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OFFICIAL REPORT
(HANSARD)

Tuesday, May 13, 2008

Speaker: The Honourable Peter Milliken

CONTENTS

(Table of Contents appears at back of this issue.)

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HOUSE OF COMMONS

Tuesday, May 13, 2008

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

SUPPLEMENTARY ESTIMATES (A), 2008–09

A message from Her Excellency the Governor General transmitting supplementary estimates (A) for the financial year ending March 31, 2009, was presented by the President of the Treasury Board and read by the Speaker to the House.

* * *

● (1005)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to five petitions.

* * *

PETITIONS

PROSTITUTION

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, I have the honour today of tabling two petitions. The first petition urges Parliament to resist all attempts to decriminalize or legalize prostitution.

As the petition makes clear, prostitution exploits women and children. The petitioners say that keeping prostitution illegal is in the best interests of vulnerable populations in Canada.

The petition was organized by CASJAFVA, the Canadian Alliance for Social Justice and Family Values Association. It contains 12,376 signatures, almost exclusively from the Lower Mainland of B.C.

We congratulate the Canadian Alliance for Social Justice and Family Values Association for this successful campaign.

● (1010)

SAFE DRUG INJECTION SITE

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, the second petition I would like to table contains 10,859 signatures. It was also organized by the Canadian Alliance for Social Justice and Family Values Association.

The petition opposes Vancouver's so-called safe drug injection site and urges the government not to renew its exemption from prosecution under the Criminal Code. The petition urges the government to formulate and implement a comprehensive policy for the treatment of drug addictions.

We again congratulate the Canadian Alliance for Social Justice and Family Values Association for this very successful campaign in respect to the crucial issue.

ARTS AND CULTURE

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I have the honour to table a petition signed by residents of Montreal and the Stratford area who are concerned about the Charter of Rights and Freedoms and its guarantee of cultural expression, noting that it is essential to democracy and the creative process and Canadian arts and culture.

The petitioners note that the Criminal Code already contains provisions regarding pornography, child pornography, hate propaganda and violent crime. They suggest that any guidelines for government funding must support the cultural sector, including the film and video production industry and that the guidelines should be objective, transparent and respect the freedom of expression.

They therefore call on the government to defend Canadian artistic and cultural expression, to rescind provisions of Bill C-10 which allow the government to censor film and video production in Canada and to ensure that the government has in place objective and transparent guidelines that respect freedom of expression when delivering any program intended to support film and video production in Canada.

UNBORN VICTIMS OF CRIME

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I am honoured to present a large number of petitions. It almost makes me think of the Hank Snow song *I've Been Everywhere* when I look at the names on these petitions, people from North Bay to Morinville, High Prairie, Devon, Bonavista, Edmonton, Sooke, and many other cities.

Speaker's Ruling

These people have signed their names in support of Bill C-484, a very important bill which says that when a woman is pregnant by choice and wants to give her child life, love and care, no one has the right to take that right and that child away from her before the child is born. They are urging Parliament to pass Bill C-484.

With these over 2,000 names, I believe the total is now approaching 24,000 names that have been tabled in this House.

DO NOT CALL LIST

Mr. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, my petition is much smaller, but it is a petition from constituents in Edmonton Centre who request that the government institute the national do not call list without delay.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, Question No. 230 will be answered today.

[*English*]

Question No. 230—**Mr. Dennis Bevington**:

> With regards to aboriginal people living on reserves: (*a*) what is the government's policy as it concerns the reserves in the Northwest Territories; (*b*) what is the policy as it concerns reserves in the remainder of Canada; and (*c*) what is the rationale for differences between the two, if any?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, in response to a) In Canada, most Indian Act reserve lands are created by the federal government by order in council pursuant to the royal prerogative, exercised by the governor in council. The criteria for reserve creation are established by the additions to reserve, ATR, policy, which is applied throughout Canada whenever reserve land is created. In Canada's northern territories, while the ATR Policy applies for reserve creation, a 1955 cabinet directive established the procedures for reserving land. It provided for the reservation of lands by notation in the lands division records of the Department of Northern Affairs and National Resources. Since then, with a few exceptions, it became the practice to establish "reserves by notation" for various federal departments, which were extensively used by Indian and Northern Affairs Canada to make land available to first nations in the Northwest Territories.

Based on the 1955 cabinet directive, Indian and Northern Affairs Canada has taken a general position that reserves under the Indian Act will not be contemplated for Yukon and Northwest Territories first nations. The exception to this is when legal obligations arise from claims settlement agreements such as the treaty land entitlement settlement agreements, which require implementation by setting apart reserves under the Indian Act. When legal obligations exist reserves are created under the ATR policy. Indian Act reserves created in the northern territories since 1955 have all resulted from settlement agreements.

In response to b) There are no separate policies for the creation of reserves south and north of 60o. The ATR policy sets out three categories for the creation of Indian Act reserves: legal obligations, community additions, and new reserves/other. Currently, the majority of reserves are created in fulfillment of legal obligations. These are proposals that seek reserve status for land based on specific claim settlement agreements under treaty land entitlement, specific claims, court orders or legal reversions of former reserve land.

Community additions are proposals for the granting of reserve status to land that is within the service area of an existing reserve community. Once proposals are shown to be in this category, it is then necessary to establish that the land to be set apart as the reserve meets the site-specific criteria of the ATR policy, which include requirements that the land to be set apart for addition be within the "service area" of an existing reserve. Service area is defined as the geographic area "generally contiguous" to the existing reserve community within which existing on-reserve programs and community services can be delivered, infrastructure extended and installations shared, at little or no cost.

The new reserves/other category covers all proposals that are not legal obligations or community additions. The types of proposals covered under this category include, for instance, economic development, the establishment of new reserves resulting from provincial land offerings or new reserves resulting from unsold surrendered land not within the service area of an existing reserve community where, for example, the benefits would have to be matched against federal cost implications and other site-specific criteria.

There are currently two reserves in the Northwest Territories and they are Hay River Indian Reserve and Salt Plains Indian Reserve. A third reserve is being considered for creation and it is the Salt River Indian Reserve to fulfill the Salt River First Nation Treaty Land Entitlement Agreement of 2002.

[*English*]

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

PRIVILEGE

COMMENTS BY THE PARLIAMENTARY SECRETARY TO THE MINISTER OF HUMAN RESOURCES AND SOCIAL DEVELOPMENT—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised by the hon. member for Rimouski-Neigette—Témiscouata—Les Basques about the remarks made on Tuesday, May 6, 2008, by the hon. Parliamentary Secretary to the Minister of Human Resources and Social Development.

[*Translation*]

I would like to thank the hon. member for raising this issue, as well as the hon. Leader of the Government in the House of Commons and the hon. member for Joliette for their contributions.

During the adjournment debate on May 6, 2008, the hon. member for Rimouski-Neigette—Témiscouata—Les Basques asked a question about seniors and felt that some of the remarks contained in the response from the hon. Parliamentary Secretary to the Minister of Human Resources and Social Development were unacceptable because, she believes, they reflected on her reputation. In her opinion, such remarks should not be tolerated and she therefore asks the hon. parliamentary secretary to retract them.

[*English*]

As it says on page 503 of *House of Commons Procedure and Practice*:

> One of the basic principles of parliamentary procedure is that proceedings in the House of Commons are conducted in terms of a free and civil discourse.

The Chair has frequently reminded hon. members to be judicious in the comments they make in this House.

[*Translation*]

In this instance, however, I do not believe that this is a matter of privilege, because the remarks deemed offensive did not obstruct her in the performance of her parliamentary duties. Accordingly, I cannot find that there is a prima facie question of privilege in this case.

I would nevertheless like to take this opportunity to reiterate my request to all the hon. members to choose their words more judiciously in order to avoid remarks such as this that, unfortunately, occur too frequently in this House, in my view. It is perfectly normal to have divergent political opinions, but remarks that question the integrity, effectiveness or utility of another member are bound to be provocative and do nothing to enhance the image of this institution.

I thank the hon. member for Rimouski-Neigette—Témiscouata—Les Basques for bringing this matter to the attention of the House.

GOVERNMENT ORDERS

● (1015)

[*Translation*]

SPECIFIC CLAIMS TRIBUNAL ACT

The House resumed from May 12, consideration of the motion that Bill C-30, An Act to establish the Specific Claims Tribunal and to make consequential amendments to other Acts, be read the third time and passed.

The Speaker: When the bill was last before the House, the hon. member for Esquimalt—Juan de Fuca had the floor.

[*English*]

He has nine minutes left in the time allotted for his remarks, and I therefore call upon the hon. member for Esquimalt—Juan de Fuca.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, as you mentioned, this is a continuation of the speech I began last night on this critically important issue that affects some of the most underprivileged citizens of our country.

The land claims issue is important for fundamental justice. Will the resolution of land claims ultimately affect the present social and economic problems that act as an anchor attached to the ankles of aboriginal people from coast to coast? I would submit that it will not.

There are other larger structural problems to which solutions have to be put in place to enable aboriginal people to be integrated, not assimilated, into Canadian society. Without that, these people, who now live in some of the worst social and economic conditions in Canada, cannot become part of the 21st century economy.

The current Indian Act is a rock tied to the ankle of aboriginal people. It is so bizarre, so restrictive, so offensive, so unfair. We, as non-aboriginals, would never tolerate such a structure. It does not enable aboriginal communities to be masters of their own destiny. They have an act which sits above them, that rules their lives, that restricts their ability for economic development, that impedes their ability to have the same rights as we have. This contributes to some of the fundamental horrific problems that we see in aboriginal communities across our country.

I will cite one example that the Minister of Indian Affairs and Northern Development may want to consider. I have written to him about an urgent situation at the Pacheedaht reserve in my riding. On the Pacheedaht reserve a catastrophe is taking place right now. The reserve does not have a secure water system. The houses are rotting. Mould is infesting the homes. We know that the incidence of tuberculosis in these kinds of sick homes is much higher than in other communities. This is an urgent situation. It is a health crisis on this reserve. It demands the urgent attention of the Department of Indian Affairs now. Without this attention, people will get sicker and they will die.

I was on the reserve a couple of weeks ago. The day before I got there, a woman was raped. Tragically, that is not an uncommon situation on this reserve. Children are sexually abused. Alcohol and drug abuse is endemic. Unemployment rates are double digit and through the roof. There is no hope. When we look into the eyes of the children on this reserve, we have to ask, do these children have any chance, any hope, of getting out of this hellhole? The answer is no, they do not.

Let me provide a few solutions that may be of benefit.

Number one, we have to remove the Indian Act. It should be scrapped. The AFN should be tasked with, and funded for, providing a list of those groups that can provide constructive solutions and capacity building on and off reserve for aboriginal people.

One of the cruel things that exists is that while responsibilities have been downloaded to aboriginal communities for health care, social services and other structures, too often they do not have the capacity to execute those duties and responsibilities that have been placed upon their shoulders, so they outsource them to individuals. Too often they have no idea whether the band manager is competent or whether the capacity building individuals are any good. Too often I have seen people who are shysters, frankly, go in and engage in fraud. They take money from the reserve and do not provide the needed capacity building.

The AFN and the Department of Indian Affairs should make a list of those groups and individuals who have the proven ability to provide strong capacity building on aboriginal reserves. There should also be a list of those people who are not approved, those people who have gone around the country and frankly committed fraud. Those people should be prosecuted, but a reserve could not do that, because the reserve would not have the resources to do so. The RCMP should be tasked with going after these people.

● (1020)

The aboriginal peoples have some beautiful territory. They have some in my riding in Sooke, Beecher Bay and Pacheedaht. I would tell the aboriginal leaders to take chances and start public-private partnerships. Health care is a good example because there is an enormous need for health care on reserves. This would provide a revenue general stream of money and a clean and environmentally sound industry that would go on in perpetuity.

If aboriginal leaders were to do that, they would be able to provide a source of economic opportunity for their people now and into the future. They could negotiate contracts and the resources could be used to build up the capacity within their own communities. This would provide them with the wealth and security to do what they want.

Aboriginal leaders should take a chance and participate in public-private partnerships. Private-public medical care would be one option. They have the chance to do this now.

The Department of Indian and Northern Affairs should have an investment fund that would be managed with the AFN. This fund would provide aboriginal leaders with the resources they need to provide the economic development their communities require. They cannot do that at the present time.

A dynamic young chief, Russ Chipps, lives in Beecher Bay in my riding. Many children in his community have been sexually abused and the whole community has been damaged as a result. However, I must give Chief Chips credit because he is reaching out and asking the Department of Indian and Northern Affairs for help. The youth in that community need hope and they need opportunity. Now that the chief and council are reaching out for help, it is incumbent upon the Department of Indian and Northern Affairs to work with them effectively.

Many of us who have reserves in our communities all know that the social conditions are utterly appalling. These are conditions that would never be tolerated in non-aboriginal communities. The Department of Indian and Northern Affairs is such an ossified structure that if people on reserve try to engage in some economic development they could not do it because the department is so onerous. It takes four times longer for people on reserve to do the same kind of economic planning as someone off reserve. They need to navigate through at least six different federal departments. What kind of nonsense is that? How can these people possibly get on their feet and move forward with that kind of structure?

I would ask the Minister of Indian Affairs to put back the money that he took out of the AFN. It cannot do its job as a result of the more than $1 million in cuts that have taken place. I would ask him to work with the AFN to establish some of the economic and social initiatives that are required and are being asked for by the aboriginal peoples. That kind of relationship would enable the people on the ground to have the hope and security they require. Without that, nothing will change and the horrible conditions that too many people on and off reserves are enduring will continue.

We know that off reserve aboriginal people only receive about 3.5% of funding from the Department of Indian and Norther Affairs. They need hope and they need opportunity. I urge the minister and his department to work with these people to give them the hope and opportunity that all of us deserve, need and have a right to secure.

● (1025)

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I appreciate many of the comments by the member for Esquimalt—Juan de Fuca. He always has a way of being very provocative in his comments of course. I know he has written about this subject and has many thoughts on the bill. I can trace many of his thoughts back for many years. We have had many discussions over the years.

I also know about his work on first nations reserves in British Columbia and other places. I appreciate his perspective as a doctor, which is often very illuminating.

I want to assure the member on a couple of fronts. One is that we are changing the organization within Indian and Northern Affairs. He talked about the multiple applications that are necessary for economic development. We are patriating from Industry Canada, Heritage Canada and Infrastructure Canada in an effort to allow a one stop application for some of the economic development things that used to be spread out under many different departments. This should make it easier, simpler and more direct so that many of those applications can be speedily dealt with to promote economic development, which is one of the keys.

The other thing the member mentioned was the core funding for the Assembly of First Nations. Overall, the core funding for organizations across the country has gone up significantly this year. We have made a more equitable distribution among the regional organizations where much of the good work is done.

The Assembly of First Nations and all the national organizations still have significant core funding but we have really boosted the funding for regional organizations. Again, it has been my experience that much of the good work is regionally targeted. I would ask the member to think in those terms.

I do think that quite often issues that are important, for example, in British Columbia, are best dealt with by the regional aboriginal umbrella groups from British Columbia. That is something the member should consider.

Hon. Keith Martin: Mr. Speaker, I thank the minister for taking this initiative along. I know he will find a lot of support across party lines.

The minister mentioned that aboriginal leaders were restricted in their ability to move forward and engage in economic development. I would offer three other suggestions to the minister. First, we could have a list of approved and non-approved band managers who are capacity builders on reserves. As the minister knows, some people are going around the country engaging in fraud and those people should be prosecuted. A database could be set up that could be easily accessed by aboriginal leaders.

Second, we should enable aboriginal leaders, such as Chief Clarence Louie and others, who have done some remarkable work in Osoyoos, to travel around and teach other aboriginal leaders what they have done and how they have managed to enable people in their communities to develop economically. As the minister knows, they have done some remarkable work and if they were to share that kind of knowledge it would be very valuable.

The third thing would be to make a list of those restrictions within the Indian Act that are so perverse that it is essential that they be removed.

Lastly, in my community, the Pacheedaht Band is in crisis. There is a health care catastrophe and people are getting sick. They do not have access to water. I have written to the minister's department. I know he receives many letters but I would be grateful if he would be willing to look at that reserve so the people can receive the urgent attention they require.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I have two fundamental questions. The first one concerns the issue of housing.

For many years, the previous government and now the present government seem to face a crisis over the ability to enable or allow first nations to develop new ways to create housing within the reserve system. I am talking about on reserve bands.

When I look across my region, the housing crisis is being predicated and continued by a government policy that says that houses must be paid for and built by the federal government, using figures from, in some cases, 1989, as if housing prices have not changed since then. It also does now allow any innovative programs that would allow local first nations to combine with training facilities and training institutions to actually build the houses themselves and start to create those programs and training opportunities that first nations need and create the houses that would be more practical and applicable.

We have houses designed in Ontario for the west coast of British Columbia. These houses quickly mould and fall apart. Non-aboriginal Canadians look at this and somehow point back to the first nations as if they had designed and built those houses themselves.

My second question is perhaps a more fundamental one. What efforts has the member or his party made to look at the root cause of this? Is it the Indian Act. In his comments, he mentioned how the act was an anchor around the ankles of first nations people. The act, which was created decades ago, has very little in it that is applicable to the real world and yet no one seems to want to take a real march toward reforming the Indian Act. Any attempts that have been made have been pushed back.

The previous Indian affairs minister and I had some conversations about reforming the act but, apparently, that did not advance anywhere. I am wondering what the member's views are on both of those issues, both the practical in terms of housing but then the more fundamental, which is changing the very act under which first nations people are forced to live.

● (1030)

Hon. Keith Martin: Mr. Speaker, I know the member for Skeena—Bulkley Valley has done a lot of work in his community and in British Columbia on this issue, for which we are all very grateful. The member for Nanaimo—Cowichan has also done a lot of work on Vancouver Island, both as an MP and outside.

There are two things. First, in my view, the Indian Act should be scrapped. It is a racist act that separates aboriginal people from non-aboriginal people. Rather than enabling aboriginal people to be masters of their destiny, it actually acts as an anchor around their ankles.

Secondly, I spoke about property rights yesterday. Aboriginal people should have property rights and should be able to own their own homes. Some people say that is anathema to the history of aboriginal people but that is not true.

If we look at what happened with the Iroquois, it was their property rights. They had the ability to own, to utilize and to hand their land down from family to family and generation to generation. Those property rights can be done in such a way that the land does not disappear from ownership from the community, but can be done in such a way that the individual member can actually have ownership, have capital, have a source of revenue and have an asset that they can bank on and utilize for future wealth building. Aboriginal people cannot build wealth like we can, as the member knows, because of the absurd situation that exists.

Lastly, on the issue of housing, part of the problem in B.C. is that some of the people who are building homes should be going to jail because they are building homes that they know full well will be health hazards. They knew these were sick homes and yet they criminally built them. Now aboriginal people are living in homes that are death traps. They are mouldy, sick, toxic homes. The people who built them should go to jail.

As I said previously, it would be helpful if a database could be set up with a list of people who have done a good job on reserves. There should also be an obligation for those people to capacity build on reserves so aboriginal people can have the tools, the wherewithal and the capacity to build their own homes and manage those homes in the future.

Hon. Chuck Strahl: Mr. Speaker, the hon. member mentioned Chief Louie, the chair of the Aboriginal Economic Development Board. He is travelling the country and he is a great example. As he says, the best social program is a job. His own band has made that a mantra that he sells across the country.

On the idea of scrapping the Indian Act, it would be a great thing if people could come out from underneath the Indian Act. In particular, we have moved ahead aggressively on the First Nations Land Management Act which allows first nations to get control of their land so they do not have to deal here in Ottawa at all. A great way for first nations to get out from underneath the Indian Act is through the First Nations Land Management Act and the other ancillary acts that go with it. I would encourage the member to think about that.

Is it the position of the member's party that we should scrap the Indian Act? Bob Nault tried previously to make some aggressive changes to the act but it did not go very far. I am wondering if the member could tell me whether that is his opinion or the opinion of the Liberal Party.

● (1035)

Hon. Keith Martin: Mr. Speaker, it is my personal opinion. It comes from my communications and conversations with aboriginal members in my community who have said to me, "This act is a racist act. It is a restriction on our ability to move forward". I thank the minister for moving forward with a number of those initiatives.

[*Translation*]

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, it is a pleasure for me to join today's debate on C-30, An Act to establish the Specific Claims Tribunal and to make consequential amendments to other Acts.

My modest contribution is not about to significantly alter this bill. After all, my colleague from Abitibi—Témiscamingue is the Bloc Québécois critic for aboriginal issues, and he has worked hard to move this file forward. I know that the Bloc Québécois is also supporting this bill. And so I would like to congratulate my colleague from Abitibi—Témiscamingue for all of his work. You should also know that he is a lawyer. As this bill concerns a tribunal, I am sure that his expertise was an asset, notably at committee, in creating the bill that we have here today.

As with all bills, there are most likely flaws. Nothing in this world is perfect. And often, even when we think a bill is perfect, we see some measures that could be different, improved even, once the bill is implemented. However, one thing is clear: this is a step in the right direction, and so the Bloc Québécois has decided to support this bill.

Throughout my speech, I will point out certain shortcomings, or rather, areas for improvement, particularly with respect to aboriginal affairs. Unfortunately, even now, in 2008, there are many problems that are just as prevalent and just as serious. Yesterday, I listened to several speeches by my colleagues in the House of Commons. Members on both sides realized that there is still a lot of work to do, and that is why we have to participate in this debate in order to improve aboriginals' quality of life across Canada and Quebec.

In 2004, deputy Indian affairs critic was my first portfolio, and I was also the globalization critic. Quite frankly, I knew very little about the portfolio. As a former reporter, I was interested in all kinds of current events, but I did not have a very good understanding of that portfolio.

However, I had the opportunity and good fortune to work with the first aboriginal person from Quebec to be elected to the House of Commons in 2004, Bernard Cleary. I worked with him on the Indian affairs file. Mr. Cleary was a negotiator for aboriginals for 40 years. Naturally, he participated in a lot of negotiations with governments. As a result, he knew what he was talking about in the House, during committee meetings and during meetings with the minister and first nations representatives. He set a very good example not only in his approach to negotiation, but also in his approach to problems that were often absolutely dreadful.

In committee, in my earpiece, I have heard interpreters cry because we were talking about what had happened in the residential schools. Mr. Cleary taught me to evaluate these situations and to treat them and the people we met with great respect. He was a good teacher. That is not the reason I am talking about this issue today, but I wanted you to understand why I care so much about Indian affairs.

Without further ado, I would like to talk briefly about the objectives of Bill C-30. The purpose of this bill is to create an independent tribunal, the specific claims tribunal. It also seeks to bring greater fairness to the way specific claims are handled in Canada and to expedite the resolution process. Bill C-30 is therefore designed to improve and expedite the specific claim resolution process in Canada. Since 1947, a number of joint and Senate committees have recommended creating such an independent tribunal to resolve specific claims. Moreover, I learned that the first nations have been talking about and calling for such a tribunal for more than 60 years.

Negotiations will still be the preferred method of resolving claims. This is important, because we know that the first nations prefer to negotiate with the federal government. The tribunal would have the power to hand down binding decisions when claims are not accepted for negotiation or negotiations fail. Briefly, that is the overall objective of this bill, which represents a step forward on this issue.

● (1040)

The Bloc Québécois has always had a very clear position not only on this bill, but on aboriginal affairs in general. The testimony the committee heard answered some of our initial questions. As I said, to us, no bill is perfect, and bad faith on the legislator's part is not necessarily to blame for imperfections. But we often find that there is a need for improvement. That is why, in committee, my colleague from Abitibi—Témiscamingue and the deputy critic improved the bill.

The bill would establish the specific claims tribunal, which would make binding decisions. It could expedite the resolution of 784 claims. That is quite something, and that is why this bill must be passed.

Canada's first nations had some involvement in creating this bill. This may pose a problem. Although there was some first nations involvement, I know that the first nations of Quebec and Labrador unfortunately did not take part in the negotiations.

The Bloc Québécois is in favour of passing Bill C-30, but I have two important points I would like to discuss.

The federal government must properly consult first nations before introducing any bill that may affect them. It needs to do the consultation itself in order to start the reconciliation process. The Bloc Québécois would like to remind members that the government did not hold proper consultations for Bill C-30; the government should develop a real structure for consultation with first nations. Each time there is a first nations bill, the government must negotiate with them and develop a strict and well-established system so that later on, no one can point to a lack of communication between the government and first nations peoples.

The Bloc Québécois would also like to remind members that the bill is connected to a political agreement between the Minister of Indian Affairs and Northern Development and the National Chief of the Assembly of First Nations in relation to special claims reform. We are very interested in seeing how the government follows through on this agreement and, in particular, the commitments it has made.

I would like to mention some interesting statistics that will show how important it is that we move forward with this bill.

Since 1973, 1,297 special claims have been filed and 513 have been resolved. To resolve these claims, Canada has paid between $15,000—the lowest amount—and $125 million, for an average of $6.5 million per claim.

Of these claims, 284 have been resolved through negotiation, and 229 by other means, either through an administrative avenue or through closing the case. As I was saying earlier, there are currently 784 unresolved claims, and they are targeted in this bill.

Of the claims in process, 138 special claims are in negotiation across the country, and 34 are being handled by the Indian Specific Claims Commission. Those are the statistics.

I repeat, numerous claims and many problems still need to be resolved. The timing on this is good—or bad, depending on which side of the fence you are on—because last week, on May 6, the Auditor General released her report, which obviously looked into the matter of aboriginal children. I say “obviously” because this situation urgently demands greater efforts on the part of the government.

I would like to read a bit from that report. In chapter 4, the Auditor General points out that a number of problems remain to be resolved. I will also be talking about the UN Declaration on the Rights of Indigenous Peoples. That is another question that must be looked at much more carefully by this government, which still refuses to sign the declaration.

In chapter 4, which is entitled “First Nations Child and Family Services Program—Indian and Northern Affairs Canada”, the Auditor General reviews how the department manages the program through which it provides services to first nations children and families on reserves.

● (1045)

In accordance with federal government policy, these services must comply with provincial legislation and standards, must be comparable to services provided in similar circumstances to children living off reserve and of course must be culturally appropriate for first nations peoples.

Chapter 4 of the Auditor General's most recent report shows that funding for child welfare services on reserves is not fulfilling the federal government's obligations. It also shows that more than 5% of first nations children living on reserves in Canada are under the care of community or provincial child welfare services, for a total of over 8,000 children every year. This proportion is eight times higher than children in care off reserves. I said earlier that the situation must be resolved without delay, or at the very least, greater efforts made to improve it. The Auditor General is appealing for help. She is speaking out on behalf of these children and families, who still face this very serious problem.

