police force or anybody engaged in trying to do something about this serious problem will tell us that these are everyday occurrences and they are running rampant. We only hear about the sensational cases. I do not know if it is fair to call them that. We do not hear about all of them because I guess it has become unimportant to the media. It does not talk much about it.

Governments are not responding very well. I look at the Toronto police department. It has only a handful of officers to deal with millions and millions of items that they have taken from people in the Toronto area who are under investigation for breaking the laws using child pornography. I know there are members sitting in the House right now who have seen some of the material that the Toronto police officers have confiscated. They are trying to illustrate to all of us how serious this is. There are images of babies in diapers all the way to young teenagers who are absolutely abused to no end. It is unbelievable that it is happening.

● (1700)

We also know that through the hard and dedicated efforts of five or six police officers in the Toronto region, a six year old girl from North Carolina was rescued. They were able to determine from the images who this child was, locate her and get her out of that situation. As far as I am concerned, these Toronto police officers are national heroes for having done that.

However, it saddens me when I read their reports. They can only estimate, but they tell me there could be up to 100,000 children being used to produce child pornography, which is being distributed and used throughout the world. Out of that, a few of those, a great many of those or several hundred of those could be here in Canada. They could be right next door to us, but we do not know where they are. However, through their hard effort, hours and hours of going through this material and doing the best they could with it, these people were absolutely successful in finding this one.

I really think we should listen to the police departments when they call for the government to provide them with some funding to help them set up a national strategy across the land and connecting with international agencies. Then they could really go after this in full force and defeat this evil enemy that is child pornography, the enemy of our children. Lord knows we would not have any trouble finding the funding when we look at where some of our funding goes.

Obviously, every member in the House agrees that needs to happen. They expressed that in the vote which I spoke about earlier. They said that they wanted to get rid of it. The only way we can do this is by first passing legislation that removes the possibility for anybody in this land to have possession of, distribute or make a fortune out of any child pornography that exploits the children.

We ran into a little problem recently. A fellow by the name of Sharpe ended up in court and some judge declared that some of the material he had in his possession had some artistic merit. Because of that decision, artistic merit was written into the law as a defence. There was an outcry from the public, and I was really pleased to be part of that, saying that we had to remove artistic merit. There is no defence for people exploiting children through child pornography. Everybody agrees on that. Then the government comes down with Bill C-12, and there is the problem. What has it done? It has replaced artistic merit with the words "public good".

How long will it be before some child pornographer, who is brought to court and charged, pleads innocent under this law, Bill C-12, of public good? We do not even know what that public good might be. Will it be because a particular piece of stuff has some artistic value to it or some other value to it and the person will fight for the right to produce or use it for his or her own personal purpose, whatever they might be? We do not know what that public good definition will be, but one day we will know. Some judge, somewhere, in some court will have to define it because this legislation does not.

My suggestion to every member in the House is let us live up to the vote we recently had to eliminate all defences. Let us do that by protecting those individuals who may have a purpose for having this child pornography material in their possession.

● (1705)

I tried, to no avail, to convince a number of people from the governing party in this place, the Liberals, that all we need to do is cover all the possibilities we could think of and include them in the act if they happened to be missing. They have not done that. They continue to leave "public good" in place.

Therefore, I have a suggestion for this bill and this particular section. I have put together a private member's bill, which I have introduced. The clause in this private member's bill is going to say that when the accused is charged with an offence under the child pornography section-and I will not go into all the numbers—"the court shall find the accused not guilty if the [visual] representation or written material that is alleged to constitute child pornography has an educational, scientific, or medical purpose". I want to add to that: "or if the acts that are alleged to constitute the offence were carried out for the purposes of law enforcement".

What that does is protect bona fide doctors, psychiatrists and scientists who might be using this material for scientific, medical or educational purposes. Also, it protects the police who are investigating when they take this material into their possession. We need to protect those bona fide individuals who are working hard to stamp out child pornography. We can do that by including them in this clause.

Therefore, we could eliminate the items of "public good". The undefined "public good" could be removed. Then we could send a message to the courts that they are to protect the bona fide doctors, scientists, psychologists, investigators, police forces or whatever agency it might be as long as it is for those medical, scientific, educational or law enforcement purposes. We do not want anybody who has a legitimate reason for having this in their possession to be arrested and charged.

However, more than anything else, I do not want to subject one more police officer in this country—and I am sure every member in here would agree with me—to having to sit in a chair day after day and hour after hour determining whether any of this filth that they have confiscated has any public good or artistic merit or any of that to it. We must not do that.

We must quit exposing our enforcers of the law to that, because it is driving them up the wall. And so it would if we had nothing else to do but go through all of these millions and millions of pieces of material that they have in the Toronto police department alone. It would have to drive someone around the deep bend. I know that there are members in here who know what I am talking about because they have seen those examples that were confiscated.

Let us put an end to it and get a strong message out to those who would perpetrate it upon our children. We are not going to look at this idea that the right to freedom of expression of a person who is going to exploit children through child pornography is going to override the rights of a child in this land to be safe from this kind of enemy.

● (1710)

We can do it. This government could do it. Bill C-12 does not do it because those two words, "public good", are still in the bill. Let us get rid of it. Let us protect all those guys who are doing their work. Let us do the right thing. Let us all do what we as members of the House of Commons did when we unanimously agreed that we would eliminate all defences. Let us do it and do it now.

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I should put on the record the motion that my hon. colleague has alluded to and for which, unfortunately, he left out a phrase. The motion stated:

> ...protect our children from further sexual exploitation by immediately eliminating from child pornography laws all defences for possession of child pornography which allow for the exploitation of children.

The important part is "which allow for the exploitation of children".

We have allowed the public good defence. Why? Because police officers need it. We do not want to be charging police officers if they are in touch with this material. The public good is important because the people who have to prosecute, the people who have to take these things before a court and get the convictions where warranted, need the public good defence. That is part of it. It is already there.

I might say that we are here at third reading debate and third reading debate means that we get to vote to get this bill to the Senate. But guess what? I am actually standing to respond to this member's speech not on the real third reading debate but on a hoist motion, which has removed this so we could not vote to send it to the Senate. Why? Because those members wanted to procedurally delay it in the House. The hoist motion is to put it back into the committee.

It has already passed the committee. It has already passed the second reading and report stages in the House. This bill is needed. It is needed not in six months. It was needed yesterday in our courtrooms. It is needed because there are protections for the children who have to go court, protections to help them do their witnessing and their testifying. It is needed because the judges need these new laws to help them in light of decisions by the court.