The Auditor General noted that Indian and Northern Affairs had not analysed and compared on-reserve services with those offered in neighbouring communities. That must be corrected. In addition, the department had not identified the other health and social services available to support child welfare services on the reserves. Once again, the message is intended for the government.

In fact, the needs of children taken into care by first nations organizations vary considerably. Some children and their families do not receive the services they need because the funding formula for these services is outdated. The Auditor General made another point: the funding formula for on-reserve services has not been modified since 1988 even though the first nations have the highest birth rate in the country.

Finally, I raised another point: the Auditor General recommended that Indian and Northern Affairs Canada should resolve the differences with Health Canada related to their respective funding responsibilities for children in care. This may be a problem of the right hand not knowing what the left hand is doing. There must be more concerted communication among departments to ensure that the changes requested by the Auditor General are carried out.

We do not really need the Auditor General to know all about the problems of drinking water, housing, addiction, suicide and so forth, because the media unfortunately keep us well informed. This information is useful but once we have it what do we do? Although we may not need the Auditor General to point this out, she has nevertheless targeted other problems that the general public may not familiar with or that do not receive as much media coverage. Nevertheless, with regard to these problems, we note once again that the most vulnerable often pay the price for the government's lax approach. In speaking of the most vulnerable I am also referring to the weakest: children are among those calling for help.

Earlier I was talking about the Declaration on the Rights of Indigenous Peoples. This is another example of an area where the government should be demonstrating a lot more leadership. There simply is no leadership there. Only four countries in the world have refused to sign the declaration and, unfortunately, to our great shame, Canada is one of those countries. Canada still has not ratified this important Declaration on the Rights of Indigenous Peoples. I read that more than 100 jurists and experts have criticized the Conservative government's lack of leadership and pointed out in an open letter that this government's legal arguments to justify its refusal do not hold water.

The Conservatives give very little importance to recognizing human rights. In addition to refusing to ratify the Declaration on the Rights of Indigenous Peoples, they have also abolished the court challenges program, the preferred tool of minorities wanting to exercise their rights, and let us not forget the government's draconian funding cuts to Status of Women Canada and to the aboriginal literacy program.

There is no use in the government talking about how very important it is to help aboriginals, to improve their conditions and quality of life, when it keeps cutting and cutting. Otherwise, who will pay the bill?

● (1050)

Obviously those who would have received the services that have been abolished, that is who. In this specific case, refusing to become involved more specifically in the services offered to aboriginals will not improve the situation.

The United Nations has worked patiently and thoroughly, together with aboriginal peoples, for more than 20 years to come up with this tool for defending aboriginal rights. Unfortunately, the government is rejecting all this work out of hand.

We have another warning for the government. We are supporting Bill C-30, which is a step in the right direction. In the meantime, the government and its minister have to understand that the situation is not getting any better. Even though this bill is a step in the right direction as far as specific claims are concerned, the government's policy falls short when it comes to aboriginal rights.

Something really shocks me, and I want to choose my words very carefully. I learned yesterday that this government is prepared to invest $30 billion in military equipment. At the same time, Status of Women Canada programs are being slashed, the court challenges program was eliminated and there have been cuts in aboriginal literacy programs. Certainly people do not understand what is going on. I want to choose my words very carefully. Here is my point: I am not saying that we should not have a defence policy, but the problem is that the policy still does not exist. All that is being done is to announce that $30 billion will be invested over a 20-year period to buy all sorts of equipment.

First, there should be a very precise foreign affairs and national defence policy, so that we can determine what we need. Yesterday, in fact, some of the soldiers who attended the Prime Minister's press conference spoke publicly, as the newspapers reported today, saying this was just a sprinkling of money. They say they will be buying planes or this or that other equipment, but no one is sure whether this is the equipment that is really needed in the field. There has to be some housecleaning done in this regard. I will end my parenthetical comment here so as not to confuse things.

On the one hand, we see this pathetic situation on the aboriginal reserves, where there are people whom we should be looking after, since the federal government is trustee for the aboriginal peoples. On the other hand, we get announcements of billions and billions of dollars for military equipment. There is a big disconnect, an enormous gulf between the public's real needs and this government's goals.

To get back to the bill, I want to say that the Bloc Québécois supports the aboriginal peoples in their quest for justice and recognition of rights. The Bloc Québécois recognizes the 11 aboriginal nations of Quebec for what they are, nations. The Bloc Québécois also recognizes the aboriginal peoples as distinct peoples who are entitled to their cultures, their languages, their customs and their traditions, and to their right to decide for themselves how to go about developing their own identity.

We have had a lot of discussion this week and last week about the history of the birth of Canada, which the Conservative government is trying to rewrite, as we celebrate the 400th anniversary of Quebec. Some absolutely absurd things have been said, like some of the documents that have been released. Nonetheless, everyone has to agree on one thing: the aboriginal people were here before Jacques Cartier arrived, and before anyone came to spend time in Newfoundland or elsewhere. The first nations were here. We agree on that. We must respect that fact absolutely.

Speaking of respect, we cannot let the Erasmus-Dussault report go unmentioned. In 1996, the Royal Commission on Aboriginal Peoples submitted a comprehensive report that proposed far-reaching changes over a period of 20 years leading to self-government for aboriginal peoples by respecting their customs, cultures, languages and ancestral institutions. Since that time, the Bloc Québécois has been pressuring the federal government to act on the report's recommendations.

This is another warning. This program has been in place since 1996, but there are still many recommendations from the report that the government must act on.

I will conclude by talking about implementation of the bill. There are three scenarios in which a first nation could file a claim with the tribunal. The first is when Canada turns down a claim for negotiation but fails to meet the three-year time limit for assessing claims. The second is at any stage in the negotiation process, if all parties agree.

● (1055)

The third occurs after three years of unsuccessful negotiation. The tribunal will examine only questions of fact and law to determine whether Canada has a lawful obligation to a first nation.

All of that to say that we now have an opportunity to improve the situation, and I am convinced that all parties in this House will support this bill.

[*English*]

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, after listening to the hon. member's intervention I can tell that he has a lot of interest in these important issues, although he did seem to stray into matters of defence that I know the Parliamentary Secretary to the Minister of National Defence would love to deal with, probably later today.

To go back to the matter at hand, the member spoke of the tribunal as important, but he also talked about how the Government of Canada is required to take a custodial role in relation to first nations people. I would like to suggest to him that first nations people throughout the country do not appreciate being wards of the state. In fact, many first nations people are hoping to get out of the custodial scenario that he is suggesting Canada needs to maintain or propagate.

This bill is actually going to bring forward a lot of important wealth to first nations people throughout the country so they can relinquish that position of being under the custodial control of a government, which is something that we as a government want to move away from. It has been part of our policy right from the beginning to provide first nations people in particular with the opportunities to get out from underneath the government, to become self-determining and to have a form of self-reliance.

I am very thankful that the filibuster occurring right now seems to be coming to an end with this member. I am hopeful that it is coming to an end, but I notice that the Speaker is indicating that there are going to be more speakers. My question for the member, therefore, is that if he has all these opinions that he believes are important for first nations and aboriginal people throughout the country, why would he be taking part in a filibuster on this important bill even though the member for Abitibi—Témiscamingue was part of endorsing this bill unanimously in committee?

None of the party members disagreed with anything in this bill, really, so I find it interesting that he has decided to take part in this filibuster that actually is preventing our government from bringing forward important legislation on matrimonial real property rights for first nations people on reserve. I would ask the member to explain how we can reconcile that.

[*Translation*]

Mr. André Bellavance: Mr. Speaker, frankly, I am insulted to be told that I am taking part in some kind of stalling tactic or filibuster when I clearly explained my interest in this issue. When I was elected, I served as the deputy aboriginal affairs critic for the Bloc Québécois and closely followed the work of the aboriginal affairs committees before I was appointed as the agriculture and agri-food critic. I did not stop taking an interest in aboriginal affairs, even after I was assigned to another portfolio.

I do not understand why I am being accused of something when I am just doing my job as a parliamentarian. Yesterday, I listened to all the members who spoke about this issue, and a number of the speeches were extremely interesting. Perhaps the Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians should listen to them as well. As I said, despite what he claims, this bill is going to emancipate aboriginal people and even bring them wealth. We have to tell it like it is: this bill would establish a tribunal, which is a good thing, a step forward, but it will not solve all the serious problems on reserves.

I agree with him that the aboriginal people want to be emancipated. That is true. This bill is a step in the right direction. Signing the UN declaration would be not only a step in the right direction, but a huge step in the right direction, a demonstration of this government's determination to improve the lot of the first nations.

However, I will not stand for being told that we are using delaying tactics when we have clearly stated that we support this bill. I have an interest in this issue. The critic from Abitibi—Témiscamingue asked me whether I wanted to take part in this debate, but he did not tell me that we were engaging in some sort of stalling tactics. I am surprised at these insults this morning.

● (1100)

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, the comment by the Conservative member was odd, because the Minister of Indian Affairs and Northern Development also asked questions today. I do not think it was systematic obstruction or filibustering, although they are the experts on that.

My question for my Quebec colleague has to do with the problems of poverty, suicide, and so on. I am very familiar with the situation in northern British Columbia, but I am not very familiar with the situation in northern Quebec or the situation facing aboriginals in Quebec.

Are aboriginal peoples in northern Quebec currently in the same situation? Because there is a big difference between the people of Quebec—with respect to the situation in Quebec—and the rest of Canada. I am curious. Is the situation really similar? Because the Indian Act is so ridiculous and out of touch; it is a form of oppression.

I am curious about what is going on particularly in northern Quebec. I am not sure if my colleague is familiar with the aboriginals in northern Quebec.

For us, there is the problem of isolation, and there are economic difficulties that come from living in the north, far from cities, far from the central economy and the rest of the province. I do not know if it is the same in Quebec.

Mr. André Bellavance: Mr. Speaker, I want to thank the hon. member very much for his question. He is right to say it is the Conservatives who are the experts in filibusters. It is easy to see that in some of the committees. There have been a host of problems at the Standing Committee on Justice and Human Rights and the Standing Committee on Official Languages. Among other things, the chairs have been thrown out of both. The Conservatives do not have any lessons to give us, therefore, because we are doing our job in the House.

In reply to his particular question—because that is what interests us today—I would say that the hon. member is quite right to wonder whether the first nations in Quebec, and especially northern Quebec, experience the same problems. These problems of poverty, suicide, and drug addiction are found in Quebec too.

In isolated areas in the north in particular, as the hon. member said, the isolation adds to the problems he just described. That is why we are telling the government not to close its eyes to this situation.

The hon. member is quite right when he says that the Indian Act is ridiculous and out of touch. Nobody wants it any more but it is still there. When I say "nobody", I mean mostly the first nations, of course, who have to deal with an antiquated act—there is no other word for it.

Some hon. members in this House have said it is a racist, oppressive act. I think all these adjectives apply. The government should not just note what is happening but try to do something about the situation of these peoples, who have even worse problems when they are isolated. Just think of some of these communities. The hon. member himself mentioned houses that are ill-suited to the far north or were built elsewhere.

It is the same in Quebec. In some communities, the houses were not built with any consideration at all of the climate or the fact that many people live in each one. It is common among the first nations for a number of people to live together in the same house. That often results in humidity problems. Then there are problems with running water. All these problems should be corrected as soon as absolutely possible.

We were talking a while ago about the Auditor General and her report. Even today there are thousands of native children living in extreme poverty. Someone, somewhere has closed their eyes and it is time now to open them.

● (1105)

[*English*]

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, it is with great anticipation that I enter this debate today because this affects not only regions like mine in northwestern British Columbia, but I believe it affects the very nature and fabric of our country. It is essential to ensure that legislation like this, Bill C-30, the specific claims tribunal act, is written properly, written well, and written with proper consultation with those most affected and those are the first nations communities that are impacted by the treaty process.

I think all parties within this place have recognized that the process that has existed for so many years has been tinkered with and touched at the margins, but never fundamentally addressed. As I will illustrate over my speaking time here, the greatest effect is on those first nations living in desperate straits.

I cannot recall the number of times, because there have been so many from all sides of this House and from all parties, that we have talked about the conditions of first nations people and how unacceptable those conditions would be for any other group within this country. We need to look upon this as Canadians with unequivocal shame and some understanding that it cannot go on and must change.

I can recall having conversations with the former Indian affairs minister just at the beginning of the tenure of the current regime about the ambitions and the desire to see fundamental shifts in the Indian Act itself. It has guided and ruled over first nations for far too long and is a broken act. The evidence does not need to be crafted up with more government studies because the real, anecdotal evidence is on the ground.

I refer to my colleague from Yukon, whose area has made some progress in trying to take a different approach to first nations consultation, a region, along with other regions across the north, that has attempted to have a deeper inclusion of first nations people in the decision making process. As a result, everyone has benefited. Is the system perfect in Yukon or in other territories in the north? Of course not, but it is a step ahead and I believe that it is simply a question of proximity.

I represent Skeena—Bulkley Valley, a region of some 30% to 35% first nations. In the communities that I represent, where first nations are living side by side with non-first nations, the understanding of the situation, the understanding of culture and history, is deeper and more profound. When I am touring the rest of the country, when I am speaking here in Parliament with my colleagues who do not have that experience, there is a certain alienation that goes on, a certain misunderstanding of what the reality is for first nations people.

That is somewhat to be understood but is no longer acceptable. In order for this country to progress, in order for us as Canadian people to start to feel proud again about having an inclusive, fair and just society, then simply this issue, if no other, must be addressed.

Regarding the specifics of this bill, this is an attempt to clear up a backlog that has not received enough attention, that is the 800-some land claims that wait in some sort of purgatory, some sort of limbo, that has gone on for too long and is costing both first nations communities and Canadian taxpayers untold millions of dollars in meeting after meeting with little or no progress. Unfortunately, those who most suffer are those who can least afford to suffer: the first nations people living on first nations reserves all across this country.

About 60% of these claims actually exist in B.C. For historical reasons, land was not seeded. It was not put under any treaty upon first contact and there was a promise made. There was a promise made in the enactment of what is now Canada that the Government of Canada, then controlled by British Parliament, would treat in good faith and would come to the table in good faith with first nations people and attempt to resolve the land question and issues surrounding land.

First nations across this country, and in particular British Columbia and in the north, took in good faith the documents that the government officials had in their hands, thinking that they meant something and that those documents would be adhered to. They thought that there would be some sort of justice and some sort of sense of decency and honour from the Crown, that the Crown would come forward and represent those interests and meet between nations and settle treaties because this had been the first nations experience through all of their history between different first nations.

● (1110)

The reason that we know this is because those nations are alive and well today. They will tell us the histories of when there was conflict between first nations which had gone on for thousands of years, that when they came to some resolution to a dispute, they would meet with honour and treaties would be upheld.

We have oral traditions in the northwest of British Columbia going back thousands of years. It seems that every time another archaeological dig is performed, the extension goes back another thousand or two thousand years. Some of the first nations elders in my communities shake their heads when they tell me about this because their claim, their understanding, is time immemorial. They have spent generation after generation and as they say "walked upon the bones of their grandfathers and great grandfathers and going back through time".

That has brought them to a certain sense and understanding of how the land works, how their communities function with other communities, and that ability to have conflict which is inevitable between peoples. It happens within households. It happens within communities. It happens between nations. That seems to be an unfortunate but inevitable circumstance of the human condition, but then when those conflicts happen, that there is a place and a time for us to resolve those conflicts, a time when we sit down at the table as near equals as can be and settle our differences.

There are an enormous number of reasons why this imperative is growing and needs to be addressed. That is why New Democrats have put this solution, the requirement of an independent arm's-length tribunal from the government, into our last two election platforms and passed recently at the NDP convention. This is why we have a first nations consultation group working with our party to help guide what needs to go into this independent tribunal.

Frankly, what trust should first nations have in the House of Commons, in this Parliament, to get it right all by themselves because over the years any objective observer would look at the condition and treatment of first nations by Parliament after Parliament, government after government, and after so many promises made. The actual on the ground proof shows first nations that trust is not something they should necessarily bring to the table when this process is designed.

Consultation is a comment and word thrown around very casually by politicians. It is almost like a tick-box. First, get the name right, make sure first nations people's names are correct. Second, make sure the word "consultation" is in our speech and maybe throw in respect, trust, mutual admiration along the way. But consultation, one would hope would finally and clearly be legally defined by the government in conjunction with first nations, so that at the end of the day first nations are not asked to simply trust the government, that first nations are not simply assumed to be willing and equal partners in this conversation, but that they have something in hand that they can take to the bank, so to speak.

This legislation talks about three conditions in which a first nation may enter into this process. This is one of those important conversations, as we design this bill, that the clarity and full education of these conditions are presented to first nations people so that they can decide with full knowledge and understanding before entering a process.

We would hope there is a caveat included in this legislation that allows for accountable and transparent information sharing with first nations which are considering entering this process. For too long governments have dealt directly with the band councils, with some of the first nations' leadership that are represented here in Ottawa and lobby groups, and the first nations people actually living in the villages themselves are passed over, are simply not consulted, not brought in and not given a fair, free voice at the table.

These conditions are important for Canadians to understand because this is where the rubber hits the road. A first nation can file a claim when all of these three conditions are met: first, when a claim is not accepted for negotiation by Canada including a scenario in which Canada fails to meet the three year time limits for assessing the claims, which is part of the backlog right now. I comment on this because I have been around the treaty tables previously as a consultant. Time and time again, of the three parties sitting at the table, the province, the federal government and the first nations, inevitably, one of the two levels of government representing this place or the province, would suddenly find the lack of will to participate and would suddenly find its agenda to be full.

● (1115)

Meetings would get cancelled, postponed or delayed. Millions upon millions of dollars would be misspent this way on treaty processes with no clear timelines and no clear deadlines. All it would take was one of the parties to simply step back and say they were busy, particularly, and this is most unfortunate, when tables had progressed to near conclusion. This seemed to be the time when one of the parties, one of the levels of provincial or federal government, found a certain unwillingness to participate.

It is so difficult for first nations communities, for the first nations leadership, who have to go back to their people and borrow against their eventual claim. This is something important for Canadians to understand, that all of the costs that are incurred by the first nations negotiators, often times is some sort of borrowed money from the future, from the eventual claim. The longer the government delays, in effect, takes away treaty money, eventual money for settlement of claims, and puts it into the treaty process itself, year after year. There are some first nations in British Columbia who are $12, $14 or $15 million in debt in trying to settle their treaty processes. That money will be taken off the tab of their final treaty.

There may be some encouragement for the federal and provincial negotiators to keep themselves a job, to keep talking and keep things going. But that sense of urgency is required. As we all know in our personal and business lives there is no deal that is ever settled without a deadline. There is no difficult task that is ever completed without some sense of a deadline to encourage that urgency, to allow the innovation to take place, to actually settle the claims.

There is a second condition: at any stage in the negotiation process, if all parties agree, and here is a rare circumstance that we hope will exist more and more frequently, where all parties see within their common interest the need to agree. What a fascinating notion.

I know the Minister of Indian Affairs and Northern Development is listening intently and wants to know when those conditions will be created. Those conditions get created when people come to the table with proper intent, which is to settle treaties. What a remarkable notion.

It must be within the federal and provincial governments' interest to settle treaties. Certainly, it is within the interests of the first nations. They are living the reality of non-treaty conditions. They are living the reality of having no capital or collateral with which to negotiate and develop the economies they hope for, for their people. They have urgency.

So often and too often times the provincial and federal governments, and I am speaking specifically to the case in British Columbia, do not agree. The parties find some easy and common causality to find disagreement. Treaties are complicated things. They deal with education, cultural rights, land issues and revenue sharing. It is very easy when the government has the intent to not agree, to find something that lets it say it needs to take a step back from the process and move away from the table.

There is a third and last negotiating point: after three years of unsuccessful negotiations. Unfortunately, this should be the easiest condition to be met because if any experience is known to the British Columbian first nations communities, many of them would hope for a treaty process that looked at a three year horizon. They would pray for such a thing.

There is a highway that I would encourage the Minister of Indian Affairs and Northern Development to visit. It travels into the north of British Columbia. It is not a long highway but an important one. It travels from Terrace, British Columbia into the Nass Valley and visits the Nisga'a communities. The highway for many years was a dirt track that sloughed off into the rivers. We have many stories of people dying along the road. It was a logging truck road that was supposed service the 5,000 or 6,000 people who lived in Nisga'a territory.

The road is named Highway 113. The Nisga'a, when settling their treaty, were given the dubious distinction or honour of being able to name the highway. They named it 113 because it had been 113 years since they had first visited the provincial legislature and asked to be treated, dealt with, and negotiated with in a fair and honest way. It was 113 years of persistent negotiation, generation after generation, that would hand the baton to the next leadership and say, please push on because we need to settle this land claim and we need to settle the land question. It took 113 years.

● (1120)

Every time I travel that road, and I was just back there two weeks ago, I visit with the Nisga'a Lisims government, which has a general assembly at this time every spring. I would encourage the Minister of Indian Affairs to visit. He would be most welcome to visit by the Nisga'a and would be treated with dignity and respect, I can assure him.

Is it not remarkable for Canadians to consider that a first nation that has had to struggle through 113 years to settle a land claim still has the dignity, the poise and the respect to welcome representatives from the federal government, which, some would argue, put them through abuse for 113 years? Is it not remarkable that they would welcome those representatives to their community, that they would provide a feast for them, present them with their respect and their time, and ask those representatives to please accept them? Yes, it is remarkable.

Oftentimes, and perhaps not often enough, members of Parliament are visited by the first nations leadership, the elders from across Canada. I remember when we were settling the Dogrib claim not so long ago. The elders from that first nation community were here in the galleries of the House of Commons and watched question period that day.

I talked to them later and asked them what was going through their minds as they watched the to-and-fro of what we present as debate, what we present to Canadians of their leadership during question period. I wondered what those elders were thinking. They had the dignity and grace to not comment too much to me and said that they supposed it was something good for the cameras for us.

However, we deal with the lives of people. We deal with them when their lives are hanging in the balance and when they are unable to find economic opportunities. I have claimed, and I have been joined in this by many of the first nations leaders in my region, that the best social program is a job. The best way to encourage hope for the future is that prospect of full and gainful employment and the ability to put food on the table in a decent, hard-working way.

That is what first nations want, not just in Skeena in the northwest of British Columbia, but across this country. That is what everybody wants. Everybody wants some respect and some sort of capacity to use the capital that has been given to them, and in the case of first nations, it is capital that is rightfully theirs, which is the land question at its most fundamental.

I would hope, as I have for the four years that I have been in this place, that the cause of aboriginal people is one of those rare causes that will cross over the political lines. I hope that it will cross over the to-and-fro of ideological advantage in the political fray and allow us as people representing Canadians to discover what bonds hold us in common unity across the aisles, across the great divide of partisan politics. I hope that it will allow us to settle on something that we can be proud of.

If this bill is done correctly, this may be one of those rare instances. If the consultation and incorporation of first nations concerns are done properly, this may be one of those circumstances. It is why New Democrats have advocated for this for many years. It is why New Democrats will support the bill going to second reading and to understanding in committee: so that changes can be made, so that we can consider this properly, look at it in the full light of day and take in those consultations accurately.

Granted, one must understand, not having dealt with first nations communities very much, the notions of mistrust from the perspective of first nations. There has been too much history, too much practice, to ask first nations to come out with full and open arms, trusting whatever the government may or may not present.

We must understand, culturally speaking, where the cultural breaks have been when there have been so many atrocities visited upon first nations. We must understand that the lineage back to the tradition of the leadership has been disrupted so fundamentally that time to do this properly must be taken. The ability of government to actually open its mind and its heart to what first nations are telling it is an absolute necessity in order to bring first nations to the table properly and have them endorse this process all the way through.

It is available to us if we as parliamentarians listen properly, if we as parliamentarians act on the recommendations given to us, and if we as parliamentarians put aside the momentary interests of partisan politics and step into that rarefied atmosphere that allows us to develop something that is good for this country in the moment and good for this country in the generations to come.

● (1125)

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I appreciate the comments of my colleague opposite and particularly thank him for making note of the cost of treaty deliberations and the fact that it eats into settlements.

I was pleased to have the opportunity to listen to him, particularly in light of the comments that this was an attempt to filibuster. It seems that when one wants to have one's say in this House, name-calling is resorted to.

The member opposite referenced the Nisga'a treaty and the 113 years it took for Nisga'a to be settled. I wonder if the member opposite would be willing to comment on the three days that this House spent in a filibuster dealing with the hundreds and hundreds of frivolous amendments made in an attempt to filibuster that agreement.

Mr. Nathan Cullen: Mr. Speaker, that is an interesting scenario.

The previous representatives of my region were part and parcel of that filibuster. They were part and parcel of trying to scuttle the entire deal. That was the effort. It was not simply to cause three days of delay. It was to attempt to ruin the first nations treaty, which was the Nisga'a treaty. That was declared and said by a member, and there is some irony, because that member returned to run as a candidate for the Conservative Party in the last election and held the position again, saying that treaties were a mistake. Before that, he was a Reform member.

However, he ran again as a Conservative. In debate after debate in communities of which 50% or more are first nations, while the non-first nations have grown accustomed to the idea and have seen the advantages of it, that gentleman unfortunately was joined by too many within that political movement in saying that this was bad for Canada, that this was bad for our region.

The Nisga'a, to their credit and under the great leadership of Dr. Gosnell and many others, a leadership that handed a torch to the generation that has now adopted this Nisga'a treaty, saw this for what it was. They knew that right intentions would win in the end.

Here is an interesting example. Out of the Nisga'a treaty, the Nisga'a were able to develop what now is called the Nisga'a Fisheries. In a sense, they take care of the Nass River, its tributaries and the outflow into the ocean and manage the fisheries from their perspective and from their cultural perspective. It is one of the few rivers in British Columbia this year that will have any kind of fishery at all. It has been lauded by DFO, environmental groups and industry groups as a well managed fishery, perhaps the best on the entire west coast.

When the Nisga'a treaty was being debated, an important comment was made by the head of the Credit Unions of British Columbia. When he was asked whether the Nisga'a treaty was good or bad in the short term or the long term, he said it was good in both, because finally it allowed for certainty on the land base. It allowed for certainty for forestry, for mining companies and for fishing. It allowed people to make the types of investments and decisions they needed to make, because there was no question about where fee simple was or was not, where the interdiction of the Crown existed and did not. This is what the Nisga'a had been basing their economic revival on: that land question.

As for questions of filibuster and questions of delaying and denying and hoping to resist the inevitable, it was, I would suggest to my Conservative colleagues, an unfortunate period in Canadian history, it really was. However, the Nisga'a persevered and right-thinking members of Parliament persevered.

Now we now have rules in this place, thankfully, which omit that type of tactics from happening in that manner and do not allow the introduction of some 100 or 200 amendments just to talk out the clock and try to destroy a bill, and this was a bill that was supported by a majority of Canadians.

It is incredible to me that the Conservative members would somehow equate trying to destroy a treaty with a representative commenting on a piece of legislation that affects him or her greatly. Thirty per cent of my constituents are first nations. I am amazed that in their sudden desperation to deal with this bill the Conservatives somehow are seeing a filibuster under every rock and tree. It is remarkable to me. The Minister of Indian Affairs has stood up in this House and asked questions, so I guess the Minister of Indian Affairs is therefore presenting some sort of filibuster to the House.

Of course, we are not making that accusation. It is bizarre and beyond the pale coming as it does from a government that spent six weeks at the environment committee delaying a climate change bill. To suggest that a 20 minute speech is some grand conspiracy is amazing and disgraceful.

● (1130)

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I want to respond to a couple of comments made by the member for Skeena—Bulkley Valley.

First, he asked rhetorical questions. He asked if we are sincere with this effort in Bill C-30. First Nations have been asking for this for generations, as Chief Joseph from the Federation of Saskatchewan Indian Nations has said. In 30 years of government and 10 years as chief, he said, he has never seen a more cooperative effort to draft a bill than this one.

Were there consultations? Yes, there were consultations to the point that the Assembly of First Nations helped us co-author this bill. Shawn Atleo and others from British Columbia, as the member knows, were part of that process.

This effort is very sincere. There were consultations. There were communications materials developed by the Assembly of First Nations subsequent to that.

Therefore, of course, we believe, as Chief Joseph has said, that it is not only a sincere effort but is perhaps really groundbreaking in its effort, in my opinion. I would hope that the member would know that.

I did appreciate his comment about the annual meeting. I know the Nisga'a have their annual meeting. I was not able to attend this year because the House was in session at the time. Just prior to the meeting I phoned the president and had a discussion with him. I hope to be up there this summer. We had that discussion as well. I will take advantage of the invitation to get up there, not just the member's invitation but the invitation of others. That will be a great opportunity as well.

We have made other efforts as well. Record numbers of claims were negotiated. This tribunal act is for when negotiations do not work, but we have actually settled a record number of claims through negotiations, which again I think shows our sincerity to get claims that really are "justice at last" for many people, as has been described by Phil Fontaine and the Prime Minister. They have been waiting way too long, so let us get at this and get it done.

Finally, there are other examples. Specifically when it comes to claims, we have made promises, have followed through and have met our commitments on adding lands to TLE lands on the Prairies. For example, in Manitoba we promised that 150,000 acres a year would be added over a period of four or five years. We have met our targets for two years now and we will meet our targets going forward.

This is a big effort to make sure that longstanding claims, many of them generational in nature, are put behind us, not only because it is the right thing to do and because it is justice at last, but because it does help to heal that relationship with people who say they have waited a long time and the proof is in the pudding. This bill, I would argue, shows first nations that it is worthwhile to work with the government and that the government is sincere in moving forward.

There will be many other issues, I know, and the member has talked to me about some of them. I know they will be raised in the House on other occasions. However, my hope is that we can say on this occasion, with this bill, and with the amendments that the committee has put forward, that on this day we should celebrate success. I hope this will go through.

I will not accuse anyone of filibustering, but I do say to members, let us get it through. There are other issues to deal with. On this one, could we for one day say that this is a good day for aboriginal people and for us as parliamentarians? Could we say about this, which I think and hope will go through tonight unanimously on the next vote, that this was a good bill done in a good way? It probably never will be perfect, but could we say that it is a very good bill done in a good way? I would like to celebrate that.

● (1135)

The Speaker: We will have a brief response from the member for Skeena—Bulkley Valley.

Mr. Nathan Cullen: Mr. Speaker, it is difficult to give a brief response. I appreciate the minister's tone. The tendency in this place to accept victories or near perfect situations is rare.

As I think about my comments, I will note that I have just come from my riding. This past weekend, I was again faced with first nations bands under third party management and again faced with another string of suicides and loss of life.

Mistrust is going to have to be overcome by actual proof. The presentation of this bill may be merits of that proof. It will be my job, and I think the job of others, to hold the government's feet to the fire on this continually, day after day in the House of Commons. I think that is appropriate. I imagine that the minister would be doing the same in my role. For so many years, with so much injustice, the bar will be set pretty high. I think that is only appropriate.

The Speaker: Is the House ready for the question?

Some hon. members: Question.

The Speaker: The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to, bill read the third time and passed)

* * *

FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS ACT

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC) moved that Bill C-47, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves, be read the second time and referred to a committee.

He said: Mr. Speaker, I thank members of the House for passing Bill C-30. It is one of those moments in a minority Parliament where we see a bill go through. I think Canadians will be pleased as well as first nations that have worked hard on the bill. It is the right thing to do at the right time, for the right reasons, and it is a delight to see it pass through the House. We hope the Senate will deal with it speedily.

I am also pleased to rise today to speak to Bill C-47, the family homes on reserves and matrimonial interests or rights act, which is a long title. I encourage my hon. colleagues to join me in supporting this important legislation as well, as it offers a practical, balanced and effective solution to a complex issue that we believe needs to be corrected.

[*Translation*]

I am pleased to be here today to speak to Bill C-47, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights. I encourage my hon. colleagues to join me in supporting this bill as it offers a practical, balanced and effective solution to a complex issue.

[*English*]

In recent years on reserve matrimonial real property has been the focus of much study, consultation and discussion. Members of first nations and national aboriginal organizations, along with experts in law, women's issues, human rights, governance and other fields, have offered a variety of insights into relevant issues and commented on potential solutions. While nearly all expert opinion concludes that legislation is needed to rectify the problems associated with matrimonial real property, different viewpoints have been expressed on how the legislation should be structured.

There is no question, however, that the legislative vacuum represented by on reserve matrimonial real property, continues to affect many lives. Clearly, the time has come to put a stop to some of the injustices that are occurring day by day.

To appreciate the proposed legislation and the value of the solution it stands to bring requires a thorough understanding of the issues related to matrimonial real property, or MRP, on reserves.

While some members of the House possess such an understanding, particularly my colleague, the Minister of Industry, as well as members of the Standing Committees on Aboriginal Affairs and Northern Development and the Status of Women who contributed to committee reports on the issue, I will to take this opportunity to provide some additional context.

Matrimonial real property is a term for a relatively simple legal concept. It refers to the fixed assets owned by one or both spouses and used for family purposes. For most Canadians, MRP includes a house and the property on which it sits.

When spouses separate or divorce, the division of MRP is often contentious, but legally straightforward. Under our Constitution, property rights fall under provincial jurisdiction. Laws exist in each province and territory to protect the matrimonial real property interests of married and, in some cases, common law spouses. This means that should a marriage break down one spouse cannot sell the family home without the consent of the other spouse. The laws also empower judges to remedy spousal disputes involving MRP. For instance, a judge can order an abusive spouse to move out of the family home.

Individuals who live in first nations communities, however, do not enjoy access to these legal remedies. The Indian Act limits the scope of provincial laws on reserve lands. The Supreme Court of Canada has determined that provincial laws cannot alter any interest in MRP located on reserve lands. The Supreme Court ruled that since reserve lands fell outside provincial jurisdiction, only federal law could resolve this issue. However, the fact is there is no federal law on MRP on reserves. This gap means that spouses living on reserves have no legal protection for their MRP interests.

As a result, judges cannot deal with the real property of spouses on reserves. Even in the most extreme cases, those involving spousal abuse or physical violence, no court can order a change in possession of an on reserve family home. Furthermore, the courts cannot prevent a spouse from selling or mortgaging the family home without the consent of the other spouse, regardless of the severe repercussions these actions might have.

Closing the MRP legislative gap has proven to be a challenge. Not all off reserve MRP remedies can be replicated on reserves because of the collective nature of reserve lands, our Constitution, the varied land holding systems and housing allocations and the inability of non-members to possess reserve lands.

The House endorsed a partial solution nearly a decade ago when it passed the First Nations Land Management Act. The act provides first nations with a mechanism to opt out of the land management provisions of the Indian Act and develop laws governing, among other things, MRP. The House has also approved self-government legislation that addresses matrimonial interests or rights on reserves. However, despite these actions, a strong majority of residents of first nations communities remain without protection.

In an effort to identify an effective solution, several studies, research projects, information sessions and consultations were undertaken. I draw the attention of the House to three reports that have provided significant insight into this issue.

The Standing Senate Committee on Human Rights investigated relevant legal aspects and tabled an interim report, “A Hard Bed to Lie In: Matrimonial Real Property on Reserve”, in 2003.

Two years later, the Standing Committee on Aboriginal Affairs and Northern Development published its report, “Walking Arm in Arm to Resolve the Issue of On Reserve MRP”.

In 2006 the Standing Committee on the Status of Women reviewed the issue and presented its report, recommending a process and timetable to move the resolution forward. In addition, officials with my department have held dozens of information and consultation sessions with first nation communities and national aboriginal organizations in recent years. Although a mutually acceptable solution has not emerged from these efforts, they have helped to generate the collective will needed to design and implement an effective legislative solution.

● (1140)

Shortly after taking office, our Conservative government launched a new initiative to identify a solution. To direct this effort, a ministerial representative was appointed, Ms. Wendy Grant-John, to facilitate and oversee the consultation process and to ensure that a viable legislative solution was proposed.

During her noteworthy career, Ms. Grant-John has served as chief of the Musqueam First Nation, regional vice-chief of the Assembly of First Nations and associate regional director-general of my department's British Columbia office. She is also a mother, a grandmother, an entrepreneur and former director of Four Corners Bank.

Ms. Grant-John spent many months facilitating consultations with aboriginal groups on the MRP issue. The consultation process included three phases: planning, consultation and consensus building. The government provided funds to the Native Women's Association of Canada and the Assembly of First Nations to work collaboratively with Indian and Northern Affairs Canada in carrying out the consultation process.

From September 2006 to January 2007, consultations were held across Canada with aboriginal organizations and communities and provincial and territorial governments. There were 109 consultative sessions with aboriginal groups, providing a total of 135 consultation days at 64 different locations across Canada. In addition, 12 consultation sessions were held with provincial and territorial governments.

An intensive consensus building phase was held in February 2007 among Indian and Northern Affairs Canada, the Native Women's Association of Canada, the Assembly of First Nations and the ministerial representative.

In March 2007 Ms. Grant-John released her final report, which was tabled in the House in April of last year. Her final report offered a number of recommendations for a legislative solution.

Bill C-47 responds to the majority of these recommendations, including: first, providing basic protections for individual residents on reserve during and after the breakdown of a conjugal relationship; second, balancing individual rights and the collective rights of first nations communities; and third, establishing a mechanism for first nations to develop their own MRP laws.

The legislation now before us was informed by the solid foundation built through these consultations and the reports I mentioned earlier. There were the consensus building phase, the report from the ministerial representative and the sharing of the draft legislative proposal with the Assembly of First Nations, the Native Women's Association of Canada and others.

Bill C-47 strives to achieve two goals: first, to establish an immediate federal regime to protect matrimonial interests that would apply to first nations without laws in this area; and second, to provide first nations with a mechanism to opt out of this regime by developing and adopting MRP laws of their own. These goals would satisfy two of the requirements identified most frequently during consultations.

I encourage my hon. colleagues to keep these goals in mind as they study the legislation and to recognize what Bill C-47 would accomplish and the balanced solution it would represent.

Under Bill C-47, spouses and common law partners living on reserves would be able to access a range of MRP rights and remedies similar to those available off reserve. At the same time, Bill C-47 would also provide protection concerning the collective interest of first nations. For example, non-members would be unable to use the provisions of the legislation to ever gain ownership of reserve lands. That is very important. Furthermore, first nations may make representations to the courts about the cultural, social and legal context relevant to many orders available under the legislation.

The bill also responds to an important concern commonly expressed during consultations, and that is ensuring that members of first nations have direct input into MRP law-making decisions taken by chiefs and councils. Bill C-47 would provide for a ratification process. In essence, for a first nations MRP regime to pass into law, it must first earn the support of a majority of eligible voters. This provision would promote accountability and encourage community members to play an active role in the development of laws, which are two crucial components of a strong democracy.

To support the proposed legislation, the government plans to provide first nation individuals, organizations and governments, as well as law enforcement officials, access to information about rights and remedies available on reserves to address matrimonial interests or rights and services and tools for responding to individual or community needs.

As my hon. colleagues know well, laws are much more likely to succeed when drafted with the input of the people who would be affected by them. Engaging first nation members in law-making discussions would also achieve another key goal, aligning MRP laws with community values and traditions. This was another concern expressed repeatedly during consultations.

● (1145)

Two other ideas often heard during the consultative process are also reflected in Bill C-47.

Many of the people consulted wanted legislation that would provide an immediate and effective solution. The majority said that they would reject a law that enabled the application of provincial laws related to MRP. This was echoed by both the Assembly of First Nations and the Native Women's Association of Canada.

Bill C-47 will satisfy these concerns by instituting an effective federal regime, one informed by but distinct from legislation in place in the provinces and territories. At the same time, this federal regime will be an interim solution until such time as a first nation develops its own MRP law.

Drafts of the legislation were the focus of further discussions with aboriginal groups and officials from the provinces and territories. The results are now before this House in the form of Bill C-47.

[*Translation*]

I have no doubt that a further analysis of the issues surrounding on-reserve matrimonial real property will lead to one inescapable conclusion: the time has come to enact the practical, balanced and effective solution articulated in Bill C-47. I urge my hon. colleagues to lend their support to this legislation.

● (1150)

[*English*]

I have no doubt that a thorough analysis of the issues surrounding on reserve MRP will lead to an inescapable conclusion. The time has come to enact the worthy balance and effective solution articulated in Bill C-47. I urge my hon. colleagues to lend their support to this legislation.

If I could also take a moment to thank Ms. Wendy Grant-John and the many other people who, in the 109 consultative meetings, contributed their expertise to make this bill as good as it could be.

There will be accusations that the bill is not perfect; any bill that comes before the House will get that accusation. I do believe it is another one of those bills that deals with something that has been a gap in legislation for far too long. This is something that affects primarily women on reserve that may lose the matrimonial home in the case of an unfortunate marital breakup. Right now there is no solution for them. This legislation reflects the desire to help those people. It is time to do that. It also allows first nations to develop their own distinct MRP laws as they apply to the reserve. That is important because it reflects the constitutional reality in which we also live.

It is a balancing act, as I mentioned. It is a unique situation. Most Canadians would not realize that this gap in legislation means that many people, primarily women, do not have the protection that people take for granted every day off reserve.

I hope that we will have a good discussion and debate on this. I look forward to the support of hon. colleagues in this House.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, Phil Fontaine of the Assembly of First Nations sent a letter on this and attached an analysis which said, “It is very important to note that Bill C-47 does not contain a non-derogation clause”. That type of clause occurs quite often in bills these days.

I am just wondering if the minister could outline why this particular bill does not have that clause.

Hon. Chuck Strahl: Mr. Speaker, that is a fair question.

The non-derogation clause is in several other pieces of legislation and in fact was added in committee to Bill C-21, as the member knows, on the extension of human rights of general application to first nations living on reserve. The committee added it as one of its amendments.

I am not a lawyer, but the legal advice is that because the Constitution covers all Canadians, the non-derogation clause does not change the essence of the bill. It will always be interpreted in light of the Canadian Constitution. The Canadian Constitution is clear about aboriginal rights and title. It is clear about what that means. The courts always will interpret legislation or interpret a court case based on constitutional reality. As the member knows, we have any number of cases that work their way through the legal system that might be challenged, and always the court will hold up the Constitution beside the document and make sure that it is consistent.

A non-derogation clause attempts to ensure that we pay attention to the Constitution when we look at the bill, but of course the courts do that anyway. In our opinion, it does not really strengthen the bill. There may be some discussion about that and I would be interested to hear what others may have to say, but the courts always must be cognizant of the Constitution, sections 35 and 92 and other sections that apply, and in our opinion, it does not strengthen the bill to add the non-derogation clause.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I listened very carefully to the minister's speech, and in a few minutes, I will have an opportunity to reply to him with the Bloc Québécois' position.

I would like the minister to comment on one thing. Aboriginal women are very concerned about this bill. I believe that my Liberal Party colleague will also talk about this in her speech in a moment. One thing women have been wondering about is how Bill C-47 differs from Bill C-31. Aboriginal women got the short end of the stick, as they put it, with Bill C-31, which was passed and gave back some rights and other things. How is Bill C-47, which the minister is asking the House to adopt, any different? How will it apply on reserves? Of course, I will have a chance to talk more about this later.

● (1155)

[*English*]

Hon. Chuck Strahl: Mr. Speaker, I think the member is talking about two different issues. I realize they both may end up in the courts one way or another, but the effort in Bill C-47 is to extend some sort of a federal framework because of the Supreme Court rulings on the application of provincial MRP laws. They just do not apply on reserve lands. What we are trying to do with Bill C-47 is to extend some sort of a federal framework so that, and it is not just first nations women, but primarily first nations women will have the protection that others take for granted in a provincial court system.

Right now the unfortunate reality is if there is a marriage breakdown, or if there is violence against a spouse, frequently or mostly against women, someone needs to intervene to get a restriction, a court order or some sort of legal means to keep the house in the possession of the woman who is raising the kids and needs the protection of the matrimonial home to that. A restraining order or a way to restrict the individual from getting close to the woman is needed and we do not have the tools to do it.

This bill is for the protection of women, for the development of individual MRP laws on each reserve over time, but a law of general application in the meantime that would allow us to have a provision which says we have to look after those interests. Although some homes are owned by the band office, for example, they might be owned collectively, social housing perhaps, many other homes are built by and owned by individual first nations people. The trouble is if there is a marriage breakdown, no laws apply. The guy with the biggest, broadest shoulders wins the argument and that is not fair for first nations women.

This bill will not solve all problems and it does not address the Bill C-31 issues, but it does attempt to fill the gap that otherwise will continue until we do fill it. The system is quite hit and miss across the country. There are some good examples of good leadership on reserve under the First Nations Land Management Act, and there are examples of many first nations which have introduced their own MRP laws, but it is too hit and miss. It does not capture the rest of aboriginal women who deserve the same protection as others.

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I would like to congratulate the Minister of Indian Affairs for introducing this important legislation into our House of Commons. I know it will make a big difference in the lives of first nations people across our country.

Earlier today Bill C-30 finally moved on to the other chamber. I would like to thank the member for Winnipeg South Centre, as well as the member for Abitibi—Témiscamingue for finally getting control of their caucus and bringing forward a resolution to that debate.

My question for the minister is, why is there a sentiment among some members opposite that because a bill is not completely perfect, or because a bill has not received unanimous support from all communities, it should not be brought forward? Could he explain the philosophy we want to employ to bring some resolution to this issue?

Hon. Chuck Strahl: Mr. Speaker, the hon. parliamentary secretary has a passionate interest in this bill. He has spoken to me many times and has said that one of the reasons he got involved in politics was to try to bring in this sort of a measure to protect aboriginal women. I appreciate the work he has done on this.

Everyone will speak to his or her own reasons for opposing or supporting the bill. If there is a problem in the parliamentary system, and maybe it is accentuated by a minority government, I do not know, it is that the perfect does become the enemy of the good. We had 109 consultative meetings. Maybe we should have had 129, I do not know; maybe we should have had 299. There is always more we could do, granted, but my hope is that the bill will pass the House, go to committee and there will be more consultations in committee. I would encourage, of course, to have those consultations and broaden them again. That would be good and worthwhile.

As I mentioned on Bill C-30, there are certainly other good issues to raise about all kinds of things, but we should focus on the legislation that is before us, because it is part of a package of ideas that will improve things for first nations. It will not do it all. It is not meant to do it all, but it is meant to focus on matrimonial real property rights.

I think most Canadians have no idea that the laws they take for granted living in Toronto, Vancouver, Sault Ste. Marie or anywhere else do not apply to first nations on reserve when it comes to matrimonial property. I know the government will take a pasting for who knows what else, but my hope is that people will focus on this bill, on this issue and get the bill to committee where there can be some more study.

My hope is that we will follow through and do the right thing because it is the right thing for the right reasons.

● (1200)

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I am pleased to have the opportunity to rise to speak to Bill C-47. It is an important bill, one that certainly deserves consideration. It is a bill that is a matter of human rights for women and children living on reserve. Members of my party are the party of the Charter of Human Rights and we support the measure to extend matrimonial real property rights to first nations.

While the opposition supports the intent of the bill, we do not support the flawed process taken by the federal government to introduce the legislation. We will support moving the bill to committee so we can hear from many concerned stakeholders, many of whom we have heard from already, and legal experts.

I want to emphasize, just picking up on the minister's remarks, that we do not view the representations at committee as consultations. We view them as part of a process of improving legislation that has been brought before the committee.

We were instrumental in making critical changes to Bill C-21 to ensure that aboriginal Canadians would have the time and capacity they needed to deal with the changes. We will continue to push the government to address human rights in all its manifestations, to address the needs of aboriginal Canadians, issues such as education, jobs, poverty and health.

I will take the liberty to go over a little of what the minister has spoken to already.

As we know and have heard, the 1986 Supreme Court of Canada ruled that when a conjugal relationship broke down on reserves, courts could not apply provincial, territorial family law because reserve lands fell under federal jurisdiction. We have also heard that, as a result, aboriginal women living on reserve have not enjoyed the same rights as women living off reserve. They are not entitled to an equal share of the matrimonial property at the time of marriage breakdown. Matrimonial real property refers to the house or the land that a couple lives on while they are married or in a common law relationship.

Since the 1986 Supreme Court ruling, the gap in the law has had serious consequences. When a marriage or relationship ends, the courts have no authority to protect the MRP interests of spouses living on reserves. As a result, spouses living on reserve cannot ask the court to grant an order of temporary or permanent possession of the home or to partition and sale of a home if it applies to enforce an order or preclude a spouse from selling or mortgaging the family home if it applies without the consent of another spouse.

We know approaches to addressing the legislative gap respecting MRP have been under consideration for some time, and the minister has outlined some of the reports and phases. In recent years we know that three parliamentary committees have recommended a legislative mechanism to resolve the issue, and we support one, but we support one brought in appropriately.

Yesterday, we debated Bill C-30, the specific land claims bill, legislation that was done in collaboration with the Assembly of First Nations, a bill that was a compromise, albeit a good first step. Now we are here today debating a bill that the government claims was done in consultation. It said that it worked in collaboration to bring forward a bill. An INAC website states:

> The Crown's consultation process was comprehensive. Indian and Northern Affairs Canada consulted with the provinces and territories and other interested organizations and communities not represented by either Assembly of First Nations or Native Women's Association of Canada. The Assembly of First Nations or Native Women's Association of Canada facilitated input from First Nation representatives from across the country. Representatives from the Department accompanied the Assembly of First Nations and Native Women's Association of Canada at sessions they facilitated.

● (1205)

It is one thing to conduct consultations, but it is another to put forward a bill that does not reflect the outcomes from that consultation.

The government will work in collaboration with first nations when a bill is a voluntary measure, like the specific claims bill, and we applaud it for that, but it will close doors when it is a mandatory measure and it will impose policies on first nations people without taking their input into consideration.

Early reaction to the bill would lead one to believe that the government had the bill drafted even before the consultations took place. When some of us raised that at the time, we were told it was not so, but one cannot help but be skeptical.

On the same day the on reserve matrimonial real property legislation was introduced, it was denounced by the Native Women's Association of Canada, one of the organizations with which the government conducted its so-called consultations. It immediately came out to say that the consultative partnership the government had boasted about was a sham. How could legislation, which was worked on in consultation with affected native organizations, be called a sham?

The president of the Native Women's Association went on to say:

> —we have not experienced our relationship with the federal Department of Indian Affairs as being one of partnership or even consultation but rather it feels like another experience of colonialism, or at best piecemeal, individually based solutions that will not result in real equality for the women we represent.

The Conservatives appear simply not to get it. They have not learned from their mistakes in their introduction of Bill C-21. They continue to show disrespect. They continue to act unilaterally. They continue to be paternalistic. Even the national chief of the Assembly of First Nations expressed regret in the government's process. He said:

> —the fact that direction provided through this dialogue does not appear reflected in the tabled Bill, leaves us to conclude that the dialogue was of limited value in promoting and implementing a reconciliation approach regarding First Nations aboriginal and treaty rights and Crown sovereignty....the federal government had many, many opportunities to address these matters properly and effectively.

Both these two organizations have major concerns about the bill. The Assembly of First Nations has, in a letter to the minister, even commented that the bill may not survive a constitutional challenge.

Yesterday, I had the opportunity to speak to Ellen Gabriel, president of Quebec Native Women's Association. It too has concerns with the legislation, concerns surrounding consultation, among many others, which I will address a little later on.

When the government first set out on its process to study matrimonial real property, we on this side of the House were optimistic. It seemed like the former minister had set out a process in a positive direction.

In June 2006 the Indian and Northern Affairs minister at the time, as we heard, appointed Wendy Grant-John as the ministerial representative to facilitate a consultation piece on matrimonial real property.

Ms. Grant-John is a most distinguished, respected aboriginal leader in her community. We have heard that she served three times as chief of the Musqueam First Nation, and was the first women elected regional vice-chief to the Assembly of First Nations. She had previously worked at Indian and Northern Affairs as a regional director general. She has had an honourary doctorate, and her list of accomplishments go on.

The report by Ms. Grant-John on matrimonial real property issues describes the result of a three phase consultation process, which we heard about from the minister. The primary objective of this process was to provide a recommendation to the minister regarding a viable legislative option to address matrimonial real property on reserves. The process was to comply with the Haida case.

No one expected all applicable parties would agree on everything. It was expected compromises would be made and if there was not a consensus, it would be the representative's mandate to make recommendations, informed by the discussions of the applicable parties. Fourteen key themes came from the discussions, and I will not go through them because I am watching the clock.