Let me tell members that we craft things such as "public good" to respond to decisions such as Sharpe to make sure that what we can do will stand up. This is not some figment of one person's imagination. It is very easy to read the litany of the crimes in a newspaper, but we know that it is more important and is our responsibility here to pass the laws that help. That is what we could have been doing instead of delaying this bill.

I have been here as the parliamentary secretary listening to hoist motion debates and it is not pretty. We could have gotten this bill through had we had the cooperation from the other side.

I want to talk a little about what exactly public good means. It means, in this defence, that any material or act in question must serve the public good and must not exceed what serves the public good. That means, unlike the existing defence of artistic merit in the subsection in the code, the proposed public good defence would require a two stage analysis. Does the material or act or serve the public good in any of the recognized areas? If so, does it go beyond what serves the public good? No defence is available where it does not serve the public good or poses a risk or harm that exceeds what serves the public good.

We have to act responsibly. It is difficult to craft something that stands up in the courts and still does the job. We have crafted a bill. We are not trying to delay this bill. We are not trying to delay the protections. This bill is very, very important. I think what we should do now—

● (1715)

Mr. Ken Epp: Madam Speaker, I rise on a point of order. I was wondering whether the member thought she was making a speech or whether she was posing a question to my colleague. I think she just answered it, so let us let her go on.

The Acting Speaker (Mrs. Hinton): The member is entitled to make comments or ask questions. I would ask her to limit her time to approximately half of the questioning time and to continue, please.

Hon. Sue Barnes: Here is my question for the member, Madam Speaker. Why has he participated in delaying the bill in the House? The legislation is needed.

Mr. Myron Thompson: Madam Speaker, in case this member was not here, I sat in here most of the day watching the Liberal government filibuster Bill C-11, which we have agreed should be hurried and should get done, and then she dares to accuse me of suddenly getting up to speak on this bill, which I have not spoken to since it was initiated.

I am going to take the opportunity to speak to it because this is my first kick at it and I want to express some things. There is one thing I really want to express to the member, who must be a lawyer, because only a lawyer would stand at her seat and constantly agree that we need a clause like "public good", because I will guarantee that this clause will bring case after case to the courts. It will be a lawyers' haven. Boy, will they have a lot of work to do to determine if there is any public good in child pornography.

I would like any member, any lawyer in the country, to tell me that it is worth spending hours and hours and tons and tons of money to determine whether a piece of garbage like we have witnessed, and like what the police are going through, is for the public good of any kind, of any nature.

All I am asking for, and all we have ever asked for from the beginning, is some legislation that would remove the defence from these people who exploit children.

Maybe I left it out, but the member knows very well that it was in the motion: to eliminate "all defences". Also, if she was listening, I suggested that we protect our law officials, doctors, medical people and educators.

What are her priorities? Her priorities appear to be to get everything in the proper legal terms, which most people will not even be able to understand, to make sure that the courts will be filled with people who are going to make claims so they can be protected under the public good while they are exploiting our children. The police are going to have continue to spend hour after hour going through all this material to determine if there is any possibility that there is any public good, like they had to do for the artistic merit work. It is no wonder that people like John Sharpe, along with other pedophiles across the country, cheered when this legislation came through.

The trouble is that this particular member, as well as too many members in here, lives on a higher plane, above average Canadians, because 90% or so of average Canadians would say, "For heaven's sake, get rid of that garbage and get rid of it in the firmest way you possibly can".

And yes, my suggestion might even go against the charter of rights, because it would take away the right of some idiot out there to use this material for his own personal use or whatever.

I am telling this lady and this House and this country that it is time today to stand up and say they are not going to use the charter to exploit our children or to protect themselves and that we are going to put in laws that will protect children. That is more important than protecting the rights of these idiots who would produce, distribute and use this to damage young people.

The government needs to get firmer and not give me any more legal garble and babble-gabble about what may happen. I know what is going to happen. It is going to be in the courts constantly because the government does not have the fortitude to put the law in place and mean business about it.

● (1720)

Mr. Ken Epp (Elk Island, CPC): Madam Speaker, I want to commend my colleague for his compassion and passion on this issue.

What I would like to pose to him as a question, because we have such a very limited time, is simply this. He proposed during his speech that instead of having the defence of artistic merit or public good, either of those defences, we would simply list those people who would be able to possess this for a valid, legal reason, whether they were prosecutors or whatever.

I wonder whether he is afraid that perhaps by having a specific list someone may be convicted who was inadvertently omitted from the list. In other words, who should be on the list and who should not?

Mr. Myron Thompson: Madam Speaker, as was stated earlier, we have already in there educational, scientific, medical purposes, but I would also include for law enforcement purposes. From those descriptions of what it may be used for, then bona fide people who are in those professions and could possibly be tied to any of that, they only need to be recognized as being a bona fide doctor, psychiatrist, prosecutor or whatever.

We do not need to make a list. We just have to make sure that those four areas are protected when it is absolutely certain that is what it is being used for, but for Pete's sake, we must stop the exploitation of children by not leaving any cracks where it can happen. It is important to me and I hope it is to the rest of us.

Mr. Paul Harold Macklin (Northumberland, Lib.): Madam Speaker, it is a pleasure to participate in the debate, although I see the time is somewhat limited this evening.

I was at least encouraged to hear the previous speaker advance the fact that now he is giving a selection of items that were clearly referred to as examples that would be included as serving the public good in Bill C-12. I think we are starting to make some progress. We are starting to see that in fact we cannot start off with a bill that has absolutely no means of allowing people to deal with that issue, and the phrase "public good" is an excellent way of expressing that. The hon. member has come a long way toward accepting that principle.

Today I find this a special opportunity to discuss and debate further the issues that are so important, as everyone has pointed out today. I believe this discussion, although it has gone on at some length, should go forward with the concept of trying all ways and means that are meaningful to protect our children while preserving all the rights that are within our charter. I say that of course because Bill C-12 does bring forward, not just child pornography reforms in terms of criminal law, but actually goes beyond that and brings forward other reforms which better protect those who are most near and dear to us, our children, and those people with disabilities.

Bill C-12 is much needed and welcome and I look forward to the reforms that it will introduce. Each of us wants to make sure that the criminal law meets the needs and concerns of Canadians, especially those who are most vulnerable, which includes those with disabilities and our children.

Although the previous speaker concentrated on one particular area of the bill, we must understand and appreciate that there are a number of areas that are being addressed. First, the bill deals with the concept of strengthening our existing child pornography provisions in two respects. One is to broaden the definition of written child pornography to include material that is created for a sexual purpose and predominantly describes prohibited sexual activity with children and the other would narrow the existing child pornography defences so that there would only be one defence of public good.

Within the scope of public good, the previous speaker's commentary about dealing with science, education, law enforcement, the administration and process, the medical issues that arise from this, and the entire study process, this is developing the idea of public good. I am very happy to see that there is some movement in my hon. friend who previously spoke to this concept, because up until this point there was a desire on the part of that party to simply say that there should be absolutely no defence.

I think those members are starting to get the idea. They are starting to develop the concept that there are legitimate uses that have to be there. There have to be opportunities to educate our people to deal with the medical realities and to go through and deal with the administration of justice.

● (1725)

I think it is very important that we are making progress in that area. In narrowing the defences to the one defence of public good, is something that will better serve the public interest, but I think there is a limitation on that.

As one would argue for public good as a concept, one would also have to put a cap on that because we cannot let it go beyond a certain point. The point that has been determined is that one has to weigh the entire public good against the risk of harm that it would pose. Therefore, when it outweighs the benefit, that is the public good defence, to society, then in fact it would be limited.

Second, the bill also proposes to create a new prohibited category of sexual exploitation of young persons. I think the examples that were given by the previous speaker speak to those points. What we are concerned about is the exploitation of children.

● (1730)

The Acting Speaker (Mrs. Hinton): It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

OFFICIAL LANGUAGES ACT

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.) moved that Bill S-4, an act to amend the Official Languages Act (promotion of English and French) be read the second time and referred to a committee.

He said: Madam Speaker, it is an honour for me today to speak to Bill S-4, an act to amend the Official Languages Act (promotion of English and French).

Before going any further, I think it is important for me to say that I informed the Standing Committee on Official Languages—to which I asked that the bill be referred—and my colleagues that, should the bill be considered by the committee in the future, I did not intend to chair said committee during meetings on Bill S-4. In the interest of transparency, I asked that the vice-chair or one of the vice-chairs of the committee take the chair in my place while I sit elsewhere in the room in order to avoid chairing a hearing which will judge the merits of a bill that I am sponsoring.

I also want to commend Senator Jean-Robert Gauthier, who has championed this issue for many years. This bill, which sets out to give more teeth—if I can put it that way—to the Official Languages Act, is so important to the hon. senator that he has returned to the charge three times since 2001.

I also want to point out that Senator Jean-Robert Gauthier has faithfully been representing Canadians in the House of Commons and the Senate since 1972, if I am not mistaken—32 years . In a few months, Senator Gauthier will leave us because of his age—75—as unfair as that may seem, especially to those who work as hard on initiatives such as protecting minorities. I know that the senator is undoubtedly listening to this debate and that the members of his staff —his assistant, Sébastien Goyer, in particular—are listening closely and watching it too.

The bill is important to me and Senator Gauthier because we clearly remember a time when it was difficult to obtain services in French and English from the Government of Canada. Senator Gauthier has become a symbol of the struggle to obtain respect for the rights of francophones and minorities everywhere.

Francophones know him well as an advocate in this field, but he was long and is still an advocate of many other causes affecting minority communities. Naturally, we will be able to talk about the rights of public servants or various other similar subjects that have been and continue to be important to Senator Gauthier.

Consequently, when the official languages policy was instituted, some 30 years ago, the senator had just been elected as a member of Parliament. I am sure that when he arrived in the House of Commons, although French and English had the same status here in the House as they do today—with simultaneous interpretation and the other things that have existed since Mr. Diefenbaker's time—things were quite different elsewhere in Ottawa.

However, despite all our efforts, something still remains unchanged, and it must be admitted that rights are not always recognized as they should be. Furthermore, there is even one section of the Official Languages Act that, to some people—and I say some, because one senator does not share this opinion—makes section 41 and others declaratory only and not enforceable.

● (1735)

On March 29, the Official Languages Commissioner, Dyane Adam, published her report entitled, "Walking the Talk:Language of Work in the Federal Public Service". The information in the report was compiled from questionnaires sent to 2,000 public servants working in the national capital region. So, we are talking about this region. The results prove beyond any doubt that we need to make these parts of the Official Languages Act enforceable, if this is not clear to some people.

In her report, the Official Languages Commissioner said:

> Anglophones and Francophones are both in favour of the increased use of French in the workplace.

However, even if both groups are in favour of it, that is not always what happens. We know that this is not always the case.

Now it is time to go further. It is time to give the government of Canada the tools to promote the development of the francophone and anglophone minorities. It is also time to ensure that the necessary measures are taken to implement our commitment. When I say our commitment, I mean the commitment of the House, because, after all, it was Parliament that passed the Official Languages Act. Section 41 is already in the law, of course. Now it is time to make it enforceable.

Section 41 of the Official Languages Act reads as follows:

> The Government of Canada is committed to (a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and (b) fostering the full recognition and use of both English and French in Canadian society.

Nevertheless, we have been told that this paragraph is only declaratory, as I said before. There are those who claim that, in any case.

[*English*]

Bill S-4 wants to go further. It wants to add two paragraphs to section 41. Proposed subsection 41(2) would now read as follows. I am reading from the senator's bill, which I am now sponsoring in the House. I suppose I could call it our bill, although that would be unfair because he did far more than I ever will be able to do. Nevertheless proposed subsection 41(2) states:

> Within the scope of their functions, duties and powers, federal institutions shall ensure that positive measures are taken for the ongoing and effective advancement and implementation of the Government of Canada's commitments—

Proposed subsection 41(3) states:

> The Governor in Council may make regulations in respect of federal institutions, other than the Senate, the House of Commons or the Library of Parliament, prescribing the manner in which any duties of those institutions under this Part are to be carried out.

I understand that some may wish to make amendments to some part of this in the future when the bill goes to committee, at least some of what is going to come a little further on. The bill states in proposed subsection 43(1):

> The Minister of Canadian Heritage shall take appropriate measures to advance the equality of status and use of English and French in Canadian society—

[*Translation*]

Finally, the bill confers more power on the Commissioner of Official Languages, who will use it to raise awareness of the rights of francophones and anglophones living in minority situations. Subsection 77(1) will therefore ensure that, and I quote:

> Any person who has made a complaint to the Commissioner in respect of aright or duty ... may apply to the Court for a remedy under this Part.

● (1740)

[*English*]

I would ask members of Parliament to see it in their hearts to adopt this bill today and to send it to committee. I hope at the conclusion of the debate sometime later this day that they will let the debate collapse, which is what I am asking the House to do, and also not to ask for a recorded vote.

The reason I ask for both is obvious. We may be somewhat, shall I say, late in the term of this Parliament—who knows—and if we are, we could send the bill to committee. If any members wanted to make amendments to the bill, these amendments could be offered.

[*Translation*]

Of course, after the bill goes to a parliamentary committee, obviously it comes back to us in the House, so we may all take part in a recorded division on the bill in its final form.