● (1210)

As I said earlier, we support the intent of the bill, but we do not support the process taken by the government in its introduction of the bill. We need to get it done right, and that is what I hope the committee will do. The bill does not reflect the ministerial representative's report. It does not reflect the will of aboriginal women. It is a flawed legislation and something that cannot be taken lightly.

The government introduced the legislation, in spite of recommendations of all aboriginal groups. Many problems have been addressed by aboriginal groups and by aboriginal women.

Some problems with the bill include, as indicated by the Native Women's Association: a complete lack of information about the implementation plans and measures that are in the proposed legislation, including timeframes, resources for measures specified in the bill and resources for first nations to implement the legislation; and a lack of information regarding the provision of resources to first nations to enable them to develop their own laws for MRP and to develop capacity to implement either Bill C-47 or their own laws.

Bill C-47 would provide a widowed spouse with only 180 days to remain in a family home following the death of her partner, a time too short. The lack of adequate and appropriate housing in many first nations communities means that the measures contained in Bill C-47 will not assist women and children to obtain alternative housing in the community following the breakdown of a marriage or a relationship. This will continue the status quo, which is many women and children must leave their first nations community following relationship breakdown to find housing and therefore lose access to their family, social networks, culture, language and the services provided on reserve.

The legislation refers individuals to court processes and will likely result in court cases to clarify ambiguous measures. This places remedies contained in the bill out of reach of aboriginal women who cannot access the legal system due to lack of information, poverty or geographic isolation.

NWAC's position is that properly addressing MRP requires both legislative and non-legislative solutions. Non-legislative measures are needed, NWAC suggests, to address the issues and underlie any legislative solutions such as housing, poverty, governance, access to justice and violence, the issues about which we all know.

Like the others, the Quebec Native Women Inc. also expressed concern with the serious housing shortage on reserve. Will there be measures to find housing on reserve for the person against whom an emergency protection order has been made? We know aboriginal women are at greater risk to become the victims of domestic violence. In situations such as these, the frustration can lead to even more violence.

The Quebec Native Women Inc. have also raised the fact that Quebec is a province that applies both the civil code as well as common law. The legislation does not reflect this and therefore does not reflect the interest of native women in Quebec.

As mentioned earlier, the AFN has said that the proposed legislation may well be deemed unconstitutional. It stated:

> This is largely because of issues relating to the rejection of delegated power, the lack of capacity for First Nations to effectively use the limited law-making authority and the lack of access by individuals to the provincial court system.

AFN believes there is a need for a “broad and comprehensive approach”. It said:

> Such an approach would deal with important related matters concerning land management, dispute resolution capacity, housing, child welfare, shelters, policing membership...and would be based on the implementation of section 35, *Constitution Act, 1982* compliance measures.

This is not the first time the government has head these views proposed. It just simply has not listened.

In a letter to the minister, the national chief also pointed out:

> The shared view among First Nations across the country was that certain principles should guide the search for solutions and the standard upon which the proposed solutions should be evaluated:
>
> strengthening First Nations families and communities;
>
> fairness
>
> respect for traditional values;
>
> protection of Aboriginal and Treaty Rights;
>
> no abrogation or derogation of First Nations collective rights;
>
> protection and preservation of First Nations lands for future generations;
>
> recognition and implementation of First Nations jurisdiction; and
>
> community basis solutions.

● (1215)

This approach falls short on all of these points. They were simply bypassed by the government.

This bill also will force first nations women to seek remedies in the court. This is neither timely nor financially viable for many first nations women in remote communities, as expressed by the Assembly of First Nations Women's Council.

Time after time we have heard aboriginal women's groups call for real investments in adequate safe and accessible housing on reserves. Still the government continues to ignore the will of first nations women. How can the government claim that it stands for the rights of these first nations women if it does not listen?

As mentioned earlier, in reading the ministerial representative's executive summary, many of the same issues were raised. First nations people expect the federal Crown to fully respect its fiduciary duties in respect to first nations land, treaty and aboriginal rights. In the discussions held, there was a very strong preference for recognition of first nations jurisdiction to fill the legislative gap identified, a minimal role for federal legislation and a virtual universal opposition to the introduction of provincial laws, by incorporating them in a federal law, to deal with this issue. Participants in both AFN and NWAC discussions have said that first nations people want to see matrimonial real property that incorporates first nations views of land and family.

There are so many points to touch on, but quite simply, the government has not listened to the first nations women, yet at the same time the government says it stands up for their rights. Why does the government think it knows best for aboriginal people, particularly aboriginal women?

The Liberal opposition believes matrimonial property rights should be extended to first nations communities, particularly to protect the interests of first nations women and children, but understand it has implications for the whole community. We understand that these rights should not be imposed.

When consultations take place, we know they should not be ignored. We also know there should not always be consensus, but we also know what it means to work in collaboration. After all, for 18 months the previous Liberal government worked with aboriginal people to bring forward the Kelowna accord, something that would address many of the issues that first nations, Inuit and Métis people face today. Notably, it would have addressed the issues related to housing. It offered hope, but hope was taken away when the government needlessly scrapped the accord.

Now the government professes to champion aboriginal issues. With actions taken with legislation like Bill C-21 and now Bill C-47, and little or no investment in three budgets, and with conditions in first nations communities worse today than they were a year ago, it is no surprise that we are about to see a second day of action.

I want to reiterate the position of my party. We want this legislation to go to committee. We believe that addressing the matter of matrimonial real property rights is important. We believe it is particularly important to do it in real collaboration, in real consultation with aboriginal women's groups, to listen to them, to hear their concerns, to incorporate their concerns into the legislation, not to tell them that we know what is best for them.

We want this legislation to go to committee. We want to hear from the experts. We want to hear from the stakeholders. We will take the opportunity to make this a better piece of legislation.

● (1220)

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I appreciate the speech by the hon. member for Winnipeg South Centre on this important matter. The government appreciates that her party supports sending the bill to committee. When it gets to committee, there will be some excellent commentary from a number of groups and we will do our best to make this bill better.

I want to put on the record that considerable consultation was done across our great nation. There were over 109 sessions over 135 days in 64 different locations. We heard a lot of commentary from across the country. One must remember that this bill provides for first nations communities to create their own legislation should they want to bring about modifications to the way property is dealt with when marriages break down.

There are a number of measures within the bill to alleviate the concerns of the member opposite. Nonetheless, we are appreciative that the bill will be going to committee based on what she has just said.

I have two questions for her. The first one is around what she mentioned in relation to how a shortage of housing on reserve within our country could be, in essence, an argumentative point in relation to this bill gaining support. Although there is no question that there is a shortage of housing on reserve, and that needs to be put on the record as it is clearly a fact, should that not be used as an argument for this important legislation? Though related, they are two different points.

The second question is, there are a number of first nations communities in Manitoba that are seeking to remove houses from a military base in her riding. Is she supportive of the first nations who are seeking to do that?

Hon. Anita Neville: Mr. Speaker, I believe that housing is an integral part of the problems that women deal with regarding marriage breakdown on reserve. There is an important need for additional housing. As I indicated in my earlier remarks, the Kelowna accord spoke to the housing issues. Had Kelowna been implemented, we would be well on the way to providing additional housing on reserve. I do not think one can separate the importance of adequate safe housing that is not crowded from the issues of marriage breakdown, domestic violence, et cetera. Housing is an integral part of dealing with some of the issues related to matrimonial real property.

The member opposite has raised the issue of moving the houses at Kapyong Barracks to first nations communities. I would say to the member that is not a housing policy. I would not be prepared at this point to give him a definitive response on whether those houses should be moved to first nations communities. It is important that an assessment be done of the quality of those houses. I know that some of them are not in great shape and some of them are in fine shape. One also has to measure the cost of moving the houses compared to the cost of building new ones. I know that an effort like this was looked at for the houses at CFB Gagetown and was deemed not viable because of the extraordinary cost of doing it.

Therefore, I have no definitive answer. I would need to get more information on that.

● (1225)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I listened carefully to my hon. colleague. To be certain that I understood her correctly, I even listened in English. Of course, I respect her party's position. I also listened closely to the minister earlier. I will come back to that when I rise to speak in a few minutes.

I have a question for my hon. Liberal colleague. There comes a time when we must start somewhere and I will come back to this later. I am wondering how we can integrate women's voices into our consultations, when everyone knows that most first nations are led by men and that the issue of matrimonial real property very often affects women.

Yes, problems exist in the communities—we will talk about them again—but I am trying to understand how to orient our work to ensure that Bill C-47 can go forward and help women. Indeed, we can all agree on this, this bill is about 90% intended for women. I would therefore like to know what direction our work should take. Does the hon. member have any ideas concerning how we should orient our work once the House decides to refer Bill C-47 to committee for study?

[*English*]

Hon. Anita Neville: Mr. Speaker, my colleague has raised a very important question.

Should we remain in Ottawa to conduct all of the consultations on the bill, we will certainly hear from representatives of aboriginal women's groups and aboriginal women leaders. We have heard some of their statements already on the bill.

I think it is a matter of discussion for the committee as to how we will hear directly from some of the women who have been affected by the loss of their marital home through relationship or marriage breakdown. I do not have an easy answer, but it is a discussion the committee should have so that we explore this issue in a full and comprehensive way.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, the member opposite made a very good speech regarding some of the critical points that are important for the House, and subsequently, if the bill gets to committee, for the committee to consider.

Yesterday in the House the Minister of Indian Affairs and Northern Development said that Bill C-30 was the product of a lengthy consultative and collaborative process involving key stakeholders. He went on to talk about the fact that Bill C-30 represents a tremendous collaborative effort between first nations and the federal government at achieving agreement on the design, composition and mandate of an independent specific claims tribunal.

The member talked about consultation in her speech, but I would ask her what she sees as the key differences between the process that happened with respect to Bill C-30 and the process that is currently under way with respect to Bill C-47.

The Native Women's Association of Canada, for example, has said that it does not consider this to be a full consultative process. Neither does Wendy Grant-John. She laid out in recommendation 18 a number of specific key points that need to be present in a consultative process.

I wonder if the member could address the differences.

● (1230)

Hon. Anita Neville: I am smiling, Mr. Speaker, because what comes to mind immediately is it appears for the most part that the government listened in the collaborative process, not the consultative process, that went on with Bill C-30.

Wendy Grant-John oversaw a consultation process that went on across the country. For the most part, the recommendations that Ms. Grant-John put forward and that were integral to the implementation of matrimonial real property legislation have been bypassed.

The government worked collaboratively with respect to one bill and chose to bypass on another.

The Acting Speaker (Mr. Andrew Scheer): I can only take a very brief question or comment.

The hon. member for Churchill.

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, in Manitoba we have a first nations women's council. It participated in a region specific matrimonial real property session. In its report to government, it stressed:

> The session was framed as a preliminary educational/information session. Participants felt that consultation with First Nations directly by the federal government must occur based on the principles of free, prior and informed consent, and reconciliation.

The Acting Speaker (Mr. Andrew Scheer): The hon. member for Winnipeg South Centre has about 20 seconds to respond.

Hon. Anita Neville: Mr. Speaker, I am not quite sure what the question was but, just briefly, I think that the Manitoba aboriginal women's council summed up in the statement my colleague read the essence of what real consultation should be about, and that has not happened.

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, along with Bill C-21 the bill before us is probably one of the most important bills with respect to aboriginal affairs the government has introduced.

There was Bill C-30, which I believe was passed unanimously by the House. That bill fulfills and will fulfill, I hope, all conditions, including consultation, and will allow the first nations to go forward with their land claims.

However, today we will be focusing on Bill C-47. Allow me to take a moment to quote from an extremely important document that we received from the Native Women's Association of Canada. This document reports on the government's study of matrimonial rights. The title speaks for itself: *Reclaiming our Way of Being: Matrimonial Real Property Solutions*. This document was prepared by native women and I would like to begin by quoting a phrase that truly recognizes the problems:

> The key is restoring equality and only then will Aboriginal women regain and occupy their rightful place as equal partners [all these words are important] in Aboriginal society—we used to be raised as equal to men but when the Indian Act came along, the Europeans said women are property of the men.

In my opinion, the debate surrounding Bill C-47, which is now before us, revolves around the following statement by a native woman found in this extremely important document entitled *Reclaiming our Way of Being*:

> I want back the respect that my grandmothers and ancestors had—people listened to them; let's put women back to their rightful place of respect.

The entire debate will revolve around Bill C-47. This excellent document looks at what led native women to look at their rights, in particular matrimonial real property rights. I would also like to refer to another document.

This all started when the Supreme Court had to rule on two extremely important cases: Derrickson v. Derrickson, and Paul v. Paul in 1986. The debate on matrimonial real property has been going on since 1986. We will try to make progress on this issue with Bill C-47, but in both decisions in 1986, the Supreme Court ruled that, since reserve lands fall under federal jurisdiction, as a result of subsection 91(24) and so forth, provincial legislation cannot apply to modify any individual interest in reserve land.

In plain words, women living on a first nations reserve are not equal to women living off reserve. It is not complicated. This is precisely what the ruling under the Indian Act states and is repeated in the document I was just reading.

● (1235)

Aboriginal women are submissive, they have to be submissive, and if Bill C-47 is adopted, a change in mentality will be necessary. I am not sure whether today, May 13, all aboriginal communities in Canada are aware of this Bill C-47 that we will be studying soon in committee.

In the Supreme Court rulings in Derrickson v. Derrickson and Paul v. Paul in 1986, the reason for the limited application of provincial and territorial legislation and the reason that the Indian Act was not mentioned in terms of matrimonial property, was that most of the first nations communities on reserve are denied protection and significant recourse. For example, the courts cannot invoke provincial and territorial legislation to issue an order for possession concerning a matrimonial home, to order the sale or sharing of a matrimonial home on the reserve to execute a compensation order, or to prohibit the sale or encumbrance of a matrimonial home.

That is precisely the problem. The problem Bill C-47 seeks to address is an extremely important problem that affects—we must be honest here in this House—90% of aboriginal women living on reserve. We have to listen carefully to these women. What do these aboriginal women have to say? The Bloc and I have a small problem. In fact, this could become a very big problem if we do not listen to aboriginal women.

In 2006, through the then-minister of Indian Affairs, who is now the Minister of Industry, the government said that it would consult aboriginal women. Wendy Grant-John, an extremely respectable woman, was appointed, and she travelled around, holding consultations and meeting with many aboriginal women before submitting her report. That is when things started to go wrong.

Earlier, my Liberal Party colleague from Winnipeg South Centre said something important. The government does not seem to have listened, and that is troubling. In her report, Ms. Grant-John made a number of recommendations. Here is what the Assembly of First Nations Women's Council says about the bill:

> The bill will ultimately force First Nations Women to seek remedies in provincial courts. This is neither timely nor financially viable for many First Nations women in remote communities.

That is one of the biggest problems. The government would be creating two classes of aboriginal women: those who live on reserve and those who live off reserve. Those who live off reserve—women in Montreal, Calgary or any Canadian city—have to go to civil courts. Superior courts can order violent spouses to get out and leave the house to the aboriginal woman and her children. In several cases that have gone before the Superior Court of Quebec, among others—I will focus on Quebec because that is where I am from—aboriginal women living off reserve have had these rights, while aboriginal women living on reserve have not.

I would like to give a quick example. Aboriginal women from Akwesasne, from Kahnawake, from Pikogan, or from Kitigan Zibi who live near large cities do not have the same rights as aboriginal women living in Maniwaki or in large cities like Montreal, or even in Amos over in Abitibi. That is a problem. Furthermore, this problem will get even worse if we do not do what must be done to resolve it.

● (1240)

The women who live in remote reserves have even fewer rights now, particularly in Kashechewan and Winneway. It is not guaranteed that they will have more rights after the passage of Bill C-47. Therein lies the debate, or at least part of the debate. One problem brought up by aboriginal women is the following:

> During consultations...women asked that Matrimonial Real Property rights be developed from their own cultural values and traditions, not under provincial or federal rules they had no part in crafting.

This means that aboriginal women should be invited to the committee; we should listen to them explain how matrimonial real property rights can be developed, taking into account the cultural values and traditions of aboriginal women. I think that will be an interesting part of our work.

Aboriginal women also say that:

> Rather than recognizing First Nations authority, the Bill constrains how First Nations rules are to be made in a complicated process yet offers no support for First Nations in doing this work. In the end, the Bill will impose a complex, bureaucratic system, with no support or consideration for implementation.

That is an important point that the committee will have to consider. Passing and implementing Bill C-47 should not create more problems for aboriginal women than the ones that already exist—and there are many. I repeat in this House, 90% of aboriginal women on reserves are affected by this bill that could be passed in this House.

Lastly, aboriginal women have this to say:

> For Matrimonial Real Property Rights to be meaningful, women told us the government must ensure there is adequate safe and accessible housing.

Therein lies part of the problem. The government should have listened to aboriginal women. The government, too, can read this document in which aboriginal women say they want to reclaim their way of being, which is extremely important, and in which they make a whole series of recommendations to solve the problem of matrimonial real property.

If we want to implement a bill such as Bill C-47, a debate in committee will be important, but would we not do well to also address the problems affecting the first nations, problems pertaining to violence, justice and education in communities? All these issues are part of a whole. We cannot deal with the issue of matrimonial real property without looking at all aspects of the reality of aboriginal communities on reserve today.

I invite any members of this House who have not already done so to view the film by Richard Desjardins and Robert Monderie entitled *The Invisible Nation*, which concerns the status of aboriginal people. Members can rent the film or ask the National Film Board to send them a copy. Extreme poverty and lack of education in communities often lead to violence. Sadly, women and children are most often the ones who pay the price for this violence.

Bill C-47 concerns a basic issue that we need to look at. I have a particular case in mind, although I will not name the parties. When I was a lawyer, we wondered about this case. An aboriginal couple living on a reserve opened a gas station and convenience store on the reserve. The couple fought, and the woman had to leave. Nearly 10 years later, the gas station and convenience store are still in operation and bring in more than $1 million for the father of the woman's children.

● (1245)

There was an attempt to proceed to judgment, and a person can try, but judgments cannot be executed on reserve. This is precisely what Bill C-47 is trying to change. We really hope that happens.

There are some important points in this bill that we cannot ignore. One thing is sure: the government is finally tackling a glaring need, that is, respect for aboriginal women on reserves. But even more needs to be done. The bill must be adaptable to the needs of the first nations. It must be studied very carefully. In fact, certain mechanisms will allow first nations to develop and implement their own laws, and take action on matrimonial rights and interests, but this poses a problem. As I was saying, a drastic change in mentality is necessary, since a balance must be struck between the authority of the chief and councils on matters of matrimonial property.

With all due respect, I must say here today that the work needs to be done not only by the government or here in this House. Many first nations, quite a number really, must take charge of their own affairs. First nations councils must make important decisions in favour of aboriginal women and children in those communities. Anyone can say that women and men are equal, but in many aboriginal communities, still today, on May 13, 2008, this is simply not the case and is far from the reality. Thus, we hope this will change.

Clearly, the Bloc Québécois will vote in favour of referring this bill to committee for study. It is an important bill. There is work to be done. I will mention only a few points, since time is running out. To date, there has been a serious lack of information. What is the action plan? How will this bill be implemented? How will the government go about implementing this bill once it passes? What measures and resources can the government offer to implement this bill?

We have been told certain things, but I do not wish to go into the legal details of the consultations in general. At present, native women in Canada know that the bill is coming. But what will they do if a court orders the man to leave the home when there is no housing in the native community? Or, what will a native woman do if she decides to leave the home to the man because it is crowded and not appropriate for her and her four children, but there is no housing in the native community? She will find herself on the outside. That is currently one of the major problems.

I do not wish to speak again about Pikogan, but I can talk about Timiskaming and several other communities where we see native women leave the reserve with children because, quite often, they are abused. Often they are harassed. The chiefs should take charge of their communities and the band councils should accept that this bill will be implemented and that they should be prepared for its implementation. One of the problems is the lack of housing.

I see that I have less than one minute and so I will close with one remark. Once the bill has passed and if the present housing stock is not increased, it may be a futile exercise.

● (1250)

Nevertheless, one thing is certain: something has to be done. Is Bill C-47 what native women have been awaiting for over 30 years?

No matter, we will vote for this bill so that it is studied in committee. I hope that native women will make their voices heard at the committee and that they will be heard in their own communities.

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I noted that the member ended his comments in exactly the direction on which I wanted to ask him a question.

In a recent Auditor General's report on aboriginal children and welfare, the Auditor General pointed out that unless there were remedies outside of the child protection system, such as housing, education and supports to the family, the underlying causes of why children were being apprehended would not, in the long term, be addressed.

In this legislation, I know the Quebec Native Women Inc. and the Labrador Native Women's Association are kicking off a parallel campaign around dealing with the issue of women and violence. I wonder if the member could comment on the fact that this bill does not include remedies to the things that often contribute to marital breakdown. It also does not have a long term strategy for dealing with the causes of marital breakdown. The member mentioned housing but there are many other factors on reserves that are causing families to disintegrate.

I wonder if he could comment on the absence of those remedies in the bill.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I would like to thank my colleague for her question. My New Democratic colleague is absolutely correct. Yesterday I read the Auditor General's report on the situation of children in aboriginal communities, and it is a crisis situation. I will try to be polite: we are sitting on a volcano. If we want to assimilate the first nations, we simply have to continue taking children off the reserves and putting them up for adoption and the problem will be solved. But I do not think that is the solution.

My NDP colleague is absolutely correct in saying that this is one of the issues we will face in implementing Bill C-47. In my opinion, and I say this with all due respect, everything is closely linked. We will have to be ready. What impact will Bill C-47 have on communities?

Courts and judges will hand down decisions and will order that the store be sold and the profits split. However, if none of the surrounding issues are fixed—poverty, lack of water, violence, because there is violence in these communities—we will not be any further ahead. At least something will have been done. It is a small step but an important one. We need to make aboriginal children and women our priority.

● (1255)

[*English*]

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I want to thank the member for Abitibi—Témiscamingue for acknowledging his party's support to send this bill to committee where we will consider the bill in its full context and work toward undoing and creating a new scenario for first nations women and men on reserve so they can utilize similar provisions that other Canadians take for granted. I know this is important work that he has often spoken about in the past.

The member raised a number of points that were similar to the points made by the member for Winnipeg South Centre. He linked some of the issues in certain first nations communities where there are housing shortages to this issue. Does the member genuinely believe that if there were more houses on reserve, this issue would not exist?

I know it is a rhetorical question because I fully understand and believe that this issue cannot be addressed simply by more housing stock. It is a fundamental issue that first nations people simply do not have access to a proper breakdown and division of matrimonial assets after a marriage has broken down.

If he could speak a little bit to that argument, which seems to have been posed now by a few members of the opposition, that would be appreciated.

When this bill does get to committee, I am hopeful that we will be able to work in an expeditious way to see its passing and eventually sent back to this House, as we did with Bill C-30 today. I again would like to thank him and his party for their support on that bill.

[*Translation*]

Mr. Marc Lemay: Mr. Speaker, I will get to my colleague's question. I want to say one thing to the government, and I hope it is clear. I do not want the government to rush us, push us, order us, ask us to move quickly or put pressure on us to implement this bill as fast as possible. This bill is much too important and vital for them to push us around and ask us to move quickly. We will agree to examine it in committee, but I do not want to set a deadline for it to be passed before the House adjourns in June. That would be unacceptable. It would be an insult to aboriginal women.

Now, as for his first question, I would say that it is clear. Even if there were many buildings or homes in aboriginal communities, matrimonial property would clearly still cause problems. That is obvious. The situation in aboriginal communities transcends the housing problem, but that is not all. There are the water and sewer systems. There is the fact that in many communities, the band council is run by a chief whose brother is the police chief, which means that when a woman files a complaint, nothing happens. It has to do with all of that.

There needs to be, and I say this with all due respect, some kind of major change in attitude.

[*English*]

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I am pleased to rise to speak to Bill C-47, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves.

The NDP will be supporting this bill and getting it to committee. I hope that the committee will have an opportunity to study the bill extensively and to call witnesses who reflect some of the concerns that we are certainly hearing.

Much has been said already about the report from Wendy Grant-John that was presented in the spring. Sadly, there was no response from the government to this report. I want to quote from one particular section of this report because I think it lays a foundation for any further discussion. She states:

> Matrimonial property law is intended to provide guidance in resolving conflicts between spouses concerning the disposition of property. Matrimonial real property issues affect the interests of men, women and children. Accordingly, First Nation citizens are concerned that any legislative and nonlegislative responses should promote social cohesiveness while also providing fair and equitable treatment of spouses. First Nation people do not wish to see federal legislation that again divides community members. They feel that this would occur if the federal government acts in a way that would reinforce old stereotypes e.g. that all First Nation governments are antagonistic to the protection of individual human rights or that matrimonial property is a "women's" issue. It is important to understand that when people say matrimonial property is not a women's issue they are not denying that there are particular impacts on First Nation women. Rather this means that it is an issue that affects the entire community and communities must determine solutions.

We heard the minister earlier speak about the fact that this was a consultative process and that we should really just all adopt the bill.

Contrary to what the minister was saying, we have actually had a number of people speaking up quite strongly around the bill. Wendy Grant-John is a well-respected first nations woman. She has extensive experience and put together an extensive report. However, this is where the crunch comes. A press release issued by the Native Women's Association of Canada, March 4, states:

'Consultative Partnership' a Sham

The Government of Canada has acted unilaterally in trying to resolve the issue of a lack of matrimonial real property laws that apply on reserve. Despite engaging in a discussion process with relevant National Aboriginal Organizations, the federal government introduced legislation, The Family Homes on Reserve and Matrimonial Interests or Rights Act, that does not have the support of the Native Women's Association of Canada...President Beverley Jacobs noted, "we have not experienced our relationship with the federal Department of Indian Affairs as being one of partnership or even consultation but rather it feels like another experience of colonialism"—

The Office of the National Chief of the Assembly of First Nations also spoke up about the process and stated:

While it was a positive and practical step forward to engage in dialogue with the Assembly of First Nations (AFN) and the Native Women's Association of Canada in the development of this legislation, the approach falls far short of First Nations' direction that the Crown should fully engage with First Nations in the developing policy and legislation that affects First Nations.

Furthermore, the fact that direction provided through this dialogue does not appear reflected in the tabled Bill, leaves us to conclude that the dialogue was of limited value in promoting and implementing a reconciliation approach regarding First Nations aboriginal and treaty rights and Crown sovereignty.