That is why I feel it would be important for the bill to go to committee today, to enable consideration of it to start as early as next week.

That is what I am asking my colleagues today. First of all, to support the bill, and second to allow this privilege of terminating debate today and, by not asking for a recorded vote, to allow the bill to be immediately referred to the Standing Committee on Official Languages. I hope that decision will be made later on today.

Passage of this bill on second reading would let the 975,000 francophones in a minority situation, as well as the 585,000 anglophones in a minority situation in Quebec, know that their rights are important, and will be even more so in future. If it is true, of course, that certain minorities are well treated, this narrows the scope of the bill, but it is proportionally more important for the minority that is less well served. This is what a colleague on the other side has said.

I thank hon. members in advance for their work, and I again congratulate the senator behind this bill. I congratulate the Senate as a whole, because it passed the bill unanimously, need I emphasize at this point.

Of course I also wish to thank in advance the members of the Standing Committee on Official Languages, which I normally chair, but not this time as I have already said. I know they work very hard where official languages are concerned, and they will examine this bill thoroughly, and come back with amendments if they feel they are appropriate.

Regardless, once the bill has finished its passage through the official languages committee, whether unchanged or with amendments, it will have had the committee's blessing, as it were. Then, of course, in my opinion at least, the House will surely be prepared to pass it unanimously, once it has seen the comments from the Standing Committee on Official Languages.

Once again, I thank my colleagues. I congratulate the senator and his staff, and all those who have been involved in preparations on this bill on more than one occasion, and who have produced the bill we have before us today.

[*English*]

Mr. Scott Reid (Lanark—Carleton, CPC): Madam Speaker, this is a somewhat unusual bill in that it has come to us from the Senate. Most bills do not come that way, although it is not unique. Also, it is a private member's bill and therefore is being sponsored by a private member rather than by a member of the cabinet.

This represents my only chance to ask the member in the House about his intentions regarding the bill. I do have some appreciation for the member's concerns. It might be late in the term of the government, very true. It might not however be late in the term of the government. We just do not know. That is something on which the Prime Minister will be making a decision. If anybody is asking me, I think the election should be called in the autumn rather than in the spring, because there is no hurry for an election, but that is just my opinion.

At any rate, what I am getting at here is that while I think the intention of the bill is something that on the whole many members would find to be reasonable and worthwhile, there may be some flaws with the bill. I do not think it is necessarily a good idea to agree, not really to let it go forward to committee, but to effectively agree that it ought to go forward to committee and come back to the House entirely unamended. The pressure for time would imply that there is no opportunity to amend the bill, to improve it and perhaps to make it achieve its goals more effectively. That would require that it go to committee, that we have witnesses and that we look at any problems that might exist with the bill as it is worded, that it come back to the House, perhaps be amended and go back to the Senate, if necessary. That is simply the way these things work because of the way the bill came to us. Had it come by some different means, that would not be necessary.

I do worry that we might find ourselves in a situation where we have to choose between the bill, assuming that it must go forward in its current state completely unamended, and voting against it. It seems to me that one ought to show some willingness to look at amendments, particularly friendly amendments that help achieve its objectives better than perhaps its initial wording had intended to do.

I ask the member if he and the sponsor of the bill in the Senate are willing to consider the possibility of looking very seriously at amendments that are intended to improve the bill. During my own remarks I will make reference to one such amendment, but there are others that could be imagined.

● (1745)

[*Translation*]

Hon. Don Boudria: Madam Speaker, first, of course, I am prepared to have witnesses appear before the committee. I will not chair the meeting. I will be one of the members, voicing my opinion on this matter. If I am asked today whether I want witnesses to appear, I would say of course. I want, for example, to hear from the Official Languages Commissioner, and perhaps the president of the Public Service Commission. There are others, no doubt. Perhaps members want to hear from prominent legal experts, to name just one example.

We are prepared to hear from these witnesses. In light of the testimony of such experts, if they talk about how to improve the bill, we should also be prepared to heed their advice, naturally. If we seek criticism, the ultimate goal is to improve the bill, if need be. I cannot pretend to speak for the senator. That is not my role today.

In any event, when the bill is before the House it is up to the House to decide, not the person who sponsored the bill and had the decision-making power in the first place. Nonetheless, I know that the senator is a very reasonable person. Knowing him as well as I do, I know that if someone were to present him with amendments to improve his bill and he sincerely believed this would make his bill better, he would not be so vain as to say that what he did in the past could not be improved. I know him well enough to know that he is not like that.

We want the bill to be good, not only so that we can be proud of it on a personal level, but so that it will be good legislation for Canadians. That is what we are all here for in the House of Commons and in Parliament in general.

Let us hear from witnesses, and at third reading we will vote for or against the final product. It is quite possible that the final product will be identical to what we have today. We shall see. Time will tell. I agree with the member opposite. Like him, I would not want to hastily move on to third reading and pass a bill that we do not want.

[*English*]

Mr. Scott Reid (Lanark—Carleton, CPC): Madam Speaker, the purpose of Bill S-4 is to make part VII of the Official Languages Act justiciable.

The most important parts of part VII are sections 41 and 43. The bill seeks to change the wording of sections 41 and 43 which, in the case of section 41 is declaratory, and in the case of section 43 is discretionary. As I indicated in my question to the hon. member opposite, my belief is that the bill is not as successful as it could be in achieving these goals.

In the time that is available to me, I would like to point out some of my concerns in this respect. I would like to start in reverse order with section 43 and then move on to section 41. Section 43 in the Official Languages Act currently reads as follows:

> The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to advance the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to
>
> (a) enhance the vitality of the English and French linguistic minority communities—
>
> (b) encourage and support the learning of English and French in Canada;
>
> (c) foster an acceptance and appreciation of both English and French by members of the public;
>
> (d) encourage and assist provincial governments to support the development of English and French linguistic minority communities—

It says "The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate". In other words, it is entirely at the discretion of the minister. There is no actual obligation. Similarly, it goes on, without the restriction of the foregoing, "may take measures to" do all those things that I just listed. That is purely a discretionary section. I think there is, in general, merit in avoiding such broad discretion in legislation.

Section 43 would be changed by Bill S-4 to read as follows:

> The Minister of Canadian Heritage shall take appropriate measures to advance the equality of status and use of English and French in Canadian society and, without restricting the generality of the foregoing, may take measures to [do all the things I described—enhance the vitality of English and French, encourage and assist provincial governments, et cetera.]

The word "discretion" has been removed. What that means is the minister still has complete discretion insofar as one is addressing all the specific obligations laid out in sections (a) through (h) of the act, but is bound by the law in a non-discretionary manner and in a justiciable manner. One could go to court if one is unsatisfied on the most general part of the provisions.