I believe that when we start on a process, ask people for their input, and then slam the door on them, that is a disrespectful process. Other members have spoken about the importance of having a bill that addresses matrimonial property. I quoted from Wendy Grant-John's report where is speaks about the fact that matrimonial property affects women and children disproportionately. However, it also affects men.

In fact, when meeting with a Six Nations representative, what he said to me was that in a first nations community, and I know this to be true, when there is a family breakup, it not only affects the man, the woman and the children who are involved in that relationship but it affects the aunts and the uncles, the grandmothers and the grandfathers, and the cousins, and it spreads throughout the community.

So, matrimonial property is a very important element that has to be considered in the context of the social impact it has on the entire community. However, I want to provide a bit of historical background, and again, this is from Wendy Grant-John's report. I will not go through the whole piece because it is a lengthy history, but she talks about the historical timelines that have led us to the place where men, women and children on reserve simply do not have a process that recognizes their cultural and social traditions. She states:

● (1300)

Prior to Colonization:

First Nations cultural norms, kinship systems and laws determine outcomes of marriage breakdown

Matriarchal kinship systems and egalitarian values were common

She goes into the colonial period where she talks about the notion of individual property rights and male domination in property and civil rights introduced by colonial governments, and efforts to assimilate first nations people, with the hopes of ultimately eliminating reserves altogether.

Then she goes through the lengthy history of denial of rights to men, women and children on reserves, whether it is the fact that women cannot vote at band councils or aboriginal people in Canada simply did not have the right to vote until the 1960s.

She goes through the whole history of the denial of rights and then addresses the 1985 Bill C-31, which attempted to reinstate women who had married non-aboriginal men. What a fiasco that bill has been, whether it was the fact that adequate resources were not put in place to address the impacts that bill would have on reserve, one of them being housing, or whether it was an illumination of status built into that bill, the second generation cutoff, which is continuing to play itself out, and nobody in the House has taken the time to address it.

I want to skip to the 1990s and bring it into the present day. Ms. Grant-John, in her report, outlines the following:

Several commissions of inquiry in Canada draw attention to the issue and the need for some action—

Eight UN human rights bodies express concern about the issue of matrimonial real property on reserves.

Litigation on lack of protection for matrimonial real property rights is launched by First Nation women organizations.

In 2003, the Senate Standing Committee issued its report—

In 2005, the House of Commons Aboriginal Affairs Committee issued a report—

In 2006, the House of Commons Standing Committee on the Status of Women takes up the issue—

Once again, we had lots of reports and no action.

In addition, I want to quote briefly from one of the United Nations bodies, the Convention on the Elimination of All Forms of Racial Discrimination. This is the report from March 2007. In that report, it again censures Canada. It talks about the fact that it regrets the lack of substantial progress made by the state in an effort to address residual discrimination against first nations women and makes a recommendation which states:

The Committee urges the State party to take the necessary measures to reach a legislative solution to effectively address the discriminatory effects of the Indian Act on the rights of Aboriginal women and children to marry, to choose one's spouse, to own property, and to inherit, in consultation with First Nations organizations and communities, including aboriginal women's organizations, without further delay.

One of the critical points, of course, is urging the government to adopt legislation but it also talks about the consultative piece.

In that same report, there are any number of human rights violations outlined, including the repeal of section 67 of the Human Rights Act. Of course, Bill C-21, which was before the House, went to committee. The committee amended it after hearing substantial testimony from first nations witnesses from coast to coast to coast. The committee listened very carefully to what was being presented and made some amendments. We are still waiting for the bill to come back to the House.

Again, it is another example of the government's complete disregard when it hears evidence that it does not like. It just disregards the evidence and decides to shelve the bill. We are still waiting for Bill C-21 to come back. In this particular CERD report, it also talks about resources. I will not read the whole thing but in part it states:

> —the Committee remains concerned at the extent of the dramatic inequality in living standards still experienced by Aboriginal peoples. In this regard, the Committee, recognising the importance of the right of indigenous peoples to own, develop and control and use their lands, territories and resources in relation to their enjoyment of economic, social and cultural rights, regrets that in its report, the State party did not address the question of limitations imposed on the use by Aboriginal people of their land, as previously requested by the Committee. The Committee also notes that the State party has yet to fully implement the 1996 recommendations of the Royal Commission on Aboriginal Peoples—

Again, Canada is being censured in an international forum for its lack of progress on the living conditions on reserves.

Wendy Grant-John's report had made a number of specific recommendations. This piece of legislation before the House, Bill C-47, simply fails to address a number of the recommendations, whether it is on first nations jurisdictional rights, comparable rights and remedies, customary practices, alternative dispute resolution, the resources required to implement this bill or on the duty to consult.

● (1305)

It is well and good to talk about going out and consulting, but we have to do something with the information that we hear.

I just referenced the Royal Commission on Aboriginal Peoples report from 1996, and I want to refer to volume 3, Gathering Strength. This is an important context for the rights of first nations to self-government and to be treated on a nation to nation perspective. Property rights is an intrinsic part of the rights to self-determination.

In the RCAP report it says:

> Acknowledging that it may be some time before full self-government and a new land tenure system for Aboriginal lands are in place, we recommended in Volume 2, Chapter 3 that, in the transition phase, Parliament pass an Aboriginal Nations Recognition and Governance Act to make explicit what is implicit in section 35 of the Constitution Act, 1982—namely, that Aboriginal nations constitute an order of government within the Canadian federation and can exercise law-making authority in areas they deem to be core areas of their jurisdiction. Such legislation would make resources available to proceed with rebuilding Aboriginal nations in anticipation of nation-to-nation negotiations for the full implementation of a new relationship.

It goes on to talk about the fact that the solution is obvious, and it is talking about the matrimonial matters for Indian persons living on reserve. It states:

> Aboriginal communities should be able to legislate in this area. Federal and provincial governments should acknowledge the authority of Aboriginal governments to adopt laws with regard to the matrimonial home and to establish their family law regimes compatible with their cultures and traditions.

This is from the 1996 RCAP report, a document that the Assembly of First Nations in the past has reported on and has said that the past Liberal government and the current Conservative government have simply failed to move forward on the bulk of the recommendations. We see it again in the current piece of legislation before the House.

Others have made a number of recommendations as well in terms of what should be included in Bill C-47 and in reclaiming our way of being matrimonial real property solutions. It is an extensive and respectful report. It talked of elders, women and many communities from coast to coast. It outlines a number of issues, including violence against women and other transitional provisions. However, I want to read one quote from the report about the Native Women's Association of Canada. It said:

> NWAC presented recommendations about non-legislative approaches and solutions that would assist women and their children following the end of a marital or common law relationship. While MRP is sometimes narrowly defined as relating only to the matrimonial home, the situation of individuals experiencing this issue brings in a wide variety of related issues. The individuals who attended our sessions spoke of membership, status, and the negative effects of Bill C-31 on individuals and communities. They talked about housing on reserves, including availability, safety, adequacy, repair, and overcrowding.

Earlier we heard the parliamentary secretary ask that if housing were fixed would everything be okay. Of course not. In my question for the member for Abitibi—Témiscamingue, I referenced the Auditor General's report on first nations child and family services program. In that report, under exhibit 4.1, she specifically talks about the fact that if we do not address the socio-economic conditions:

> Many First Nations face difficult socio-economic conditions. Some communities are in crisis. According to First Nations, these conditions present different challenges for First Nations than for mainstream society, but are not taken into account in the child welfare system. There is also a need to address the underlying causes of child welfare cases.

I would argue that the same statement also applies when we talk about matrimonial real property. In Ms. Grant-John's report, in her summary of conclusions and recommendations, she also says that:

> If First Nation governments are to be looked to, to provide rights and remedies comparable to those available under provincial and territorial laws, while taking into account the distinct nature of the land regime in First Nation communities, there must be a comparable scope of recognized jurisdiction, resources, capacity and institutional development. Otherwise First Nations would be placed in a catch-22 situation–they would be held to the same standard as provincial governments but not have the resources and capacity to achieve it

Without resources and capacity to achieve some of these things, it is simply an untenable situation and it is the same thing that we saw in the old Bill C-31 from 1985.

● (1310)

The UN Declaration on the Rights of Indigenous Peoples, in article 18, says:

> Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

We have heard the minister say that there was a consultative process. Many of us would argue that it was not a consultative process. Recommendation 18 in Ms. Grant-John's report talks about the elements that need to be in place for a consultative process. She says:

> The Department should develop, as soon as possible, specific policies and procedures relating to consultation in order to ensure that future consultation activities can identify and discharge any legal duty to consult while also fulfilling objectives of good governance and public policy...

Then she names six elements that need to be in place. I will not go over these six elements, but they include things such as timely manner, relevant information, an opportunity for first nations to express their concerns, listening to, analyzing and seriously considering the representations, ensuring proper analysis by the Department of Justice of section 35 issues, seriously considering proposals from mitigating any potential negative impact and establishing a protocol for the development of legislative proposals. Much of that is absent in this legislation.

There are other examples in North America. I will cite an example from the United States, where there is a recognition of customary law, of tribal law. This comes from the Harvard study on economic development. This piece was "Lessons Learned from the U.S. Experience". In this summary it says:

> Upon examination, we conclude that the resolution of real property disputes under tribal law and by tribal courts has tended to be more successful than dispute resolution under the alternative regime.

It goes on to say:

> In essence, this lesson reiterates several of the observations above. Because they possess complete jurisdiction over all the real property likely to enter the divorce disputes—

Some of the rules are a bit different because they are talking about trust and non-trust property.

> —and because they tend to be more knowledgeable of the laws that govern such property and the possibilities for its disposition, tribal forums applying tribal laws are able to make complete settlements that are also generally perceived as fair.

It goes on to talk about the fact and says:

> While Native nations that lack rules and systems to govern the division of matrimonial real property can rely on various examples and models to develop this legal infrastructure, they nonetheless face a number of decisions about what will work best for their citizens. Limitations on tribes' financial and human capital also may slow the development of appropriate laws and dispute resolution mechanisms. Thus, decisionmaking about rules and systems takes time, and the time it takes is unpredictable—each Native nation will move at its own pace on these issues, according to its own processes, and subject to its own constraints.

These are examples where first nations have been able to develop laws that do respect the rights of men, women and children on the reserves, that take into account the customary traditions, that allow for mediation or alternative dispute resolution and that involves some of the community traditions. If nations in the United States can do this and come up with laws that respect those human rights, surely we could also look at implementing the same piece in Canada.

The NDP will support the legislation in getting it to committee. However, I expect that we will hear from groups from coast to coast to coast on their concerns around it. I am quite certain amendments will be proposed to address some of the shortcomings in the bill. I look forward to a healthy discussion. Hopefully, once the bill comes back from committee to the House, if it gets through that stage, the government will move forward on proposed amendments, unlike Bill C-21.

● (1315)

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I want to acknowledge the great work of my colleague in the NDP and her commitment to improving the lives of aboriginal people across Canada. I had the privilege of serving with her on that committee, and I do not second guess her commitment.

The member did mention, however, that some groups opposed the process or the bill itself. She said "people spoke up strongly against the bill".

I point out that this same occurrence is true of many other bills, in fact, probably every bill that comes before committee. There will always be those, who in spite of overwhelming broad based support, will not necessarily support the specifics of the bill.

As it relates to Bill C-47, the fact is clear that there was extensive consultation and collaboration. There were 109 consultation sessions with aboriginal groups and 135 consultation days at 64 different locations across Canada. No, not every group or individual sees this as a perfect bill, but it is clearly a step in the right direction.

I have two questions.

First, how would my colleague define adequate consultation and how long would she be willing to extend this consultation process and continue to slow down the final implementation?

Second, will she reiterate her support today for Bill C-47 at second reading so it can go to committee, be studied, have possible amendments and finally be implemented in the interests of all aboriginal people?

● (1320)

Ms. Jean Crowder: Mr. Speaker, what was very interesting about the process that was undertaken, whether it was Ms. Grant-John's report or the work that the Native Women's Association of Canada undertook and proposed some possible solutions, was some of the key elements out of those consultative processes were not included in the legislation.

In a previous life I used to do consultation work. We used to call it the DEAD model of consultation, decide, educate, advise and defend. It had nothing to do with listening to people, taking the information they provided, having them included in drafting the legislation so it reflected the consultative process, which would then ensure we had a bill that was much closer to what people told the people who conducted the consultation.

I would argue that, yes, it was a positive step to start the consultative process, but when a huge percentage of the information presented to us is ignored, that does not actually count as consultation.

In terms of the length of time, I agree that this is a matter on which we need to move forward. Therefore, I welcome the bill going to committee so perhaps we can take some of the consultation, incorporate some of those recommendations into amendments and then bring a bill back to the House, which more reflects the consultation carried out from coast to coast to coast.

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, could the member maybe speak to the practical issues a bit more in terms of the bill and what the report said? The ministerial representative, Wendy Grant-John, did a very comprehensive report. One of the issues, in practical terms for people in my riding, is the access to the justice system. Just that in itself makes the terms of the bill almost untenable.

Would the member comment on that?

Ms. Jean Crowder: Mr. Speaker, I thank the member for her great work on the committee.

In terms of access to the justice system, first, there is some provision in Bill C-47 around provincial involvement in matrimonial real property.

There are a huge number of issues around access to the justice system in many rural and remote reserves and whether people will have adequate supports to access the justice system. The enforcement provisions in the legislation raise a number of questions around who will pay for some of the enforcement provisions and whether it will become a provincial responsibility without adequate resources attached to it.

However, Ms. Grant-John also recognizes clearly in her report that a cookie cutter approach will not work. We need an approach that recognizes some of the cultural differences among communities, that looks at some of the customary traditions, that looks at mediation, for example. I know some bands currently use mediation in marital breakdown, whether or not there are alternative dispute resolution processes.

It is a complicated area and we really need to take a hard look at Ms. Grant-John's report and look at implementing some of the recommendations in this legislation.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, a member on the government side said that there would always be a number of groups against any bill that came through Parliament.

I would think the Native Women's Association of Canada would be the primary supporter of such a bill. I know the member is very well versed in this area and on committee, and I appreciate the research she has done. I would assume this would be very close to, if not on the top of her list of the people who we would expect to support such a bill, especially because the people we hope to help with it are women. There may be other groups that would be more opposed.

I am not on the committee, so I am not as familiar with it, but I am puzzled as to why the one group we would expect would be on side is against it.

The second thing is related to resources. Does the member think it is kind of like déjà vu, related to the human rights bill, where one of the big complaints was that we would make a new law, but the first nations government would need to have some resources and training to implement it, but it could not be done right away? We see the same comments related to this bill. Would the member like to comment on that item as well?

● (1325)

Ms. Jean Crowder: Mr. Speaker, the member for Yukon is absolutely right. The Native Women's Association of Canada, the native women's associations of Quebec and Labrador, and the Assembly of First Nations Women's Council have all spoken out quite strongly about the deficiencies in Bill C-47. The Native Women's Association of Canada undertook some work which resulted in the report,"Reclaiming our Way of Being: Matrimonial Real Property Solutions". Again, much of what was recommended was simply not included in the bill. It is so disrespectful to ask people what they think and then disregard it without even a simple explanation about why those recommendations were not included.

On the resources issue, we have seen this time and time again. I talked about the 1985 Bill C-31 where there were not adequate resources to make sure that people who were being reinstated to the communities actually could move back to their communities. It is the same issue with Bill C-21, the repeal of section 67 of the Canadian Human Rights Act. Where were the resources for the Canadian Human Rights Commission to actually undertake to work with first nations communities to make sure that people had the resources and understood what this new piece of legislation might mean?

At committee yesterday, the Auditor General's office talked about stovepipe solutions. This piece of legislation is another stovepipe solution that does not look at the broader socio-economic status on first nations reserves, whether it is housing, whether it is education, whether it is support for mediation, alternative dispute resolution. Without those kinds of resources we have a piece of legislation that is just a small part of the puzzle. Without the support for that, it simply is not going to be effective.

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, I am pleased to participate in the second reading debate on Bill C-47, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves. I am especially pleased to contribute to this debate as I am a Cree first nation woman of the Norway House Cree Nation on my paternal side and the Muskrat Dam First Nation in the treaty 9 area on my maternal side.

Matrimonial real property rights are a long-standing issue of great concern. Over 20 years ago the legislative gap was brought to the forefront by the Supreme Court rulings in Derrickson v. Derrickson and Paul v. Paul. The result of these rulings is that provincial and territorial laws relating to the division of matrimonial real property upon marital breakdown do not apply on reserve lands.

In the "Report of the Ministerial Representative: Matrimonial Real Property Issues on Reserves" which was delivered to the Minister of Indian Affairs and Northern Development on March 9, 2007, ministerial representative Wendy Grant-John contextualized the importance of finding solutions to this ongoing issue:

> The impacts of the lack of matrimonial real property protections have been greater for First Nation women overall than for First Nation men due to current social roles and ongoing impacts from past discriminatory provisions of the Indian Act that excluded First Nations women from governance and property. The issue of domestic violence is linked to matrimonial real property issues. Protecting the interests of children is a central concern.

This is not the first time I am addressing this matter in the House. My hon. colleagues will recall Bill C-289, the private member's legislation which was introduced in the previous session of this 39th Parliament. While the bill before us today was introduced by the government, I understand that it is similar to Bill C-289, in that on neither was there a sufficient consultative process. The government thereby circumvented its legal duty to consult. The House does not need to take just my word on this. In a media release issued on March 4, 2008, the same day the bill was announced, the Native Women's Association of Canada said of the Conservatives' bill:

> The Government of Canada has acted unilaterally in trying to resolve the issue of a lack of matrimonial real property laws that apply on reserve. Despite engaging in a discussion process with relevant National Aboriginal Organizations, the federal government introduced legislation, The Family Homes on Reserve and Matrimonial Interests or Rights Act, that does not have the support of the Native Women's Association of Canada.

In addition, on April 28, 2008 the deputy grand chief, RoseAnne Archibald, of the Women's Council of the Assembly of First Nations stated in a media release:

> We are not convinced that the Bill as it stands is going to help First Nations women access justice. Let's be clear, First Nations women and families have waited too long already for equitable and workable solutions and this bill is at best a half-way measure.

First nations people deserve legislation that respects the Crown's legal duty to consult. They deserve legislation to reflect their interests, their customary laws, their traditional ways and their just place in this country.

Indian and Northern Affairs Canada may have initiated a discussion process with the Native Women's Association of Canada and the Assembly of First Nations as neutrally brokered by an appointed ministerial representative, Wendy Grant-John, yet the substance of the proposed legislation clearly indicates that the government in no way listened to the concerns or suggestions voiced by aboriginal women across this country.

As contained in the report by Wendy Grant-John, participants dismissed any legislative solutions that would infringe on aboriginal and treaty rights, or be impractical to implement due to problems of harmonization and conflict of laws, nor did they support a concurrent jurisdictional model. Support was given to potential remedies which were based on first nations practice and legal traditions and first nations views of land and family.

● (1330)

If indeed it is the intent of the government to address critical issues facing first nations women and children, then I find it difficult to understand why it has failed to listen to the voices of aboriginal women who have spoken out on the issue of matrimonial real property.

The lack of consultation by the government is deeply troubling for Native Women's Association of Canada President Beverley Jacobs. As she clearly stated in a news release on March 4:

> I promised Aboriginal women who participated in providing solutions to this issue that their voices would be heard. I worked hard to get their messages to government but those messages fell on deaf ears.

In summing up her critique, she added:

> In the end, we end up with a more worthless piece of paper.

In light of Ms. Jacobs' assertions surrounding the lack of consultation by the government in the formulation of Bill C-47, it is not surprising that the Native Women's Association of Canada and other organizations representing aboriginal women have expressed significant concerns.

The Native Women's Association of Canada does not support Bill C-47. In its estimation the legislation does not include non-legislative measures to address matrimonial real property, nor does it address the needs of individuals affected by matrimonial real property. Indeed, the Native Women's Association of Canada has outlined a number of issues of concern with the proposed legislation, a few of which I will briefly highlight.

First, it suggests that the proposed legislation lacks concrete information regarding the implementation plans and measures, including timeframes, resources for measures specified in the bill and resources for first nations to implement the legislation.

Second, the association believes there is a lack of information in relation to the provision of resources to first nations to enable them to develop their own laws for matrimonial real property and to develop capacity to implement either the proposed legislation or their own laws related to matrimonial real property.

Third, the proposed bill is also lacking in compassion for newly widowed spouses. According to the Native Women's Association of Canada, Bill C-47 sets out a time limit of 180 days for a widowed spouse to vacate a family home after the death of his or her partner. The Native Women's Association of Canada calls for an extension of this limited time period.

Fourth, Bill C-47 is perceived by NWAC to not be a remedy for the status quo of women and children being forced to leave first nations communities following the breakup of a marriage or common law relationship. The lack of adequate and appropriate housing in many first nations communities, which is not addressed in the proposed legislation, means women will continue to be forced off reserve to seek housing. In so doing, they will lose access to their family, social networks, their culture, language and the services provided to them on reserve.

Finally, NWAC is concerned that the proposed legislation will negatively impact aboriginal women who cannot access the legal system due to multiple factors, including poverty, lack of information and geographic isolation.

NWAC is not alone in its criticism of Bill C-47. The Assembly of First Nations Women's Council also sees significant problems with the bill as it stands. Specifically it outlines four areas of concern.

It asserts that the bill will ultimately force first nations women to seek remedies in provincial courts. This is neither timely nor financially viable for many first nations women in remote communities.

Aboriginal women asked the government to formulate legislation on matrimonial real property rights that reflected their cultural values and traditions. The proposed legislation does not reflect this desire and instead would compel first nations women to be subject to provincial and federal structures and rules that they had no part in crafting.

The AFN Women's Council also calls into question the constraints placed upon first nations in the proposed legislation. More specifically, it draws attention to the reality that the bill would impose a complex bureaucratic system with no support or consideration for implementation on first nations. In so doing, the bill fails to recognize the authority of first nations.

Finally, the AFN Women's Council is adamant that if matrimonial real property rights are to be meaningful for aboriginal women, the government must address the serious lack of adequate safe and accessible housing on reserve.

● (1335)

I believe the concerns of NWAC and the AFN Women's Council clearly demonstrate that the government did not meaningfully engage in a dialogue process with aboriginal women. Any claims to the contrary are clearly a misrepresentation of the facts.

The Minister of Indian Affairs and Northern Development is keenly aware of how disappointed first nations people are with the government's handling of the dialogue process leading to the formulation of Bill C-47.

In a letter addressed to the minister and dated April 8, Grand Chief Phil Fontaine of the Assembly of First Nations wrote:

> —the federal government had many, many opportunities to address these matters properly and effectively. Unfortunately, the advice and direction of AFN and First Nations has not been heeded and I must point out that the First Nations assessment of the proposed legislation will likely be that it is unconstitutional in law and of no value to First Nations individuals or governments in practice.

Bill C-47 reflects another missed opportunity by the government to truly engage first nations people in a meaningful process to strengthen their capacity for self-determination. Instead of working collaboratively with first nations people to produce a solution to the legislative gap in connection to matrimonial real property rights, the government has conceived legislation that will impose a system upon first nations.

The most significant opportunity this government missed to promote first nations self-determination was its dismissal of the Kelowna accord. The Kelowna accord was a first step that would have provided over $5 billion to address critical issues affecting first nations women and children, including the day to day urgent needs in housing, safe drinking water, education, health care and developing capacity in the health care field, economic development, and addressing governance structures, which is absolutely essential for aboriginal people to move forward in self-determination.

Another more recent example of the government's unilateral approach to first nations governance in Canada was its decision to vote against the United Nations Declaration on the Rights of Indigenous Peoples. Time and time again, the government is claiming to improve the lives of first nations people in this country, yet it is doing nothing substantial to improve the capacity of first nations people for their own self-determination.

In conclusion, I want to reiterate that Bill C-47 is legislation that was not created through consultation with first nations people. The government has circumvented its legal duty to consult first nations on the issue of matrimonial real property rights and any assertions to the contrary are false.

As Grand Chief Phil Fontaine wrote in a letter to the Minister of Indian Affairs and Northern Development:

> Real and lasting solutions must address the real problems...The quick fix approach does not work and, in fact, can harm First Nations collectively and individually.

I hope the minister will see fit to engage in consultations with first nations people in the future.

● (1340)

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I appreciate the opportunity to ask a question of the member for Churchill. Of course she represents the part of Canada where I grew up and I know that many first nations in the north also have to deal with these important issues of matrimonial property and of course marriage breakdown. Although it is an unfortunate situation, it does occur, so I am very happy to hear that her party and of course her colleagues are supportive of bringing this bill forward to committee.

Does she believe that this plan, for which the Government of Canada sought input from over 109 different groups in 64 different locations, is a good foundation from which to start this process? Will it help the committee as it goes forward to bring in new information, new consultation and new witnesses? Does she believe that we must proceed on this important piece of legislation because it is needed in first nations communities?

Ms. Tina Keeper: Mr. Speaker, nobody in this House is disagreeing with the fact that this is needed and is a necessary step. In fact, we all have stated in our speeches that this issue has come forward to Parliament, has been discussed and has been the subject of committee reports and Senate committee reports. In fact, the first nations organizations and the Native Women's Association of Canada have been participating in seeking a partnership toward solutions.

What is really important about what is happening on Bill C-47 and which we must never forget is this fact about the Native Women's Association of Canada and the Assembly of First Nations, particularly the Women's Council of the Assembly of First Nations. Over 100 chiefs in Canada are women. In my riding, we have a first nations women's council that does a significant amount of work in the Manitoba region. What we must not forget is that everybody felt hopeful that they were being engaged in a process, not only a dialogue process that was set out. In fact, even in Manitoba, the Assembly of Manitoba Chiefs and the first nations women's council were really proud and really encouraged to host a region-specific information session on matrimonial real property.

However, here I would like to make two points. One is that this does not meet the legal obligation of the duty to consult, which the government must be engaged in. That is one thing. Second, this is not about first nations people or the opposition parties not wanting to move forward toward a solution for matrimonial real property on reserve.

As I said earlier, I think people were very encouraged. All members of this House were encouraged and first nations women were encouraged that there was a process under way toward a solution, toward true dialogue, consultation and creating measures that would meet the needs of first nations in Canada.

However, the government then decided to table legislation without informing the Native Women's Association of Canada or the Assembly of First Nations and its Women's Council, and it created legislation that did not reflect the initial dialogue. Nor did it decide to take the next step toward consultation before tabling the legislation. As a parliamentarian and a first nations woman, I find it really difficult to understand why the government took that step.