I want to suggest to the House that this is exactly backward. What one ought to do—what is most likely to produce good policy, good regulations and actions from the minister, and some kind of coherent judicial action should any action be taken—is the reverse and leave the first part of section 43 discretionary and make the specific provisions mandatory. This is something I suggested in the Standing Joint Committee on Official Languages on March 12, 2002.

At that committee meeting we were discussing section 7. At the time, Senator Gauthier was a member of our committee. I pointed out that one could read the last part of section 43 to say "and without restricting the generality of the foregoing, the minister must take measures to encourage and assist provincial governments to support the development of English and French in linguistic minority communities", while leaving the first part, the general part, in a discretionary manner.

That is the way that laws are normally written. That would lead to a much more coherent and logical implementation of the act and of adjudication under the act should anybody seek to make use of the remedies provided by the other changes that Senator Gauthier proposes in this law.

● (1750)

I want to turn to section 41. Section 41 currently reads as follows:

> The Government of Canada is committed to
>
> (a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development;—

This is purely declaratory. It is almost the exact wording used in the preamble to the act. I suggest it is a kind of internal preamble.

It seems to me that with the changes that are proposed by Bill S-4, we now have the following added:

> Within the scope of their functions, duties and powers, federal institutions shall ensure that positive measures are taken for the ongoing and effective advancement and implementation of the Government of Canada's commitments under subsection (1)

That would be just as simple. One could take that to court if one felt the government was being inadequate in carrying out its really rather vague obligations under section 41. It seems to me that what one ought to do is to try to have very specific obligations, stated clearly, in law and perhaps something should be added in. Then one could deal with the law that way rather than giving a vague proposal and expecting that the vague instruction to the government would be justiciable.

There is a problem in fact that this may even be unconstitutional. To explain how this might be the case, I will turn to testimony.

● (1755)

[*Translation*]

I would like to quote what the hon. member for Outremont said when he was Minister of Justice in the Chrétien government. When he appeared before the Standing Joint Committee on Official Languages on April 30, 2002, the former Liberal justice minister said:

> —when we proceeded with the full enactment of section 41 some years ago, it raised some concern from the provincial governments, because they had the feeling at the time that if we were involved with such a section we would be involved in their jurisdiction. What we said is it's government policy. The government has a role to contribute with what we find within part VII and, to be more precise, in section 41. Because of that, we've been able to proceed with the full enactment of this tool, which is a great tool. In my mind, if we proceeded with Bill S-32, we would take the risk of losing such a fantastic tool, because some people would raise more than concern: they would start to go to court in order to declare invalid section 41 and part VII.

[*English*]

There is the possibility, and this is the opinion of the Liberal justice minister two years ago, that this bill, which was exactly the same under its prior designation as it is today, would have the effect of invalidating the government's obligations under part 7 of the act. This seems to me to be a very serious problem with the bill and one that causes it to perhaps not be as effective as it could be in achieving its goals.

This is the kind of thing that I think ought to be discussed at committee. This is the kind of thing that means that we ought to move very carefully and if necessary make amendments to the bill, and if necessary be prepared to send it back in an amended form to the Senate.

It is incumbent upon us to ensure that we have good legislation, that all legislation that leaves this place actually accomplishes the goals that it can. This bill, hopefully, would do that in an amended form. Should it fail to be amended and fail to deal with some of the problems that I raised today, and there may be others, then it seems to me that we could very well be doing the opposite of what we intended. Our responsibility as lawmakers is to move very carefully and to seek to produce the best legislation on this topic and indeed on every topic which comes before us.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Madam Speaker, before speaking specifically about Bill S-4, I would like to remind the House that I have been a member of the Standing Committee on Official Languages for a number of years and that I have heard a great deal of testimony on the relevance of making Part VII of the Official Languages Act enforceable.

At one time, I even worked with various experts, legal and constitutional experts, on the possibility of making amendments myself and introducing a bill to make Part VII of the Official Languages Act enforceable. Consequently, the Bloc Quebecois does not take the firm position of absolutely not wanting to make this part enforceable.

That having been said, I am pleased to speak to Bill S-4, which amends Part VII of the Official Languages Act. The amendments in Bill S-4 affect sections 41, 42 and 43 in particular. Senator Gauthier's bill thus is intended to make Part VII enforceable, whereas this part has until now been interpreted as a statement of government policy.

Let us take a look at the history of Bill S-4. This is the third bill introduced in the Senate by Senator Jean-Robert Gauthier during this Parliament. He proposed Bill S-32 during the first session, and then Bill S-11 in the second session. These two bills were predecessors of Bill S-4, the bill before us today, which has got this far, the two earlier bills having died on the Order Paper when Parliament was prorogued.

As the member for Glengarry—Prescott—Russell has done, I must also recognize the hard work by Senator Gauthier in promoting the rights of francophone minorities outside Quebec. Much to his credit, Senator Gauthier is an ardent defender of francophones outside Quebec.

Nevertheless, after reading and thoroughly examining the bill before us, we must say that we cannot accept it unless it is amended to meet the constitutional requirements for all legislation. I shall explain.

In section 41 of the Official Languages Act, we read:

> The Government of Canada is committed to (a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and (b) fostering the full recognition and use of both English and French—

This last part of section 41 is important:

> —in Canadian society.

It seems to me that the scope of section 41 is too broad and too vague. The reference to Canadian society should be eliminated and replaced with “in respect of provincial jurisdictions”, because we want the government to respect and implement the law within its own jurisdiction. In my view, that is the spirit of the law. That is what is understood in the law, but unfortunately not what is written.

We want the federal government to respect and apply the Official Languages Act within its own jurisdiction and not throughout Canadian society in defiance of its constitutional obligations. I am certain that Senator Gauthier intended what I just said, in other words, for the federal government to intervene in its own jurisdiction.

I am certain that this is also the intention of the hon. member who sponsored this bill, the member for Glengarry—Prescott—Russell, but that is not clear. That is the problem and I will explain why a little later.

In section 43 we find once again a reference to Canadian society as a whole, and I quote:

> The Minister of Canadian Heritage shall take such measures as that Minister considers appropriate to advance the equality of status and use of English and French in Canadian society—

More worrisome are paragraphs (*d*) and (*f*) of subsection 43(1).

Paragraph 43(1)(*d*) states:

> encourage and assist provincial governments—

● (1800)

Paragraph 43(1)(*f*) is even more worrying. It states:

> —encourage and cooperate with the business community, labour organizations, voluntary organizations and other organizations or institutions to provide services in both English and French—

Here, for example, are the main reasons we can conclude that, as it stands today, Bill S-4 does not meet the laudable objectives it had set, that is, to encourage the development of minority francophone communities and protect their rights.