● (1345)

[*Translation*]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, I am going to pick up on what the Liberal member just said. I just want to clarify and take this a bit further. She spoke as a first nations woman and I have the utmost respect for her. However, she comes from the riding of Churchill, which—we can all agree—is relatively remote. There are glaring problems in those communities that I could talk about when it comes to Quebec as well: there are serious problems. The more remote the community, the more problems it might have.

What are the hon. member's expectations? What approach should we take in considering Bill C-47—an approach that would meet the wishes of the Assembly of First Nations Women's Council? Let us forget the matter of consultations for now, in terms of whether we should go back to everywhere. Since Bill C-47 will be referred to committee for more careful consideration, how should we approach it to truly understand the scope of the matter?

[*English*]

Ms. Tina Keeper: Mr. Speaker, I think the member's question reflects the frustration of many people, not just in this House but within the first nations communities as well.

I would like to remind the member, though, about one of the things that I think happens in this process. For over 100 years, first nations people have had their lives and their rights trampled upon through a process of colonization. As for what is important about the duty to consult, I disagree with the member. We cannot underestimate the importance of the duty to consult.

What first nations people are saying to us over and over again is that they need to be part of the process and they need to be ensuring that our aboriginal treaty rights, as entrenched in the Constitution of this country, are respected. I do not even understand this concept of entrenching them in the Constitution if we are not going to respect them. The duty to consult is paramount in how we move forward.

In fact, we have had over 100 years of colonization and the imposition of policies and laws that have devastated our lives, most recently as Bill C-31, which I know the member is really aware of in terms of the implications. That is now going to the Supreme Court of Canada. The B.C. Supreme Court ruled in favour of the woman whose rights had been abused through the process of Bill C-31. This is going to have a huge impact in terms of status Indian roles in Canada.

This is really critical. This is what first nations women are saying in the dialogue sessions. They are not just saying that they have issues like severe housing issues. One of the primary issues, and I have to make this statement, is that they are concerned about their families. Through every system for first nations families, whether it is health, education or child welfare, they are not being provided money for prevention to ensure that their families stay together. And then we have the housing crisis.

Yes, all those day to day issues are issues that we have to hear about, but we need to hear from the women themselves.

● (1350)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I thank the member for Churchill for what was once again a very passionate speech on a topic that is very important to her residents, particularly the aboriginal people in her riding. She always puts forth the issues very eloquently, with passionate support for them.

I have three questions. One is on the consultation. I do not quite understand what the issue is with consultation. The Assembly of First Nations and the Native Women's Association of Canada each received $2.7 million for consultations. There were numbers of meetings, as the minister said.

The second thing that perplexes me is that the government hired someone to put forward a plan. The person was very well respected. In his speech, the minister talked about how well respected this person was, and yet the person did not follow major elements of the proposal.

Last, there seems to be an improvement or at least an acknowledgement by the government on collective rights. In the human rights bill that we discussed for so long, the government had neglected that completely, but here at least it has made some accommodation for it in this bill. However, from the input by some native groups, it is not sufficient accommodation.

Ms. Tina Keeper: Mr. Speaker, I appreciate the participation of the member for Yukon in the debate today, because he always ensures that he represents his riding in a very respectful way.

I would like to answer the question about the issue around the process. I will go back to the idea that there was a process in place, which was very encouraging. I have to wrap this up, so I will just say that I am really disappointed that we have not responded to or continued that process. I look forward to hearing from people at committee.

Mrs. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, the message from the official consultations on matrimonial real property was very clear. As the Native Women's Association stated:

> There is nothing in the legislation that addresses the systemic issues of violence many women face that lead to the dissolution of marriages nor is there any money available for implementation. In the end, we end up with a more worthless piece of paper.

In June 2006, the House of Commons Standing Committee on the Status of Women heard from Bev Jacobs from the Native Women's Association. She stated:

> ...legislative and non-legislative policies are required to alleviate the underlying issues of poverty and violence against women and children.

The government fails to see the real solutions. It refuses to sign on to the United Nations Declaration on the Rights of Indigenous Peoples, even though this House endorsed the declaration and demanded the Government of Canada sign on.

The government has failed to address the systemic discrimination that first nations, Inuit and Métis women face, and it has so far failed to issue an official unqualified apology for the survivors of the residential schools.

Reconciliation cannot happen until there is an acknowledgement from the Government of Canada that first nations peoples suffered and continue to suffer from the legacy of those horrific actions, which, in the words of survivors, included being beaten for speaking their language, being torn away from their families, living in isolation from their communities and traditions, and, because of their vulnerability, they often were victims of sexual molestation. In the worst cases, children died in unexplained circumstances and were buried in unmarked graves.

I have spent a great deal of time as an MPP and an MP working with first nations communities. Most recently, my work has taken me to My Sister's Place in London which serves many first nations women. One sister from the Six Nations community told the story of the residential schools. They called it the "Mush Pit" because it was a place where children were literally destroyed. She talked about one disabled child, a child who could not walk and needed crutches but there were no crutches. The child was left unable to get around. One day a woman went to the woods nearby to find a stick for her friend so she could at least manage to get around the school but she was beaten for doing that. She was beaten for interfering. The child was left defenceless and finally was thrown into the cellar underneath the stairwell. She was down there for many days. She cried, wailed and pleaded to be let out but then she just disappeared. There was no real explanation about the disappearance and, clearly, no concern. A child had disappeared and her family was told that she had run away. A child who could not even walk had run away and no one seemed to be all that concerned.

That is the legacy we live with. For those children who did return home, they were strangers to their parents and to the customs and traditions that are the strength of first nations communities. No wonder there is still so much despair. To our great shame, we have done so little to make up for the sins and abuses of the past.

The government had the opportunity in the past two years to correct a great wrong but instead ignored the advice of the extensive consultations and did not consult on the actual legislation that we see before us today.

I would like to read from the Native Women's Association of Canada peoples' report entitled, "Reclaiming Our Way of Being: Matrimonial Real Property Solutions". I would like to read from this report because it is important for the voices of first nations women to be heard in this House. I do hope that parliamentarians are listening to those voices. The report states:

> Violence is the single most important issue facing Aboriginal women today. NWAC knows that violence against Aboriginal women can take many forms, including violence in the home, violence in relationships, and violence on the streets. Statistics Canada has reported that Aboriginal women are more than three times more likely to be the victim of spousal violence than other women in Canada.

● (1355)

The report goes on to state:

> There are many stories about abuse on the reserve, women are stuck in homes of misery.
>
> The experience of violence affects not only the woman and her children, but also her family and her community. One woman described this cycle:
>
> "Generations to generations; I am a survivor of a mother that had to run away, all the way to the city of Toronto, take her five kids and move there for domestic violence as she was scared for her life. She was chased out of her house and out of her community and I see that".
>
> Violence against Aboriginal women is compounded by the lack of understanding and utter indifference from community members, service providers and society in general.

Another survivor said:

> Even if we get something big, wonderful, all encompassing beautiful document that's going to help us forever, how do you enforce it, especially in the isolated communities? Hey, you've got a gun at your head and there's no police around you, what do you do? You take off and you leave. So I mean the enforcement to me has to be well thought out and we have to have the cooperation of the justice systems in this.

Another said:

> When my marriage broke down I felt like I had no where to go and no one to guide me.
>
> There should be some type of transitional houses on reserves… this would enable members to stay in their communities.

The report goes on to state:

> Many participants talked about the lack of policing in First Nations communities. Women spoke of situations where they had asked law enforcement personnel for assistance, but were unable to get help.

Another survivor stated:

> But the fact that we don't have help, not only just with family law, but in a lot of areas on reserve, in reserve life there are no laws.
>
> There is no authority right now, he can walk in and beat her up whenever he wants and that is how it is.

The Acting Speaker (Mr. Andrew Scheer): I am sorry to cut off the hon. member but she will have 13 minutes left to finish her remarks after question period.

Now we will move on to statements by members. The hon. member for Peterborough.

STATEMENTS BY MEMBERS

[*English*]

PEDAL FOR HOPE TEAM

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, each year since 2005, the Pedal for Hope team has cycled 1,000 kilometres through Peterborough, Haliburton and Northumberland counties in Ontario to raise funds for pediatric cancer research.

Founded by Constable John Townsend of the Peterborough Lakefield Community Police Service, the team is comprised entirely of police officers with one notable exception.

Today, I am pleased to welcome from the Peterborough Lakefield Community Police Service: Constable John Townsend, Sergeant Mark Habgood, Sergeant Tim Farquharson, Sergeant Mark Elliott, Constable Lindsey Wallwork, Constable Keith Calderwood and Auxillary Constable Scott Masters. From the Ontario Provincial Police we have Sergeant Gerry Smith and Constable Dave McNab, and from the RCMP we have Constable Rick Allen and NHL alumni John Druce.

The members of the Pedal for Hope team selflessly donate their time and raise money for a cause that all members in the House support. I invite all members to join me in congratulating the Pedal for Hope team in completing this year's ride and surpassing $500,000 in fundraising since 2005.

* * *

● (1400)

ISRAEL

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Speaker, last Thursday, I, along with thousands of Canadians, celebrated the 60th anniversary of Israel's statehood at the Ricoh Coliseum in Toronto. Generations stood together to support Israel and its people. Together we celebrated the remarkable accomplishments of Israel.

As the Liberal leader said recently:

> Since its official establishment in 1948, Israel has not only inspired the international community with its commitment to democracy and freedom, it has enriched our world with its vibrant culture and traditions.

Canada's longstanding friendship and support for Israel is unwavering.

Israel has a fundamental right to exist in a secure and peaceful Middle East. Canada, as always, stands with Israel against threats to its existence. May it go from strength to strength.

* * *

[*Translation*]

YVES MICHAUD

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I would like to sincerely congratulate the Mouvement d'éducation et de défense des actionnaires, a shareholder advocacy group, and its president, Yves Michaud, on winning the opening round against the very powerful Power Corporation.

Recently, the Superior Court of Quebec ruled in Mr. Michaud's favour, stating that shareholders of a company have the right to be informed not only of that company's financial details, but also of those of the company's subsidiaries and other corporate entities. According to the decision, each company must keep these records at its headquarters and make them available to all shareholders.

The lawsuit began in May 2006 when Mr. Michaud asked Power Corporation for permission to consult Gesca's financial statements. When the company refused to disclose the information, Mr. Michaud took the matter to court. Last Friday, he attended Power Corporation's annual general meeting to learn more, but to no avail.

I know Mr. Michaud, and I know that he will continue the fight. Congratulations on this first victory.

* * *

[*English*]

HEALTH

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, in the city of Toronto, swimming pools are threatened with closure because of a lack of school board funding. I have joined with the community to protest because we cannot sit by and let this happen.

Our parents and grandparents built these pools in much leaner times and it defies logic that, when our country is wealthier than ever, we cannot find the funds to maintain them.

The Canadian Ministry of Health website recommends swimming as an excellent activity for health promotion. We know it develops coordination, fitness and confidence. It helps prevent obesity and is therapeutic for seniors. Knowing how to swim saves lives. A swim program is a better crime prevention tool than the law and order crackdown by the government.

We need more than a website to promote public health. We need federal funding. Rather than reduce our fiscal capacity with tax cuts to very profitable corporations, we need to invest in our people and communities.

I have introduced a motion calling for federal funds for sports infrastructure, such as soccer fields, cycling paths, and swimming pools. Let us use our common sense as a country to invest in the resources that will help our children develop to the best of their ability and help everyone stay fit and healthy.

* * *

VOLUNTEER FIREFIGHTERS

Mr. Mike Allen (Tobique—Mactaquac, CPC): Mr. Speaker, during the last few weeks, I had the privilege of attending events honouring the service of volunteer firefighters in my riding. The ceremonies for Keswick Ridge and Bath fire departments highlight why volunteerism is a fundamental part of healthy communities.

[*Translation*]

These firefighters give much of their time in order to help our families in times of need. They take training courses so they can deliver better quality service in any emergency situation.

[*English*]

This contribution is shared by volunteer members and their families who support the many hours of effort it takes to be the best they can be.

I want to take this opportunity to thank Chief LeBlanc of Keswick Ridge and Chief Armour of Bath and all the fire chiefs in the region for their leadership. I also want to congratulate Clarence Coffey and Greg Gilmore for their long service to the Keswick Ridge Department and to Roy Demerchant of Bath for his 46 years of service before retirement.

On behalf of the good people of Tobique—Mactaquac, I would like to thank the firefighters for undertaking the very important work that makes our rural communities a safer place to live, work and raise a family.

* * *

CYCLE TO WALK

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, great Canadians Rich Hanson and Terry Fox embarked on epic cross-Canada fundraising journeys. On April 12, a third young Canadian hero, Ramesh Ferris, legs crippled with polio, started his cross-Canada crusade.

Millions of children around the world, and shockingly 11% of Canadians, are not vaccinated and could be crippled for life if we stand by and do nothing.

For only 60¢, the cost of a quarter cup of coffee, we could prevent a life of misery for a child in Nigeria, India, Pakistan or Afghanistan. We could help wretched souls, who have had to crawl around in the dirt and mud for their entire lives, to now stand and walk for the first time.

This is why this courageous young man started from Whitehorse and Victoria to a hero's welcome. This is why I want all members to welcome him with a hero's welcome when he arrives in their community and give generously to cycletowalk.com to eradicate polio from the face of the earth.

* * *

● (1405)

VETERANS

Mrs. Betty Hinton (Kamloops—Thompson—Cariboo, CPC): Mr. Speaker, Mr. John Babcock, our last known first world war veteran, became a Canadian citizen today at a ceremony at his home in Spokane, Washington. This is in recognition of his military service to Canada and his expressed desire, at age 107, to become a citizen of the country where he was born. The hon. Minister of Veterans Affairs is in Spokane today to witness Mr. Babcock taking his oath of citizenship.

Mr. Babcock's contribution to our collective understanding of the first world war experience is immeasurable. He is well known across Canada and the United States for his humour, his storytelling and his energy, which he credits to his training in the army.

He has shared his experience with youth in schools to ensure that the contribution of those who served their country is remembered for all time. Mr. Babcock is our last personal connection to a remarkable generation of Canadian heroes. As he said this morning, "I was born in Canada and now I am a Canadian. This completes the circle of my life".

Welcome back, Mr. Babcock.

* * *

[*Translation*]

RENÉ LAURIN

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I am very proud to inform the House that a former member, the current mayor of Joliette, René Laurin, was awarded the Quebec National Assembly medal.

Mr. Laurin received this recognition for his achievements as mayor of Joliette. Those achievements include the opening of the Rina-Lasnier library, and the redevelopment of the downtown area and Manseau Boulevard, the city's main artery. He also does an outstanding job in his role at the regional level, and his leadership and dynamic nature are positively infectious. He was chosen as the 2007 personality of the year by the Lanaudière newspaper *L'Action*.

He is known for his love of arts and culture, and under his initiative, the city of Joliette has forged partnerships with the major institutions of our region, including the Joliette art museum and the International Festival of Lanaudière.

René Laurin served as the member for Joliette in the House of Commons from 1993 to 2000 in the Bloc Québécois caucus. He is a patriot in every sense of the word and, in my own name and on behalf of my colleagues, I would like to congratulate him on this well-deserved honour.

Bravo, René.

* * *

[*English*]

IRENA SENDLER

Mr. Peter Goldring (Edmonton East, CPC): Mr. Speaker, today I pay tribute to a remarkable woman who touched the lives of over 2,500 people while unselfishly risking her own. At the age of 98 Irena Sendler passed away yesterday in Warsaw, Poland.

During World War II Irena led an underground Polish group that rescued 2,500 Jewish children from the Warsaw ghetto during the Holocaust. She was honoured for her bravery as the 2003 winner of the Jan Karski award for valour and courage and then was nominated for the Nobel peace prize.

Last month the Prime Minister visited Auschwitz. In the museum's book of remembrance he wrote:

> We are witness here to the vestiges of unspeakable cruelty, horror and death. Let us never forget these things and work always to prevent their repetition.

On behalf of the Government of Canada, I offer my deepest condolences to Irena Sendler's family and to all who were forever impacted by her generosity and selflessness.

Statements by Members

SCIENCE FAIR

Hon. Lawrence MacAulay (Cardigan, Lib.): Mr. Speaker, it is with great pleasure that I rise in this chamber today to commend five students from the province of Prince Edward Island on their accomplishments in the field of science. Brandon Doyle, Daniel Larson, Emily Ross, Simon Trivett and Rebecca Wolfe are in Ottawa this week participating in the Canada-wide science fair.

This national fair, presented by the Youth Science Foundation Canada, is a showcase of our nation's brightest young minds. This fair will focus attention on the commitment of our nation's young people to science and technology and as such, it is an opportunity for us to celebrate the imagination and innovation of Canadian youth.

I would like to congratulate these five young Islanders, as well as all participants from across the country, for their accomplishments.

I would ask all members of Parliament to join me in saluting this group of young students from across the nation as they are the next generation of great thinkers and trailblazers of science in Canada.

* * *

● (1410)

[*Translation*]

"YOUR CANADA IN 2050" CONTEST

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Mr. Speaker, what will Canada be like in 2050? What policies would improve our society so that it reflects our highest aspirations?

Young people in Lévis, Bellechasse and Les Etchemins entered the "Ton Canada en 2050" contest and answered these fascinating questions.

The members of the jury were impressed by the creativity and energy of these secondary students and the teachers who got involved.

Today, we welcome to the Hill more than 70 students from École Marcelle-Mallette in Lévis who entered the contest. They include Clara Turcotte, whose entry focuses on social commitment, Justine Bernier-Blanchette, who talks about research and development, and Josée Turmel, who wants to eliminate the use of plastic bags.

I want to congratulate all of the students and thank them for taking part in the contest. I am very proud of them. With young people like them, who may one day take our place, Canada is in good hands.

* * *

[*English*]

WORLD FOOD CRISIS

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, no issue in recent memory has risen as dramatically in the public's consciousness as food security. Literally, within a matter of weeks, Canadians everywhere have started to talk anxiously about the world food crisis. And it is indeed a crisis.

The issues that are affecting the supply, and hence the cost, of food right now are creating the perfect storm. The rising oil prices, collapse in food stocks, price increases driven by speculators, market concentration within the food system, climate change, the world's population increase, and the new emphasis on biofuels, all have combined to create global food scarcity.

Many of these problems are systemic and they will not go away unless we, as politicians, turn our minds to addressing the fundamentals. We just recently had one such opportunity when enabling legislation for biofuels was before this House. Only the NDP voted against the bill, not because we do not support energy alternatives to petroleum but because the legislation gives the government a blank cheque to feed cars instead of people.

The bill will come back to the House for a final vote. I urge members to reconsider their support. The world food crisis should give all of us food for thought.

* * *

MEMORIAL CUP

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, Canada's junior hockey fans are turning their attention to Kitchener for the Canadian Hockey League's 2008 Memorial Cup.

The 90th edition of the MasterCard Memorial Cup will take place May 16th through to the 25th. The cup arrives in Kitchener on Thursday and we can be sure that the Kitchener Rangers, who captured the Ontario Hockey League championship last night, will make us proud in their quest to keep the cup in Kitchener.

The 90th anniversary Memorial Cup championship features the best hockey currently played on Canadian soil. As well, the Canadian Forces will be featured prominently.

The Memorial Cup was donated to the Ontario Hockey Association in 1919 as a memorial to the Canadians who fought and died in the first world war. Current military personnel and veterans will be honoured for their service this year.

Volunteers, community sponsors and the entire city have been working tirelessly to ensure that the 90th anniversary of the Memorial Cup is a fitting tribute to junior hockey in Canada. I ask this House to join me in wishing all players, the members of the Rangers' team, and all people in Kitchener the very best.

* * *

[*Translation*]

QUEBEC BYELECTIONS

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, on this day after the byelections that were held in three Quebec ridings, I want, on behalf of the Bloc Québécois, to congratulate the three candidates from the Parti Québécois for their excellent campaign.

The people in the ridings of Bourget and Pointe-aux-Trembles reiterated their confidence in the Parti Québécois by electing our former colleague, Maka Kotto and former minister Nicole Léger, who is returning to politics.

I also want to acknowledge the impressive performance by the Parti Québécois candidate for Hull, Dr. Gilles Aubé, who gained an impressive increase in support for his party over the previous election.

The results of these three byelections are a tremendous testament to the fact that under Pauline Marois' leadership, the Parti Québécois has earned the trust of a increasing proportion of the Quebec electorate.

* * *

CONSERVATIVE GOVERNMENT

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, Canadians are starting to get used to this government's arrogant attitude. When the Conservatives have problems, which is increasingly the case, their strategy is to fire at all targets: the provinces, the media, Elections Canada, the nuclear regulator, the RCMP. The list of enemies is long.

[*English*]

Their hypocrisy knows no bounds. The Kelowna accord is just one example. Their most inane argument about Kelowna is that it was not written on paper, so imagine my surprise when the PM made a $30 billion defence strategy announcement that is not written down on paper. Was there a briefing note? No. Was there a background document? No. Were there any specific details at all? No.

For $30 billion, Canadians expect the kind of detailed, comprehensive plan they normally get from the Department of National Defence, not just a smokescreen.

* * *

● (1415)

MEMBERS OF PARLIAMENT

Mr. Rob Anders (Calgary West, CPC): Mr. Speaker, recently, the members for Toronto Centre, Willowdale and Vancouver Quadra asked voters to send them to Ottawa to represent their interests in the House of Commons.

Last night, these three Liberal MPs abstained on a matter of confidence on the economy. Even though they were elected just weeks ago, already they are refusing to do their job to stand and vote. Who will stand for Toronto Centre, Willowdale and Vancouver Quadra if not their MPs?

Canadians expect that those to whom they give that privilege will carry out the duties and responsibilities of elected members of Parliament, the simplest of which is the duty and responsibility to vote. It is clear that these Liberal MPs are more interested in scheming to regain power than representing their constituents in the House of Commons.

ORAL QUESTIONS

[*English*]

NATIONAL SECURITY

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the government still refuses to tell Canadians what security checks, if any, were followed with respect to the Minister of Foreign Affairs and his spouse.

Over the last six days, many security experts have said this is a valid question because of the risk to national security. Will the Prime Minister tell Canadians what security checks were followed?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, that question is really trying to legitimize a transparent attempt to ask about what are purely private matters, although I will treat the question with the seriousness it deserves.

Of course, as leader I really do wish that I would know more about the dates of my caucus members. I certainly encourage them to bring them around to my office so I can at least meet them and to assure me that they will be able to be in question period the next day.

[*Translation*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, over the past six days, some experts have not found the question to be amusing and have said that it is a serious security concern. They include Chris Mathers, former RCMP secret agent, Michel Juneau-Katsuya, former intelligence and security officer, Wesley Wark, intelligence and security expert with the University of Toronto, and many others, including the Minister of Public Works who said that, if he were in opposition, he would have asked the question.

The Prime Minister cannot evade the question. He has to tell Canadians what security measures, if any, were taken.

[*English*]

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I think I told this House already that this government would not put national security at risk. However, we know that is not what this is about. This is about a Liberal leader with no policies, no vision, but he sure has a taste for salacious gossip and he does not mind seeing his party lowered to personal attacks. It is very different from what he said back on April 5, 2007, when he said, “I would be very pleased to see less personal attacks, less low politics”. Well, he certainly has changed.

[*Translation*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, by refusing to answer, the Prime Ministeris needlessly prolonging his minister's agony. He is keeping Canadians in the dark about a security matter of concern to them and is leading us to believe, once again, that he has something to hide.

Is he refusing to answer because no security measure was taken and he does not want to admit that to Canadians?

[*English*]

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, Canadians believe that private lives should be private lives and be respected as such.

We see a Liberal Party and a Liberal leader that feel very differently. It is different, though, from what he used to say. He said, "I won't be playing the smear game. I will be playing the high road," back on March 5, 2007.

Apparently the only high road he is willing to play is the road to higher taxes, a higher GST, higher gas taxes, higher fuel taxes. That is his high road.

* * *

● (1420)

FOREIGN AFFAIRS

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, an earthquake in China has killed thousands of people. An odious regime in Burma is stopping relief aid at its frontiers. Lebanon is on the brink of conflict. This is the kind of moment when we need a Minister of Foreign Affairs who is on top of his job, but he is not. He is distracted. He is sidelined and he is grounded by his own gaffs.

Given the crises calling for Canadian leadership, I want to know, how can the Prime Minister of Canada continue to have confidence in his Minister of Foreign Affairs?

[*Translation*]

Hon. Maxime Bernier (Minister of Foreign Affairs, CPC): Mr. Speaker, this morning I spoke to the Chinese chargé d'affaires to once again, on behalf of all Canadians, express our condolences for the tragic event that took place in China. I also informed him that we will do what we can to provide the necessary assistance if needed. Canada will support China during this difficult time.

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, yesterday I asked the Minister of Foreign Affairs a simple question. Either he did not know the answer or he was not authorized to answer. The question was about the responsibility to protect, which falls under his jurisdiction.

Does the government support the principle of responsibility to protect, yes or no? Further, does he agree that this principle must govern Canada's policy on the despicable regime in Burma?

Hon. Maxime Bernier (Minister of Foreign Affairs, CPC): Mr. Speaker, the situation in Burma is an unbelievable disaster. I have spoken with my Chinese counterpart, my French counterpart and other members of the international community to ensure that international aid, including aid from Canada, can enter Burma. That is what is most important.

We have also asked our ambassador in New York to transmit this message to the UN Security Council, insisting that the Security Council have a debate on ensuring that aid will get through to the Burmese people.

MINISTER OF FOREIGN AFFAIRS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in regard to the affair involving the Minister of Foreign Affairs, the government says that a security investigation is not necessary and this is just a matter of the minister's private life. However, according to a government source quoted by the Canadian Press, ministers have an obligation to inform the Privy Council about any changes in their private lives, including changes to their marital status.

Does this not prove that the Minister of Foreign Affairs had a responsibility to inform the Prime Minister because he was aware of the shady past of his former partner?

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, once again I want to remind the leader of the Bloc Québécois that the government is not putting national security at risk. I want to reassure him on this. I was also able to tell him again yesterday that this is a matter of our colleague's private life.

I would have liked to see the Bloc Québécois ask questions about the economy or the increase in the price of gasoline, but everyone knows that the Bloc wants to shrink the Quebec economy through gas prices and thereby destabilize it.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, these remarks are of the same calibre as the foreign affairs minister. Getting back to the minister, he had a duty to inform the Prime Minister of his partner's past and her connections with organized crime.

How can the Prime Minister tell us that he did not know about this, unless the Minister of Foreign Affairs showed a lack of good judgment, once again, and failed to reveal his former partner's past?

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the very words of our colleague drip with the typical arrogance of the leader of the Bloc Québécois.

He is probably shouting a little less loudly today, though, in view of the results of the byelections in Quebec last night, which showed that the federalist forces have grown phenomenally.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I performed the same duties as the Minister of Public Safety in the Quebec government. I know from experience that in a case such as this the police would have been aware of Ms. Couillard's past. The RCMP would have been obliged to inform the Minister of Public Safety about such a relationship and a situation that could have compromised security and state secrets.

How could the minister allow such a risk?

● (1425)

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, I repeat, the government has not put national security at risk. Once again, we are speaking of the private life of a person and we continue to insist on that position.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, not only must the Minister of Foreign Affairs have been aware of his partner's past but the Minister of Public Safety must also have been informed by the RCMP. Moreover, in these circumstances, it is clear that the office of the Prime Minister was also made aware by the RCMP. Indeed, everyone lacked judgment in this matter; from the first person involved to the Prime Minister.

Instead of denying the obvious, why do they not tell the truth?

Hon. Lawrence Cannon (Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, for several days in this House, the Bloc Québécois has continued to harp on this theme. Obviously, it is a strategic tactic on the part of the Bloc Québécois; to change the subject; to avoid talking about other things.

Perhaps that party would like to tell us the reason why it decided to vote against the reduction of the GST at a time when Quebeckers are celebrating the fact that the GST has been cut from 6% to 5%. Will it explain to Quebeckers why the Bloc wants to increase the price of gas?

* * *

EMPLOYMENT INSURANCE

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, workers' representative are at the Supreme Court today fighting against the government that looted the employment insurance fund. We are talking about $54 billion that belongs to workers but that the Liberal government happily siphoned off.

Things are no better now. While workers are losing jobs, like at GM yesterday, fewer and fewer people are qualifying for employment insurance.

Why will the government not return to the workers what is rightfully theirs? It is their money.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, on the contrary, in the 2008 budget, we took measures to correct the situation that has existed since the former Liberal regime. We improved the management and governance of employment insurance. In the future, a surplus will only be used by workers who lose their jobs. We have established a $2 billion surplus for this fund.

[*English*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the problem is that $50 billion of past surpluses are being stolen by the government. That is why the workers are in court.

The Conservatives are shortchanging the fund by over $50 billion. The former chief actuary of Canada's employment insurance fund is raising the alarm. The Conservatives are going to force employers, and workers, in the future to pay higher premiums with wildly fluctuating rates. The fact is they are not likely to have enough to support working families when they are in need. That is the truth.

As compelling as it might be to blame the Liberals, the fact is the Prime Minister has to admit the fix is in.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the leader of the NDP is completely wrong. It is true that the previous government took $50 billion out of the EI account a decade ago. That money has been spent. We want to make sure that does not get repeated in the future. That is why in the budget we took important steps to improve the management and governance of the EI account, including establishing a $2 billion surplus and ensuring that all future premiums are used for the benefit of workers.

* * *

[*Translation*]

ETHICS

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, we now know that the RCMP has questioned Dona Cadman and her daughter about the fact that Mr. Cadman told them that Conservative Party representatives had tried to buy his vote.

Which government or Privy Council representatives have also been questioned? Are John Reynolds and the Minister of Natural Resources among them?

● (1430)

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, as I said twice yesterday in the House, the RCMP operates entirely independently of the government. If the RCMP is conducting an investigation, it is up to it to decide what information will be made public. It is up to the RCMP to decide, not us.

[*English*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, Canadians do not believe the Prime Minister when he claims that he is always happy to cooperate with the RCMP because, if that were true, he would publicly commit that all records, files and emails seized by the RCMP during its raid of Conservative headquarters in April can also be scrutinized for evidence of investigating attempts to bribe Mr. Cadman.

Will the Prime Minister make that commitment?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, they have gone from a direct accusation of criminal activity to now this wild fishing expedition.

We have been very clear from the beginning that the only offer made to Chuck Cadman by our party was that we wanted him to rejoin the Conservative caucus, run as a candidate and get re-elected as a Conservative candidate. That is all that happened.

With regard to the RCMP, it operates entirely independent of the government. If my colleague has questions about the activities of the RCMP maybe she ought to direct her questions to the RCMP.

[*Translation*]

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, clearly, the RCMP is taking the Conservatives' attempts to bribe Chuck Cadman seriously. Tom Flanagan's book clearly shows that John Reynolds and the current Minister of Natural Resources played a key role in the attempts to convince Mr. Cadman to change his vote.

Has the RCMP questioned either of these two people?

[*English*]

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, we will see if the fourth time is the charm. The member asked this question twice yesterday and his colleague just asked it again.

This is not APEC in 1997, when it was the Liberals who were accused of interfering in an RCMP investigation. The RCMP operates independently of the government. Whoever it may be questioning is up to the RCMP. I think my colleague can understand that. He is a lawyer. I believe he passed the bar somewhere. He should know that if the RCMP is questioning people, it is probably a good idea to keep the list of people it is questioning private. If he has questions about who the RCMP is questioning he ought to direct them to the RCMP.

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, nobody is asking the parliamentary secretary whether the RCMP should be interfered with. What we are asking is whether privy councillors and ministers have been questioned by the RCMP.

An appointment to the Privy Council used to be accompanied by a background check. When the Prime Minister decided to appoint John Reynolds to the Privy Council, did the government disclose to the RCMP his involvement in this sordid Cadman affair? Is John Reynolds cooperating with the RCMP now in its investigation into this Conservative corruption?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): The central question here, Mr. Speaker, we have answered. As they say, "There is no there there".

The accusations by the Liberals on this matter are entirely false. We have been very clear about what we offered to Chuck Cadman, which was his rejoining of the Conservative caucus to vote against the Liberals. They have asked about in and out: we wanted Chuck Cadman in so we could throw the corrupt Liberals out.

* * *

[*Translation*]

MANUFACTURING SECTOR

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, the Minister of Finance is deluding himself if he thinks Canada's economy is not operating at two different speeds. He boasts that 19,000 jobs were created last month, but he claims not to know that during that same month 19,000 jobs were lost in Quebec, a province whose exports will decrease by 4.5% this year.

Instead of burying his head in the sand, will the minister immediately implement an assistance plan for the manufacturing sector, as the Bloc Québécois has been asking him to do for months now?

[*English*]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, the unemployment rate is at a 33 year low in Canada. There are more people working in Canada than ever before in the history of the country. There is more labour mobility in Canada than ever before in the history of the country.

Our economic fundamentals are solid. We have low interest and low inflation. We have a balanced budget. We are paying down debt. We are reducing taxes. All of it is great for the economy of Canada and Quebec.

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I would remind the minister that Quebec has lost 19,000 jobs. In reality, the nearly $15 billion in tax cuts made by the Conservatives in 2007 have not helped the sectors in difficulty. Instead, they have widened the gap between the provinces and unfairly favoured the oil companies to the detriment of Quebec's manufacturing sector.

Will the government accept the facts and introduce targeted measures to help the manufacturing sector, measures such as refundable tax credits for research and development, as the entire manufacturing sector has been asking it for?

● (1435)

[*English*]

Hon. Jim Flaherty (Minister of Finance, CPC): As the hon. member knows, Mr. Speaker, there are substantial initiatives. In particular, the aeronautics sector in the province of Quebec benefits tremendously from the research and development grants from the Government of Canada. This is a strong sector of the Quebec economy and a strong part of the Canadian economy. It is the future economy type of industry in Canada, where there is high tech, research and innovation.

I am sure the hon. member is proud of the efforts by the current government to make sure that industry grows in Quebec.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, today, the Supreme Court is hearing from unions arguing that the federal government diverted the $54 billion surplus from the employment insurance fund, money that was contributed exclusively by employees and employers.

The Conservatives have admitted to taking that money out of the fund, so will the Minister of Human Resources and Social Development submit a plan to reimburse the fund as quickly as possible instead of hiding behind the judges?

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, this government is committed to helping those who are temporarily out of work. We reduced employment insurance contributions and increased benefit payments. In addition, we created a separate account for the employment insurance fund to ensure that workers' money will never again be used as a cash cow.

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, speaking on behalf of the Canadian Institute of Actuaries, Michel Bédard, former chief actuary for the employment insurance fund, warned that the $2 billion reserve fund was not enough and could cause problems for the system should a recession occur. He recommended a business-cycle-based plan to reimburse the fund to ensure the system's longevity.

Is that not enough proof that we need a plan to reimburse the fund?

[*English*]

Hon. Monte Solberg (Minister of Human Resources and Social Development, CPC): Mr. Speaker, what the fund cannot withstand is the Liberal government taking $50 billion out of it.

The fact is that this government has set aside a fund, put it at arm's length and put $2 billion in it to ensure that we have a cushion in case there is a shortfall of premiums.

That is $2 billion more than exists today. All benefits are backstopped by the Government of Canada. There is no danger in regard to what the member says. The real danger is ravenous Liberal governments that want to take all that money for themselves instead of sending it to workers.

* * *

[*Translation*]

REGIONAL ECONOMIC DEVELOPMENT

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, the Minister of the Economic Development Agency of Canada for the Regions of Quebec should be happy, since he has been given concrete examples with concrete, measurable results in terms of jobs created, jobs consolidated and investments made.

However, the minister shuts himself off in his bubble, using logic that he alone understands. He is probably the only person who thinks it is a good idea to stop the funding for Montréal International and PÔLE Québec Chaudière-Appalaches, no matter how successful they are.

So I ask him: is he going to come and explain his absurd and unacceptable decisions to a committee of this House?

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, I would remind you that we are continuing to support the non-profit organizations, what are referred to as economic development organizations, when they submit one-time projects that have a beginning, a middle and an end.

On the question of operating expenses, wages, paper and pencils, that is over. The organizations now have two years to prepare a transition plan that will enable them to operate under their own steam.

However, if they have one-time projects, they will still be considered, like any other project, and we will support them.

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, the minister was presented with precise figures relating to jobs created and consolidated in Montreal and the greater Quebec City region, figures that reflect the success of non-profit organizations like Montréal International and PÔLE Québec Chaudière-Appalaches. These are organizations that can bring together all the economic actors in a region to coordinate their activities. These organizations know how to attract investment and jobs to our regions.

Why end the funding for these organizations, whose only sin is that they do their job well?

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, I would like to point out that only a few weeks ago, we made a point of asking the organization to release the list of all of the organizations it had brought to Montreal, and the answer was that it was confidential. We gave Montréal International $66 million over 10 years.

There are all sorts of organizations in all sorts of regions that have needs, for example to renovate ecotourism infrastructures or for one-time projects, and we want to be able to support them. If the Liberals had done their job properly, if the minister had signed the files, he would have seen that if he kept paying operating expenses indefinitely he was heading straight for a wall.

* * *

● (1440)

[*English*]

AUTOMOTIVE INDUSTRY

Hon. Garth Turner (Halton, Lib.): Mr. Speaker, while the Minister of Finance was speaking to his Bay Street buddies yesterday, it was another bleak day for auto workers in Windsor. They join 112,000 who have lost their good manufacturing jobs in just a year, victims of an overinflated dollar, bad economic policies and a minister who does not care.

This is 1,400 families, 1,400 mortgages and 1,400 Canadians. How can he justify doing nothing?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, the hon. Minister of Finance has done a great deal to help working people. That is why we have had over three-quarters of a million new jobs created since he became finance minister in this country.

We are concerned about those job losses and will continue to work with them.

However, there is one job loss that is outstanding. That is the job loss of the member for Halton, who promised that if he ever crossed the floor he would surrender his seat to a byelection to have the voters pass judgment on him. Apparently he is afraid of that judgment, because he still will not take the risk of losing that job.

Hon. Garth Turner (Halton, Lib.): Mr. Speaker, I am not afraid to stand on my feet, unlike the Minister of Finance.

However, here is a very interesting statistic. The average family in Canada makes $60,000. The average speech writer for the Minister of Finance makes $300,000. The average auto worker needs to be efficient and skilled in order to keep his job. The average speech writer just needs to be a Tory.

We know the Minister of Finance will stick his neck out for his favourite people. What is he actually going to do for Canadians who work?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, let us talk about Canadians who work. A set of Canadians who understand what it is to work are Conservative members of Parliament because, guess what, they show up for work, unlike the Liberal caucus, even yesterday.

In fact, I can take a look at this. The average Liberal leader shows up for work on votes 43% of the time. The average Liberal MP shows up for votes 64% of the time. Apparently they do not know what it is to show up for work, let alone work.

Some hon. members: Oh, oh!

The Speaker: Order. Members will want to be careful about referring to the presence or absence of members. It is out of order to refer to the absence of members. Saying members are present for a certain percentage of the time can lead to all kinds of perils for all kinds of members.

The hon. member for Abbotsford.

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CHINA

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, Canadians have watched with horror the destruction caused by the recent earthquake in China. The massive loss of life is truly staggering. Could the Minister of Foreign Affairs expand further on what action Canada can take to assist during this very difficult period?

Hon. Maxime Bernier (Minister of Foreign Affairs, CPC): Mr. Speaker, on behalf of all Canadians I want to reiterate our condolences for the tragic loss of life as a result of the earthquake in China.

Earlier today I spoke with the Chinese chargé d'affaires to express our sympathies. I also expressed Canada's willingness to help in any way necessary, including a meaningful humanitarian assistance package. We stand here in this House for the Chinese people.

* * *

AUTOMOTIVE INDUSTRY

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, 60,000 manufacturing jobs have been lost in Canada this year alone. Yesterday General Motors announced the closing of a transmission plant. Fourteen hundred more workers are going to lose their jobs.

The auto industry needs help. GM closed the transmission plant because the technology is on its way out, yet the plant is not getting a replacement because a new and modern factory is not going to happen. Why? Because the Conservatives have no auto policy and it is cheaper to open a third world factory than it is to retool a Canadian plant.

Does the Minister of Industry even care about the 1,400 people thrown out of their jobs yesterday or their families?

● (1445)

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, we certainly care about the workers in the auto industry. It is very clear that we have an auto strategy which we have been working on, after many years in this country of not having one.

In 2007 the Canadian economy created more than 355,000 jobs. This year we are off to strong start. We have created more than 117,000 jobs.

There will continue to be adjustments in the auto sector. We will continue to work with the industry. We will continue to have a strong assembly industry focused on innovation and working with government to have assembly plants that are cutting edge.

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, those families need jobs. They do not need adjustments.

Let me quote:

> I find it breathtaking that the party members think the only thing the economy needs, and...the auto industry needs, is a 2% reduction in the GST and happiness will follow...the auto industry would collapse under a Conservative government.

Who said that? The current Minister of International Trade did, back in 2005, so I have a question for the minister. Who are we supposed to believe? That flip-flopping minister who went over to the Conservatives or the Conservative minister who says nothing is wrong right now?

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, no one has ever suggested that the automotive industry in North America does not face challenging circumstances, particularly as demand softens in the United States.

The point is that on all of the essential elements to be successful at automobile assembly, whether it is North American integration of safety standards and fuel standards or an automotive innovation fund of $250 million that this Minister of Finance put in place in this budget, and on which we are working with industry participants, on all of these indicators, we have an auto policy that is working, and in the long term this industry will be a strong and healthy one.

* * *

CANADA-U.S. RELATIONS

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, when the Conservatives face a scandal, they make a glib promise to investigate. Then they are surprised when people do not forget and expect them to follow through.

More than two months have passed now since the Prime Minister told us the NAFTA-gate affair was being investigated by the Clerk of the Privy Council. Has the clerk indicated when the Prime Minister can expect his report on the NAFTA leak?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, as I advised the House earlier, the Clerk of the Privy Council is investigating this matter and seeking to get to the bottom of it. It is a very important matter, important for Canada, important for all Canadians because of the importance of our relationship with the United States and NAFTA for our economy.

NAFTA has proven to be a very beneficial agreement. It is an agreement that has resulted in hundreds of thousands of new jobs for Canadians. It has helped increased Canadian prosperity. It has done the same in the United States. This is why it is important we keep that relationship strong.

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, that was not the answer to the question. We do not like leaks. The Prime Minister disingenuously began his investigation by insisting it was not his chief of staff, Ian Brodie, who leaked information to reporters. It is now widely acknowledged that Mr. Brodie did leak sensitive details.

Is that why there has been no action on this scandal, to protect the Prime Minister's chief of staff?

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, as I indicated, the internal security investigation is ongoing, it is nearing completion and all the necessary resources are being provided. We are not jumping to any conclusions. I know those members are happy to jump to conclusions. They do it all the time. We prefer to act on facts, and we are getting those facts.

* * *

ELECTIONS CANADA

Hon. Ken Dryden (York Centre, Lib.): Mr. Speaker, the in and out scheme is about campaign spending limits. The Supreme Court said that in a democracy these limits are critical to level the playing field. So there are national and local limits and neither can be used to exceed the limits to the other.

Elections Canada says that the Conservatives broke the law by more than $1 million because the money the national party sent to local campaigns had to be sent right back, no option, no choice, so it was never out of national control, never local.

When will the Prime Minister acknowledge this is why the RCMP raided the Conservatives and no other party?

Mr. Pierre Poilievre (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, on July 9, 2004, the Liberal Party made a transfer to the member for Don Valley West's local campaign for $5,000. One week later, the member for Don Valley West's local campaign made a transfer to the Liberal Party for $5,000: $5,000 in and $5,000 out. In, out, where is Elections Canada?

● (1450)

Hon. Ken Dryden (York Centre, Lib.): Mr. Speaker, if the Prime Minister's version is right, a party could send all 308 ridings their local limit, $70,000 or more, get back the same amount, doubling what is available to the national campaign, doubling their legal spending limit, making what is national local simply by laundering back and forth. It makes no sense. The result is a raid which brought the RCMP in, in, so taxpayers would not be fraudulently out, out, more than $1 million. In, out, that is the real in and out is it not?

Mr. Pierre Poilievre (Parliamentary Secretary to the President of the Treasury Board, CPC): Mr. Speaker, I guess that imitation is the highest form of flattery. On July 14, 2004, the Liberal Party made two transfers to the Rick Limoges local campaign for $4,000 and $5,000. One day later, the local campaign of Rick Limoges made two transfers back to the Liberal Party for $4,000 and then $5,000. It looks like the goalie has been pulled out and the puck has gone in the net.

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[*Translation*]

GASOLINE PRICES

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, the price of gas at the pump continues to climb. Meanwhile—

Some hon. members: Oh, oh!

The Speaker: Order, please. We are moving on to a new question.

The member for Trois-Rivières.

Ms. Paule Brunelle: Mr. Speaker, the price of gas at the pump continues to rise. Meanwhile, independent distributors are not making money and the big oil companies are showing record profits. Consumers are paying more and more to line the pockets of the Conservatives' friends, the big oil companies.

Can the Minister of Industry explain why the independent companies are not turning a profit and the rich oil companies are making more and more, if it is not that they are profiting at the extraction and refining stage?

[*English*]

Hon. Gary Lunn (Minister of Natural Resources, CPC): Mr. Speaker, one thing we do know for sure is the leader of the Liberal Party wants to impose a carbon tax on the price of gasoline and drive the price of gasoline north of $2.25 and higher. That is going to hurt working class Canadians. That is going to hurt hard-working people who are trying to get to work.

That is not our policy. We would not stand for that.

[*Translation*]

Ms. Paule Brunelle (Trois-Rivières, BQ): Mr. Speaker, in order for it to go into effect by summer vacation, the Bloc's Bill C-454, which seeks to strengthen the Competition Act and expand the powers of the Commissioner in order to keep oil companies in line, must be adopted quickly.

Does the Minister of Industry agree that Bill C-454 should go into effect before the summer?

[*English*]

Hon. Jim Prentice (Minister of Industry, CPC): Mr. Speaker, Bill C-454 is in front of committee. That is what the hon. member, who had proposed the bill, had requested. It is being studied by committee.

We will take the measures that we took yesterday with respect to Measurement Canada to ensure there is honesty at the gas pump.

In addition, one thing we will never do is succumb to the sort of Liberal leader's gasoline tax being proposed by the party opposite.

Oral Questions

ABORIGINAL AFFAIRS

Mr. Lloyd St. Amand (Brant, Lib.): Mr. Speaker, my question is for the Prime Minister. Where is the leadership, the intervention, on native land claims not covered by Bill C-30?

Native protests in Caledonia and Brantford continue. Development is halted. The Conservative government stays completely silent. My community is now directly soliciting the Prime Minister's intervention, looking to him for leadership. What does he intend to do?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, we continue to engage with the passage of Bill C-30. I thank all members in the House for passing the specific claims tribunal act, which has now gone to the Senate. That is a $2.5 billion commitment by this government on specific claims.

More important, we continue to make offers in the track, including some very specific ones, to put forward solutions. If there are justice issues or policing issues, those best be directed to the provincial government of Mr. McGuinty.

● (1455)

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Mr. Speaker, our government knows that a just and fair resolution of aboriginal issues is important to all Canadians. That is why we are following through on the Indian Residential Schools Truth and Reconciliation Commission.

Just a couple of weeks ago the Minister of Indian Affairs announced the appointment of the chair of the commission, Justice Harry LaForme. In order for the commission to begin its work on June 1, the two remaining commissioners need to be appointed.

Could the minister update the House as to the status of the two remaining vacancies?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I am pleased to announce the appointment of the two remaining commissioners, Jane Brewin Morley and Claudette Dumont-Smith. The professional experience and considerable knowledge of these two appointees will be a true asset to the work of the commission, which will begin on June 1.

The chair and the commissioners were chosen from more than 300 submissions in response to a public call for nominations and were brought forward for consideration by a selection panel. These appointments represent a significant step forward as part of our government's commitment to delivering a fair and lasting resolution for former students of residential schools.

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PUBLIC SAFETY

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, gang violence is on the rise across Canada. The problem is acute in British Columbia, with four recent gang related deaths. The gangs are getting bigger and they are getting more violent.

For all of the rhetoric on crime, the Conservative government has not moved to stop the free flow of guns across our border with the United States.

Will the government make real improvements at the border, arm the guards today, not 10 years from now, and stop illegal guns from being used on the streets of British Columbia?

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, this government has done a great deal with respect to that. We have put additional border guards in place. We have put additional police officers in place. As members know, laws have been passed in the House to help the police with those issues.

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, the gang problem is going to spiral out of control if we do not intervene in the lives of the youngest gang members. The police survey on youth gangs says that youth gang membership has doubled since 2002, from 7,000 to 14,000. Statistics Canada says that youth gun related crime has spiked 32% since 2002.

Guns have no place on our streets unless in the holster of a police officer. It is time to make neighbourhoods safer for working families.

Why did it take the government so long to approve the money for more police and where are these phantom officers?

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, it is rather ironic, coming from the NDP, which voted against the budget and voted against putting more police officers on the street. At the same time, I have to agree with the hon. member that the only place for handguns on the street is in the hands of police officers.

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ABORIGINAL AFFAIRS

Mr. Roger Valley (Kenora, Lib.): Mr. Speaker, the Auditor General's scathing report on the welfare of first nations children is alarming and requires immediate action from the government. The $5 billion the Liberal government committed under the Kelowna accord would have addressed this issue. However, the government cancelled it.

Last week the minister dismissed the Auditor General's report, claiming funding was not the issue. Will the minister guarantee the new prevention model he talks about will not come at the expense of other programs such as housing, health care and education?

Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, we are moving ahead with changing the system that we inherited from the Liberal Party, which was an intervention system that took children out of their families, to a prevention system that helps families and children before the problems get that serious.

As for the Kelowna accord, the critic over there said yesterday that it was an actual, real accord. We just have to get the video tapes of the news agencies because something is in the records somewhere, if we can find it and it is really real.

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BURMA

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Mr. Speaker, the situation in Burma continues to deteriorate and Burma's military junta continues to block effective delivery of aid to those in need. For example, we have seen planes on the tarmac being unloaded by the junta, with no guarantees that this international assistance is getting to the people of Burma.

Many countries have offered assistance and are being denied, even as this denial drives up the death toll.

Could the Minister of International Cooperation update the House on what Canada is doing to help the Burmese people?

● (1500)

Hon. Bev Oda (Minister of International Cooperation, CPC): Mr. Speaker, we share the increasing international concern as each day passes. We have set aside $2 million, and $500,000 has been given to the Red Cross. Tomorrow we will be sending 2,000 emergency shelter kits to shelter 10,000 people. They will be accepted and directly distributed to the Burmese people by the Red Cross in Burma.

The Prime Minister has said that Canada will provide assistance through ourselves or the international community in a way that will assure it will reach the people directly. This is the responsible thing to do, and we are pursuing every possible avenue.

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GOVERNMENT CONTRACTS

Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, Ind.): Mr. Speaker, speculation in some circles is that the almost one year delay in the signing of the contract to maintain and overhaul Canada's submarine fleet is because one of the west coast partners, the Washington Marine Group, which owns the Victoria Shipyards, has walked away from the deal.

Will the minister indicate if this is true or not, and if it is true, will he now recall the tender as a major Crown project, like it should have been in the first place?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, my colleague started his question exactly by saying, "speculation is...". This is entirely speculation. A contract has not yet been signed. When one is signed, my colleague will have the opportunity to read it and consider it without any speculation.

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PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of Mr. William Hay, M.L.A., Speaker of the Northern Ireland Assembly and Chairman of the Northern Ireland Assembly Commission, and the members of the commission.

Some hon. members: Hear, hear!

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SELECTED DECISIONS OF SPEAKER GILBERT PARENT

The Speaker: I have the honour to table, in both official languages, the selected decisions of Mr. Speaker Gilbert Parent.

[*Translation*]

This is a new reference work on parliamentary procedure and is the seventh volume in a collection of Speaker's decisions.

[*English*]

This present collection contains 85 decisions, covering the period when Gilbert Parent presided over the House, from the first session of the 35th Parliament until the end of the 36th Parliament.

On this special occasion, we are honoured today by the presence in the gallery of the Hon. Gilbert Parent, distinguished former Speaker of this House.

Some hon. members: Hear, hear!

[*Translation*]

The Speaker: A reception will be held in a few minutes in room 237-C to mark the publication of this volume. All members are invited to attend.

[*English*]

Order, please. We have a number of points of order. I will start with the hon. member for Don Valley East.