More worrying still is the issue of its constitutionality, as it stands today. The then justice minister, the member for Outremont, spoke to us about this. I will quote from his testimony on April 30, 2002, before the committee. I think it is important, in seeking to amend the bill, to properly heed the warnings we have been given.

> However, as Minister of Justice, I must tone down the tool used, the method used. Why? Section 41 has existed for 15 years now, as we speak. Section 41 is ultimately a policy statement which has enormous scope and is binding on the government, but, at the time it was passed, it was an enormous concern for all the provinces and territories, all our Canadian partners. Why? Because, it was said, the influence of section 41 was so great that the statement enabled the Canadian government to intervene in fields outside its jurisdiction.

That is what the then justice minister said. He continued, in saying:

> In my view, if we added elements to section 41 that would make this part binding, we would risk jeopardizing the important tool this section represents. I very humbly submit that court challenges would result that would jeopardize section 41. I believe that this element alone shows how important it is to address section 41 from the standpoint of its very meaning, which is that of a policy statement.

Later, he stated:

> In my mind, if we proceeded with Bill S-32—

That is S-4, which is now before the House.

> —we would take the risk of losing such a... tool, because some people would raise more than concern: they would start to go to court in order to declare invalid section 41 and part VII.

On March 6, 2002, Warren J. Newman, of the Department of Justice's Constitutional and Administrative Law Section, said the following at the Senate Committee on Legal and Constitutional Affairs:

> At the time the Official Languages Act of 1988 was introduced, certain provinces questioned the constitutional validity of Part VII, the aims of which go beyond federal legislative jurisdiction. These provinces were reassured as to the validity of Part VII by the fact that it is based on the federal spending power, and because this part of the act is not regulatory, but rather, program-oriented in nature.
>
> I also point out that, in the view of many legal scholars, the commitment is probably not justiciable. Moreover, the Honourable Senator Beaudoin, in his excellent book on federalism in Canada, states that the court may say that the federal government must commit, but it cannot determine the amounts to be spent. That would mean getting involved in the parliamentary sphere with respect to the constitutional commitment.

What the justice minister of the time told us is that if Bill S-4 were adopted as it stood, there would be a number of bad reactions by the provinces. There would probably be a Supreme Court challenge of the constitutionality of the Official Languages Act as amended, and that most likely the provinces would be successful. As a result, the act would be weakened, and by the same token, the rights of francophone minorities.

I know that the francophones in minority situations are fed up with debates and with all the hemming and hawing, but we must not do more harm to them while intending in all good faith to help them.

One aspect we often neglect to keep in mind in a debate such as this one is that the two minority communities in Quebec and in Canada are not on an equal footing. Some francophone communities in Canada are still in a very precarious situation, and the rate of assimilation of francophones is in fact continuing to increase.

One major flaw in the Official Languages Act is that it does not recognize the asymmetry that exists at the present time in Canada as far as language minorities are concerned. The situation of the francophones outside Quebec is far more cause for concern and far more precarious than that of Quebec anglophones, and the act must acknowledge this.

And in section 41, let us eliminate the reference to "in Canadian society" and replace it with "respecting provincial areas of jurisdiction". We must define the scope of section 41. That is very important in the legislation.

● (1805)

I am convinced that both Senator Gauthier and the sponsor of this bill, the hon. member for Glengarry—Prescott—Russell, were—and still are—acting in good faith when they introduced this bill, and I assure them of my complete cooperation.

● (1810)

Nevertheless, the Bloc Quebecois cannot support a bill that is likely to interfere in provincial areas of jurisdiction, and which would be immediately challenged before the courts and would not in any way improve respect for the rights of linguistic minorities.

The rights of francophones in Canada have been trampled for such a long time that what we need to find is an unequivocal solution to this situation, and not a law that will once again result in one court challenge after another. Francophones have waited long enough. They want real protection of their rights.

That having been said, the Bloc Quebecois would be in favour of amendments to strengthen enforcement and the presence of French in federal institutions, as long as such amendments do not weaken the status of French in Quebec.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Madam Speaker, first I want to thank the member for Glengarry—Prescott—Russell for sponsoring this bill by Senator Jean-Robert Gauthier, a man who sets great store in the recognition and respect of linguistic rights, particularly those of minorities in Canada.

It is a pleasure to debate Bill S-4 on the official languages and the promotion of French and English. First, I would like to congratulate the members of the Standing Senate Committee on Official Languages and the members of that other place for having adopted Bill S-4 unanimously and without amendments. I also want to congratulate Senator Gauthier for his dedication and hard work to promote linguistic duality in Canada.

The bill before us today is without a doubt a step in the right direction, in promoting the official languages in Canada. Since the Official Languages Act came into force in 1988, the government has always had good intentions, but it has never took the next step and recognized the enforceable nature of section 41, part VII, of the Official Languages Act.

Earlier, the sponsor of the bill said that this was true even before 1988. It is still unclear if this section is enforceable or not. After fifteen years, the same question remains. It is time to clarify this legislation.

Not recognizing the enforceable nature of section 41 would mean that the government never intended to assume the obligation under this act of ensuring that French and English progress toward equality of status and use in Canadian society.

What does this mean for the official languages in our country? It means that this government lacks commitment—it is not serious—and has failed to ensure linguistic duality in Canada.

Take for example the Dion action plan on official languages. This highly ambitious plan commits the federal government to a $751 million investment over five years in order to improve the status of both official languages and to protect linguistic minorities.

Incidentally, I must say that I sometimes get the feeling that this $751 million is being used for appealing decisions each time the francophones or anglophones—most of the time the francophones—win a court case. This is why I talk about lack of seriousness.

I am not faulting the official languages action plan, full of good intentions as it is, but there is no mechanism in place to back it up on the legislative level for the development of official language communities.

Lack of seriousness and counterproductivity is evident when a government commits to encouraging the development of French- and English-speaking minorities in Canada by investing more than $750 million, but the language minorities cannot even go before the courts to ensure their rights are respected. If we cannot defend ourrights before the courts, we are at a disadvantage in manyregions.

Since section 41 of part VII of the Official Languages Act came into effect, it has remained a kind of paper tiger, weak and toothless, unable to defend itself against the power of the majority over the country's French- and English-speaking minorities.

Bill S-4 is well received by the NDP, because its purpose is to strengthen and give some teeth to an act that currently is totally unenforceable. The rate of assimilation is increasing, and constitutes a serious problem, even a critical one, throughout the country. The government therefore has to provide linguistic minorities with all the necessary tools to ensure their survival and development.

I find it most regrettable that Bill S-4 is the third to be presented to the government, following on S-32 in 2001, and S-11 in 2003, and all were aimed at giving some teeth to the Official Languages Act.

● (1815)

The Liberals' position with respect to these bills has always been that recognition of the enforceable character of the Official Languages Act would bring too many official language minority cases before the courts.

This is a facile argument and one that is readily challenged. I do not believe that the minorities would abuse their right to legal recourse, but if that were the case, it would be an important sign of the government's shortcomings as far as protecting official language minorities, and of the ground that is being lost by the official language minority communities.

We need strong legislation in order to protect linguistic minorities and to reverse the assimilation that is happening in this country. The federal government must assume its responsibilities and strengthen its commitment to these minorities.

Government investments to support linguistic minorities must go hand in hand with the right to court challenges under section 41 of Part VII of the Official Languages Act, if these investments are to have any weight and meaning.

A right that cannot be defended is not a right, but a mere statement of good intent, one that remains vulnerable and open to encroachment. I am not questioning the good will of the majority, but the statistics do indicate that the rights of the francophone and anglophone minorities in this country are being increasingly ignored.

The NDP is in favour of linguistic and cultural diversity as an important value in this country. It is therefore in favour of Bill S-4 as a means of protecting linguistic minorities and ensuring their vitality. I hope to have the opportunity to examine the bill in depth in committee.

The only way the committee can do that is for Parliament to vote in favour of the bill, and then it will go to committee. I side with my colleague from the Bloc Quebecois on this; he has just said that it might be a better bill with some amendments. With amendments, some things might be changed and would respect provincial areas of jurisdiction. The only place this can be done is in committee. So, if we get this to committee successfully, we will propose amendments there.

This is why I am asking my colleagues to support this bill, so that it may be referred to a committee and then get back to the House. We would therefore have the opportunity to vote on this bill twice. So give us the opportunity to be able to examine it in committee, to make any necessary amendments, but let us not take a backward step by saying no.

I think this is important. We could invite knowledgeable people to appear before the committee and help us. I recommend Professor Michel Doucet from Université de Moncton. He is very qualified in constitutional and linguistic matters. We could invite people of his calibre and I am certain my colleagues in this House know other people who could inform us.

For these reasons, we must not reject this bill at this time, because it is so important. It would be like asking people to obey speed limits, but not having a law to stop them when they drive too fast. It is no different to me.

I want to congratulate the government, which, in 1988, passed official languages legislation. Nonetheless, having a law without teeth is like not having a law at all.

Let us look at an example that I already talked about here in the House of Commons. It had to do with food inspectors. A case was won in New Brunswick courts and the Liberal government appealed the decision.

The issue is whether the law has teeth. We will find out. However, with a bill like this, we would know for certain. That is why I am calling on the hon. members of this House to truly support minorities in our country and provide legislation to help us ensure that minorities will be protected.

● (1820)

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Madam Speaker, I am pleased to rise today in the House on such an important subject as the Official Languages Act. Discussions have been going on for some time among parliamentarians on whether or not it is relevant to amend Part VII of that act, which was promulgated in 1969 and revised in 1988.

Bill S-4, introduced in the Senate by Senator Jean-Robert Gauthier and sponsored in the House of Commons by the member for Glengarry—Prescott—Russell, basically proposes to make Part VII of the Official Languages Act enforceable. This part deals with the federal government's commitment to enhance the vitality of the English and French linguistic minority communities in Canada, to support their development, and foster the full recognition and use of both English and French in Canadian society. That is, in brief, section 41, to which amendments are proposed. Two subsections would be added to this commitment. The first is, and I quote:

> (2) Within the scope of their functions,duties and powers, federal institutions shall ensure that positive measures are taken for the ongoing and effective advancement and implementation of the Government of Canada's commitments under subsection (1).

The second new subsection is:

> (3) The Governor in Council may make regulations in respect of federal institutions, other than the Senate, the House of Commons or the Library of Parliament, prescribing the manner in which any duties of those institutions under this Part are to be carried out.

Moreover, section 43 would also be amended by Bill S-4. It would read:

> The Minister of Canadian Heritage shall take appropriate measures to advance the equality of status and use of English and French in Canadian society—

This wording would replace "such measures as that Minister considers appropriate to advance the equality of status and use of English and French in Canadian society—"

Finally, subsection 77(1) would read as follows:

> Any person who has made a complaint to the Commissioner in respect of a right or duty under sections 4 to 7, sections 10 to 13 or Part IV, V or VII, or in respect of section 91, may apply to the Court for a remedy under this Part.

The problem that the bill is trying to solve relates to the current ineffective implementation of this bill. It is well known that, since 1969, federal institutions, among others, have not respected, to a large extent, the Official Languages Act. With time, the attitude of some departments and federal institutions has become simply arrogant. In fact, year after year numerous departments and agencies present annual reports that systematically violate the Official Languages Act. Worse still, they get away with tabling plans of action that announce future disregard for this legislation.

What is the government doing to respect the Official Languages Act? Clearly, too little. In reality, this legislation is constantly ignored by numerous departments and federal institutions. This obviously encourages them to continue in their "who cares" attitude when it comes to respecting the Official Languages Act.

If the government does nothing, it is because, apparently, the legislation has no teeth. Since it is just a statement of good intentions, part VII would not, in its current form, permit delinquent institutions to be forced to comply with the legislation, since it is not enforceable.

That is the main reason we are now debating the amendment to this part of the legislation: so that it has teeth; in short, so that it is binding instead of simply declaratory. The intention is no doubt laudable.

● (1825)

However, I am wondering about various points. First, the objective of Bill S-4 is to make part VII of the Official Languages Act enforceable. The problem is that part VII purports to broaden the scope of the legislation to include all Canadians, and that is precisely why this part has not been enforceable since its enactment in 1988. That is precisely why this part received special treatment when it was drafted. There was a huge outcry from the provinces, who refused to agree to such interference in provincial jurisdictions.

This historic refusal remains our response today.

Moreover, is it not too soon to table this bill? I know that the Standing Committee on Official Languages plans to work on Part VII of the act over the coming weeks. And the Minister of Justice will be the witness at the committee's hearing on Tuesday. The last report of the committee on this subject, an interim report to boot, was tabled, I believe, during the 35th Parliament.

We have discussed Part VII of the Official Languages Act in the House of Commons for a long time without ever arriving at any satisfactory conclusions. I do not think there have been satisfactory answers to all the questions in either House of Parliament.

It makes me wonder why the legislative process is being rushed for this bill when there are still so many questions.

Here are some of them. What is the effective scope of this proposed legislative amendment? Why, according to Senator Gauthier, has every justice minister, without exception, interpreted Part VII as declaratory? Why did the previous justice minister refuse to make it enforceable? Can a province go to the courts on the constitutionality of Part VII of the act? Is this justified? Is it legitimate? There are diverging opinions on this. Is there not already a range of possibilities for enhancing the vitality of linguistic minority communities? Does the government implement or use them? Do they work?

I believe the real problem is due to the fact that there is no real desire on the part of the federal government, nor has there been since the early days of the Official Languages Act. This led the Commissioner of Official Languages to say that the government had a significant leadership problem when it came to the official languages.

I am tempted to say that those are the facts. When the government cannot manage to enforce legislation that has existed for 35 years, legislation it says is at the heart of the country's identity—

● (1830)

[*English*]

The Acting Speaker (Mrs. Hinton): Order. The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

THE ENVIRONMENT

Mr. Serge Cardin (Sherbrooke, BQ): Madam Speaker, the expansion of the landfill site in Coventry, Vermont, which threatens, obviously, the drinking water supply from Lake Memphrémagog, involves two countries. As a result, the public is entitled to the support of the Minister of Foreign Affairs.

Last Monday, the minister told me that the Vermont authorities had assured us that comments by Quebec will receive the same consideration as the ones made by Vermont. This is not necessarily very reassuring, since in Vermont, on the one hand, people will earn significant additional income from the operation of this expanded this landfill site, while on the opposite side of the border in Quebec, there is a significant risk of groundwater contamination, thereby threatening the drinking water supply.

The minister also told us that the Memphrémagog RCM and the City of Sherbrooke are involved in the process and are considering asking for party status, and that they would be entitled to full privileges, including the right to appeal once the decision is made.

The minister also told us that we will be able to present our position to the appropriate American tribunals. If this is not sufficient or if we do not have the opportunity to properly present our case, obviously, we can appeal to the International Joint Commission, but only as a last resort.

Meanwhile, the minister's officials are content to gather information, act as observers and let the people in the area muddle though on their own. They also say they will intervene if this does not work and that they would be ready, at that point, to approach the International Joint Commission.

That is not what people expect. All the steps taken by the people in the area and the stakeholders from the Memphrémagog RCM and the City of Sherbrooke are very costly. They expect the minister to do his share, in view of the foreign aspects of the situation.

Here is my first question. Will the minister provide financial aid for all these proceedings between the two countries, and also assist the community, the City of Sherbrooke and the Memphrémagog RCM? In addition, all of the interventions by these people require a lot of expertise. Will the minister provide them with technical support?

The situation of Sherbrooke and the Memphrémagog RCM involves a great many actions. It is a situation that could be described as a test case. Is the minister aware of all the similar situations that exist all along Canada's and Quebec's borders? If so, will he take action to prevent this happening again?

If the International Joint Commission were to intervene, it could, under the Boundary Waters Act, establish a clear and precise policy covering landfill sites near waters and rivers used for human consumption.

I would like to have some answers from the Minister of Foreign Affairs.

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Madam Speaker, we listened carefully to the member's speech. This is the second time he has asked about this and I know there are concerns. According to the member there is a problem; we know this because it has been raised many times by the Liberal members for Compton—Stanstead and Brome—Missisquoi.

The government is very much interested in this matter. Hon. members must understand that we are following the different steps in this situation; we must follow the necessary process.

There are two things. The situation at the Coventry landfill site remains a Vermont decision and the hon. member fully understands that. Indeed, his colleagues from Compton—Stanstead and Brome—Missisquoi have already been to Vermont with people from the area to meet with authorities from the State of Vermont and representatives from associations responsible for the process, such as Vermont Solid Waste Management Program. The State of Vermont process is known as the Act 250 Process.

I want to point out to the hon. member that if it were truly a question of assistance—he talked about financial assistance—first, I must indicate that those knowledgeable about the environment, experts who have things to say about the drinking water situation, can easily come to the assistance of the agencies. People are currently coming forward with their knowledge. We also know the position of the Government of Quebec.

However, it needs to be made clear—and the hon. member is well aware of this—that going before the International Joint Commission is a last resort. We must start at the beginning of the process, not at the end. We fully understand what is happening and what the representatives of Vermont think about expanding the landfill site. However it is important to realize that there are steps we must follow.

● (1835)

[*English*]

It should be obvious to anyone here that what the hon. member is asking for is not just that we go to the international joint commission, which, as we have told the member on many occasions, is actually at the end of the process, he is now asking for some money. What else will he be asking for?

The reality is that we stand four square behind the constituents who have a legitimate concern about potable drinkable water, about water that is not in any way damaged by the proposal made in Vermont.

[*Translation*]

This is not the first time, and it will not be the last, as the member aptly indicated. The minister stated on April 19 that:

> Vermont officials have assured us that the comments made by Quebec will receive the same consideration as the ones made in Vermont.

This is true. but the minister also said:

> —the...regional county municipality has been involved in the process and is considering asking for party status.

He went on to say that there were other steps. There is the Environmental Protection Agency and there is also the government of Vermont.

There are things we need to do. This matter will not be resolved today, and a decision has not yet been made. Although I understand the member's concern, we are still assessing the problem raised by the members for Compton—Stanstead and Brome—Missisquoi.

Mr. Serge Cardin: Madam Speaker, my colleague makes frequent reference to the members for Compton—Stanstead and Brome—Missisquoi and I understand his concern about getting them re-elected in the region. But that is not what is important. It is the population that is important.

The situation we are experiencing in the Magog and Sherbrooke region involves two countries. It is wrong to say that the International Joint Commission is only involved at the end of the process. Under the Boundary Waters Treaty, actions can be initiated when there are real concerns relating to the environment, of course, when these involve boundary waters.

At this point in time, I believe the government ought to be wanting to intervene. Where the environment is concerned, it is not enough to count on the good faith of the parties, particularly outside parties. The Minister of Foreign Affairs must therefore step in promptly and take some concrete action.

● (1840)

Hon. Dan McTeague: Madam Speaker, I referred to the member for Compton—Stanstead merely because that member is involved, along with others. The member is aware, of course, that we are concerned with the future and the interests of everybody, not just the people in the region, but also those of the federal government.

The Government of Canada and Environment Canada have obtained certain technical documents and are in the process of analyzing their content. We also have other information we have to reconcile. We have been given information on the tendering process as well. This would make it possible for our department and others to form a common front, not just for the people living in that area, but also for the government, which would have the authority to go over the files and ensure that their contents are based on something both countries would find workable at the end of the day.

[*English*]

We need to have a water policy on which both sides can agree and on which we understand each other's obligations.

The Acting Speaker (Mrs. Hinton): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.41 p.m.)

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Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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