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POINTS OF ORDER

COMMENTS BY MEMBER FOR DON VALLEY EAST

Ms. Yasmin Ratansi (Don Valley East, Lib.): Mr. Speaker, I rise today on the point of order raised by the hon. member for Winnipeg South in relation to a question I asked the government concerning the investigation of the Conservative Party by Elections Canada for the Conservative Party's in and out scandal. I must say, in spite of being caught red-handed for deliberately breaking the rules during a federal campaign, the Conservatives have elected to play the victims in this affair in order to cover up the scandal.

Furthermore, we are beginning to witness a familiar pattern in this House, where junior members of the Conservative caucus, rather than members of the cabinet, are now responsible for providing answers during question period. This strategy was recently highlighted in the May 5 edition of the *Hill Times* newspaper, where Conservative Party insiders admitted that the plan is to use junior members of their caucus as sacrificial lambs in order to insulate members of the cabinet from public scrutiny.

In this case, the hon. member has misconstrued the term "junior" to somehow mean that I was referring to the age of a member rather than his standing in the House.

When will the Prime Minister allow his ministers to defend themselves rather than hide behind junior parliamentary secretaries?

Indeed, it is I who should ask the hon. member for an apology because of his deliberate attempt to obfuscate the truth that the Conservative Party has been caught cheating the Canadian electorate.

● (1505)

Hon. Peter Van Loan (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I know that this point of order arose out of some inappropriate comments of an ageist nature which the hon. member made, implying that because someone was a younger member of Parliament, he or she could be persuaded to say or do anything. Those were her words.

I notice in her apology there was no apology. What is more, she attempted to defend and justify her remarks by indicating that they were remarks of others which she was merely repeating.

A member must take responsibility for his or her remarks in this House. I still have not heard any kind of an apology for her inappropriate comments. The same point of order I think is still outstanding.

The Speaker: I am not sure I need to hear more on this point. It sounds as though we are getting into a debate rather than points of order.

In the circumstances, I have indicated I would take the matter under advisement. I will consider the remarks of the hon. members and get back to the House in due course.

Ms. Ruby Dhalla: Mr. Speaker, there have been discussions among the parties and I hope that you will find unanimous consent to adopt Motion No. 469 standing on the order of precedence in my name. It reads as follows:

> That, in the opinion of the House, the government should officially apologize to the Indo-Canadian community and to the individuals impacted in the 1914 Komagata Maru incident, in which passengers were prevented from landing in Canada.

The Speaker: Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

GOVERNMENT ORDERS

[*English*]

FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS ACT

The House resumed consideration of the motion that Bill C-47, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves, be read the second time and referred to a committee.

The Speaker: When this matter was last before the House, the hon. member for London—Fanshawe had the floor and there were 14 minutes remaining in the time allotted for her remarks. I therefore call upon the hon. member for London—Fanshawe.

Mrs. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, when I was speaking previously, I had made reference to the fact that many women on first nations reserves had talked about the lack of enforcement with regard to violence against women. Another woman involved in the consultations said:

> Whatever occurred in that community we had to take care of it ourselves, there was no one to rescue us. I remember the frustrations I felt and had seeking help in when I was in a violent relationship and there was no one available… the police were an hour by flight, skidoo, boat, and there are no services in the community for women in crisis.

The report, "Reclaiming our Way of Being: Matrimonial Real Property Solutions" states:

Women who cannot remain in their homes because of violence need immediate help. Sometimes assistance may be available through their family and friends, but the provision of assistance through programs and service providers is essential to ensuring that women have access to the continuum of supports. Transition houses help women in two ways: they provide a temporary place to stay and the support workers can help women to make healthy choices about their next steps. Women who live in remote or isolated areas also need transition housing, but they told us that they are often unable to access these services because these services are not available in their communities; the cost of transportation to travel from their community to the service was too high; or because they were ineligible to use the services based on some eligibility criteria.

Women went on to say:

> Certainly we need more services on reserve but for a woman who needs to make the choice for safety reasons; you know there needs to be services and supports elsewhere as well. So I don't think it should be an either/or. Options are great because you can meet your own particular need.

There must be options. The report states:

> When there is no transition house located on the reserve, women who need these services have to decide whether to leave their community in order to access them. Some women told us that they could not leave the reserve, because this would disrupt their children's schooling, or because they would lose their access to other services if they moved off reserve.

Separation should be planned and not have to be emergency evacuation, and there is a need for protection of the right to leave or the right to stay. In order to secure a safe place for her children, one woman said that it was sometimes necessary for the male spouse to leave. It was important that she remain in her home.

The report further states:

> Some participants suggested that transitional houses for men should also be developed. It would be less disruptive for the family if the woman and children can stay in the home, and the man can find temporary shelter elsewhere. Some elders spoke of traditional approaches that supported this idea.

Creating transitional houses for men would bring the added benefit of increasing their access to programs and support that usually are available at these sites which could help men to resolve the issues that led them to the transition house in the first place. This would benefit women and children by helping the matrimonial home to continue to be a place that was safe for them.

Respondents to the consultation were very clear. They said, "We know about the cycle of violence and all that. If we can help the children in this process, then I think that will help in the coming years, decades and generations".

The housing shortage that exists on many reserves makes the issues associated with matrimonial real property even worse. There is not enough housing to accommodate marriage breakups. One respondent said, "I think the Department of Indian and Northern Affairs has fallen down in its responsibility". The lack of housing can be one of the key reasons women stay in abusive and violent relationships. There is a need not just for more housing but also for subsidized and affordable housing for aboriginal women and children both on and off reserve. Another respondent said, "The issue is not enough housing in our community. It wasn't resolved in Bill C-31 and they need to address severe housing shortages in our communities".

The report states:

> Finally, women spoke about the need to develop tools that will help communities move their people along the healing path. Traditionally, First Nations people had a collective responsibility for the well being of the community. This responsibility included providing assistance to community members who require help to resolve conflicts, including those between partners.

● (1510)

One elder concluded:

> We probably will go back to the way we used to do things, with Elders and community members rather than go to the court system.
>
> …even though the legislative options are focused on matrimonial real property and the underlying issue is violence, there needs to be clear protection for women on reserve in terms of legislation, shelters, a community safety plan, which is broader than the legislation being proposed but this is important and because of the Indian Act and colonization there is disrespect for women, violence and women are being pushed out of their homes.

The report goes on to state:

> Freedom from violence will allow Aboriginal communities to thrive, and will allow community members to reclaim their way....

The government had a golden opportunity to end generations of neglect and it failed. Enforcing legislation that ignored the specific wishes and advice of first nations communities, the message is clear: first nations' solutions are of no interest to the government.

The extensive and excellent work of Wendy Grant-John and the many first nations women and men who have lived in hope because of the proposed legislation was obviously for naught. Their needs and wishes have not been respected.

The report concludes by stating:

> The connections of Aboriginal peoples to our lands and territories are sacred and historical. These are not just pieces of land, but our traditional territories. This issue of matrimonial property on reserve was not created by Aboriginal people. The issue of matrimonial real property on reserve is now a complex one to resolve; however, it should not be. There has been much discrimination in the past and it continues to this day. This discrimination has created detrimental impacts upon many generations of youth, women, men, families, and communities across this country.
>
> When the Indian Act was amended in 1985 (Bill C-31), NWAC and the AFN made contributions prior to any amendments being made. There were many lessons learned from that process. One of them is that we do not want to be used as pawns to justify government processes. We will not get caught by divide and conquer tactics. NWAC believes that our communities need to resolve the impacts of colonization and to assist in building healthy communities. We know that our voices are critical to these efforts.
>
> NWAC appreciated having at least a short time to consult with Aboriginal women and their children who felt the direct impacts of the MRP issue. This was considered the "bridging" point between the long fight for the recognition of Aboriginal women's rights and issues arising out of the MRP cases. It was an opportunity for these participants to speak their truth and to have a voice.
>
> However, there were very serious concerns raised by the participants regarding the short time frame for this consultation process. As noted in previous NWAC submissions, a full year would be needed to complete consultations. In this process, we were given three months. Many participants were skeptical of this process because they viewed it as government driven....

Fortunately, as I said, Wendy Grant-John did the impossible and produced a remarkable report in the voice of the men and women involved.

The report continues:

> The participants in this process stated that they want their rightful place in society. ...women are re-establishing their feelings of pride and self-worth by speaking out about themselves and their communities. The voices of these women must be heeded.
>
> The women who provided these solutions are daughters, sisters, mothers, grandmothers and granddaughters. They want the intergenerational cycle of abuse and marginalization to end. They want this to be a collective effort to bring the required change in their communities. The men we heard from are our sons, brothers, fathers, grandfathers and grandsons. They too wanted to see change that respects our ways of being and the women of their communities. Through the creation of a responsive and comprehensive MRP process, they want to heal and come together to reclaim their way of being now more than ever.

Those aspirations have not been achieved with Bill C-47. In the Standing Committee on the Status of Women, we heard the fear expressed by Bev Jacobs of the Native Women's Association of Canada and the women's committee of the AFN that the legislation governing matrimonial real property was already written long before the consultation, that it would be a situation where the responsibility would be sloughed off to the provinces.

● (1515)

The minister responsible insisted that it was not true and he was very clear about that. Unfortunately, the fears of the women of NWAC and the AFN were quite accurate. Ultimately, Bill C-47 was not written in consultation with first nations, despite all the promises. Their hopes were frustrated and their wishes were ignored.

We keep travelling down the same old paths, the same road that led to the school incidents where children were abused and to the situation in Parliament where the UN Declaration on the Rights of Indigenous Peoples can be ignored and set aside. We have travelled this road for far too long and we need to do better. The government has an obligation to do better. We all have an obligation to listen to the voices, to respect the needs of the communities and to act in accordance with an honourable kind of resolution.

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, the member made some very eloquent points.

She talked about a number of elements in terms of Canadian policy that have had a detrimental impact on first nations, women, children and the lives of families and how they have been very vocal through the dialogue sessions with the Native Women's Association of Canada and the Assembly of First Nations Women's Council. They have insisted that there needs to be a new direction and a new process in which they could participate in terms of determining and being part of the process to create legislation that would impact their lives.

One of the statements they made in one of the publications in response to this was that Europeans have a different view of the role of women. They do not respect women or their contributions to society in the way that aboriginal cultures did. Canadian society came from Europe and it was very patriarchal and this has had a damaging impact on the families because of Canadian policies coming from that view.

Could the member articulate a bit more about how she thinks we can do better?

● (1520)

Mrs. Irene Mathyssen: Mr. Speaker, my hon. colleague is quite right. The kind of system that has been imposed on first nations people is alien. It is patriarchal and European.

In my interactions with first nations women, I know about the traditional role of women as leaders, as the advisors to the community and that women were always consulted and their wisdom and input was always respected.

It is very clear that in this process there has been a going back to the old ways that does not work between governments and first nations people.

The harms that I and other members in the House have talked about are very real. They continue and the things that we have done in the past haunt us, haunt the members of first nations in the present and, unless we change, they will haunt us in the future.

Wendy Grant-John did a remarkable job. She managed to consult and hear from many isolated communities. She went to places that very rarely are visited or considered by government. She did the impossible, as I said. However, at the end of the day, despite all of the promises of the minister responsible, the Native Women's Association of Canada and the Women's Council of the AFN were not consulted when it came to the writing of Bill C-47.

Quite simply, the government, I suppose one could say, threw in the towel. It would have been a challenge to ensure it followed through on its promises and I do not disregard the fact that it would have created challenges for the government, but it did not do its duty. It simply walked away and went back to the old way of doing things that did not work in the past, do not work now and will not work in the future.

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I want to thank the member and her party for their continuing support for our aboriginal agenda. Her party assisted us in ratifying the Indian residential schools settlement. Her party also assisted us in passing Bill C-30, the Nunavut land claims agreement, allowing our government and this Parliament to bring forward a number of important pieces of legislation and initiatives for aboriginal people. It also sounds like they will be supporting us again on this, which is appreciated.

She said that our government had walked away on this bill, had walked away from our obligations. Should we walk away when a person on reserve, a first nations mother, is being removed from her home because she has no access to matrimonial real property? Should we walk away and not do anything?

If we were to follow what she is suggesting, we would simply not let anything come forward and languish while we know that these situations are occurring throughout the country. What is she suggesting? Should we simply let these situations continue to go on for years to come?

● (1525)

Mrs. Irene Mathyssen: Mr. Speaker, some careful listening needs to happen and that is what has been missing in this process. The government promised that it would listen to first nations women and communities and that it would ensure that first nations women and communities had a part in writing the legislation.

Certainly a women in distress should never be abandoned but that is not what we are talking about. We are talking about listening to the solutions that were proposed by first nations people because they have a communal kind of reality. They have communal property.

The notion of individual property is alien in terms of how reserves operate and we need to respect that. The problem is that we have not been respectful. We have not listened. More housing is needed on and off reserve but budget 2008 contained nothing in terms of additional housing. It tinkered away at some projects for those who suffer from mental illness but there was nothing real and substantive.

We need a national, affordable housing strategy that addresses the need for decent and affordable housing on and off reserve for first nations communities, for other communities and for seniors, those who are struggling and living in poverty, but the government has not come forward with any of that.

The Conservatives talk about how concerned they are. I have heard a lot of talk from the government but all the talk does not amount to anything unless there is investment, unless there is action and unless there is respect for the people with whom we deal, and I have not seen that, which is what is missing.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I have two questions for the member.

First, she alluded to Wendy Grant-John's work in glowing terms, as have others. I am not on the committee so I wonder if she could give me more details of the recommendations that were ignored. I am not sure why anyone would hire someone and then ignore a huge number of the person's recommendations. I could see changing some things but some of the good recommendations were ignored.

Second, with women having the most to gain from this or being most harmed without it, one would think that the two groups that would be most in support of it would be the Native Women's Association of Canada and the Assembly of First Nations Women's Council, which the member mentioned. I just wonder if she could explain to us what concerns they have about this bill.

Mrs. Irene Mathyssen: Mr. Speaker, I am certainly not an expert on all of the recommendations that Wendy Grant-John put forward but I know that the need for more housing was key and central to that.

As I said before, there were opportunities in budget 2007 and budget 2008 to invest in affordable housing and to bring back a national housing strategy that met the needs of Canadians but that was ignored. It was not there. Instead, we saw $14.5 billion going in tax cuts to profitable corporations, big oil and big banks, instead of the respect for the communal needs of first nations people.

First and foremost, the member makes an important point. The NWAC and the Women's Council of the AFN did reject the solutions arrived at by the government because those solutions were arrived at without their consultation or advice and will serve no purpose in terms of what we truly need.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, it is with great pleasure that I rise to speak to Bill C-47, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves.

This act would basically establish a federal matrimonial real property regime, combined with the mechanism for first nations to develop their own matrimonial real property laws.

Essentially, for the public watching who may not understand this, for people not on reserve whose marriage breaks up, in most of Canada, there are laws to protect them. There are usually provincial or territorial laws to protect each person in the breakup, so that there is a fair distribution of the assets and that the appropriate person has access to the house to live in. Other provisions can also be put in place, if there is spousal abuse for example, to ensure that the individuals do not both have to be living in the same building.

However, these rights do not occur on reserve, as was determined by the courts. The reason being that the legal provisions on reserve are a federal responsibility and most of these laws are provincial or territorial. So, for years, aboriginal spouses, women, in particular, have had the problem of not having access to these protections in a matrimonial breakup.

This has been brought forward for decades and there have been various attempts by various governments to work on this, to study this, and various studies have been outlined by previous speakers. It is somewhat of an intractable problem in that respect.

It is very complicated for the people watching who wonder why it has taken so long to deal with this and to come up with a debate on it, a debate where a number of concerns have already been raised. One of the reasons being is that there are three orders of government involved. We have the first nation or aboriginal governments, and there are different categories and different situations. They may be self-governing or not self-governing, or they may have a first nations land act. Then we have the provincial or territorial governments and the federal government. When we have all three governments having some role in this problem, then obviously it will be a complex situation. That is why today we have already had a number of concerns or issues raised.

Everyone supports the fact that the issue has to be dealt with. I think that will be unanimous in the House. But also I think most members will be outlining certain concerns with this particular attempt at dealing with the issue. I look forward to listening to the government speakers when they answer some of the concerns that have come from all the opposition parties today related to this bill. I will also be interested to hear how we can move forward in a positive manner.

I am going to outline some of the aspects of how the bill would work, some of the concerns that I have, and some of the specifics related to my particular riding. I will also mention some of the concerns that some groups have brought forward.

Obviously, there are a number of positive items in the bill. I do not have to dwell at length on those because we all agree and we can move on quickly and get this in place. However, if there are concerns, then we will be anxiously listening to the government speakers to hear how they will deal with the concerns, so that we know we are moving forward in the right direction.

This bill is a matter of human rights for women, and often children, quite often in single parent families in particular in the majority of cases. This will, of course, occur after a split up, where the woman is the one responsible for the children. We are making decisions here that are going to really affect the lives of children who are often with the women.

The Liberal Party, as the party of the charter, is in strong support of people having charter rights and of extending matrimonial real property rights to first nations people.

We support the intent of the bill, but we have concerns with the proposed process. If the process is not correct, then some of the content could easily be at jeopardy. That has been outlined, I think every eloquently, by the experts, the critics in each party, who have spoken to this bill and by the aboriginal people who have spoken to this bill to date, and I certainly do not have anywhere near their expertise.

● (1530)

The purpose of the bill is to extend this regime to first nations or to encourage them to develop their own matrimonial real property laws. Indeed, a vast majority of the House is totally in agreement with the concept that the ultimate solution to the best government for first nations people is self-government and I hope the member for Esquimalt—Juan de Fuca asks his usual question about owning property because I have a great answer.

I did not have a chance to answer him yesterday, but self-government is the answer. It has had all sorts of success stories that I could outline if I am questioned on it and it is a great step forward where people are taking care of their own lives. The strength of the bill is in the fact that it encourages that to occur and it encourages first nations to put their own lives in place, but it has a default federal law until the first nations put their own laws in place to cover this.

In 1986, the Supreme Court of Canada ruled that when a conjugal relationship breaks down on reserve, courts cannot apply provincial-territorial family law because the reserve falls under federal jurisdiction. As a result, aboriginal women living on reserves have not enjoyed the same rights as women living off reserves. They are not entitled to an equal share of matrimonial property at the time of marriage breakdown and matrimonial real property refers to the house and land the couple lives on while they are married or in a common-law relationship.

Since the 1986 Supreme Court ruling, the gap in law has had serious consequences and some members, I think even the minister, quoted some women and the harm that has been done to them in that situation. When a marriage or relationship ends, the courts have no authority to protect the matrimonial real property interests of spouses living on reserve. As a result, spouses living on reserve cannot ask the courts to grant an order for temporary or permanent possession of the family home even in a situation of domestic violence or when the spouse has custody of the children.

Without that protection what is a woman with children to do if she wants out or wants to break up from an abusive spouse, and where is she actually going to live with these children? In many situations she would not have any income and there are housing shortages which many members have already talked about in this debate, and this too must be dealt with.

There may not be a spot for her to go to and yet she does not have that protection today. The courts cannot be asked to order a partition and sale of the family home to enforce an order of compensation from one spouse to the other, so she could not even get 50% from her half of the house in order to carry on with her life. It precludes the spouse from selling or mortgaging the family home without consent of another spouse. That is in the common law in Canada and these women, in the majority, it could be men, on reserve do not have access to that particular protection. Someone could just go ahead and sell their house and they would not even know it. That is why this needs to be dealt with.

Approaches to addressing the legislative gap respecting this have been under consideration for some time. In recent years three parliamentary committees have recommended legislative mechanisms to resolve this issue. To carry out the consultations the department provided the Native Women's Association of Canada and the Assembly of First Nations each with $2.7 million and INAC also held consultations with and provided funding to a diverse range of aboriginal organizations not represented by the Native Women's Association or the AFN. It would be good to have a list of those other organizations for the committee when it deals with this.

I asked that question earlier and it is one of the major issues that will have to be dealt with at committee. Why, with $5.4 million minimally plus all of INAC's time devoted to consultation, are there concerns being raised by so many speakers today and key stakeholder groups about the consultation process?

● (1535)

Under this new legislation all first nations, with the exception of those first nations that have matrimonial real property laws under the First Nations Land Management Act or self-government agreements, would be subject to the bill's proposed provisional and federal rules unless and until such time as they enact their own laws.

Under the First Nations Land Management Act they have a time limit. They can put laws in place if they have not already done so. I think 10 out of 20 already have their own matrimonial laws, but they will have a certain amount of time to put laws in place so that the default federal law would not apply.

The provisional bill applies to approximately 50% of the first nations that use the Indian Act land allotment system, but the rules in the bill would not apply to the lands that have been allotted according to custom. However, the bill would apply in respect to matrimonial interests recognized by an agreement between spouses and first nations or by the courts. If a first nation does not recognize the matrimonial rights or interests, the spouse or partner can turn to the courts. I am going to comment on that a bit later.

Bill C-47 would provide spouses or common law partners with an equal entitlement to occupancy of the family home until the relationship ends. It also would provide spouses or common law partners with protection against disposition or encumbrance of the family home without their consent.

This is a list of the things that are available generally to other Canadians.

The bill would allow the court to order that a spouse or common law partner be excluded from the family home on an urgent basis. An urgent basis could be, for example, spousal abuse.

It would enable the courts to provide short to long term occupancy of the family home to the exclusion of one of the spouses or partners.

Bill C-47 would ensure the proven value of a couple's matrimonial interests or rights in or to the family home and other structures. The lands on reserve would be shared equally in a relationship breakdown.

The bill would allow the courts to transfer, in some circumstances, the matrimonial interests between spouses or common law partners together with or instead of financial compensation.

When a spouse or common law partner dies, Bill C-47 would ensure that the survivor could remain in the home for a specified period of time and could apply for half the value of the matrimonial rights and interests as an alternative to inheriting from the estate of the deceased. There will be some debate in committee on the particular time limits.

The bill would allow for the courts to enforce a free and informed written agreement made by the spouse or common law partner that sets out the amount to which each is entitled and how to settle the amount.

The bill would provide for a first nation council, on application from a non-member, spouse or common law partner, to enforce on reserve a court order made under the act.

It would provide first nations with the jurisdiction to adopt laws with respect to matrimonial real property interests. Bill C-47 would require a community ratification process when first nations develop their own laws.

A rogue council with some particular interest could not secretly pass a law that would supersede the federal law. Just like in land claims or self-government agreements, there has to be a community ratification process.

Bill C-47 would provide for first nations to be notified when community collective rights are engaged with respect to a ruling. The first nation may then choose to make representation to the courts about the cultural, social and legal context relevant to the proceedings.

This element of the bill is a good news and a bad news story. People are starting to comprehend that aboriginal culture is a different type of culture. Aboriginal people have a different way of thinking, a different way of organizing themselves, and a different social organization than European culture and other cultures in Canada.

One of the primary differences is the sense of collective responsibility, collective management, collective rights, and collective culture, as opposed to some of our individual rights and how those supercede other rights in the European culture.

● (1540)

This was a great problem when we came to the human rights bill that was before Parliament, because there was no recognition by the government of that huge difference in the two cultures when the bill was brought forward.

However, in this bill that is recognized. That is the good news part of it. There is this provision, which I have just read out, whereby "the First Nation may make representations to the courts about the cultural, social and legal context relevant to the proceedings".

When we are dealing with a major item of someone's culture, we cannot simply say that they are allowed to make a statement in court about it. Some first nations have said that this is not a strong enough provision with respect to those rights.

Before I get on to my other points, and before I run out of time, I want to tell my own constituents how the bill will affect them. In my area of Yukon, 11 of 14 first nations already have their land claims and self-government agreement. The agreement recognizes aboriginal jurisdiction over aboriginal lands, but jurisdiction over matrimonial property, real or personal, is not explicitly addressed.

As a result of the provisions of the agreements which address provincial-territorial laws of application and relationship of laws, provincial-territorial matrimonial property laws of general application will apply, although these may be superseded by subsequent aboriginal government laws respecting matrimonial rights or interests. The Nisga'a Final Agreement and the Yukon Umbrella Final Agreement are examples of this approach.

For my friends back home, let me say that until they develop their own matrimonial laws, the umbrella federal law will apply after this bill. Of course, for the Kaska, the Ross River Dene and the White River First Nation, the federal law will apply because they do not have a self-government agreement in this area yet.

Some of the concerns that I talked about earlier I will now be looking for when the government puts up a speaker to address what I have already mentioned. There are the concerns of the Assembly of First Nations.

One of its concerns is related to the fact that Bill C-47 does not contain a non-derogation clause. The minister gave a very sincere answer, saying he does not think it is required because the Constitution, in sections 35 and 92, et cetera, covers all that territory and will ultimately trump anything else, so there is no need for the less powerful non-derogation clause. Yet it would give great comfort to some first nations people, so if there is no problem with it, then I think there will probably be discussion at committee about perhaps adding it.

The Assembly of First Nations of course raised the point I just talked about, which is related to collective rights. One of its other concerns is that the government's implementation plan appears not to contain any provisions to support first nations in developing its rules regarding matrimonial real property or to comply with the verification process.

Furthermore, it would appear that legislation will immediately apply to first nations as soon as it is passed, not allowing for a period of time for development and verification to take place. We had the same problem with the human rights bill, of course, and had hoped that the government would have learned from that bill. When we tell a government to put new laws in place, the people have to be trained to have the capacity and it is going to cost money. There needs to be time to implement the laws. The Assembly of First Nations notes a significant lack of all of that in this implementation plan.

I do not have time to go into the issues that Native Women's Association of Canada addressed. Needless to say, those issues will be covered at great length in committee.

I will close with the two philosophical problems that important stakeholder groups have. One is that the law in itself needs to be in concert with a whole bunch of other issues that would support and prevent family breakdowns, which is what causes the problem in the first place. Also, the underlying resolution lies in supporting communities and clearly emphasizing the need to keep families—

● (1545)

The Acting Speaker (Mr. Royal Galipeau): Alas, it is with regret that I must interrupt the hon. member. We will now have questions and comments. The hon. Parliamentary Secretary to the Minister of Indian Affairs and Northern Development has the floor.

● (1550)

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I appreciate any opportunity to get up and speak to this very important bill, which will finally extend matrimonial real property rights to first nations citizens on reserve, an opportunity they have not had in the past. When marriages break down, we will not see first nations mothers being removed from their homes in a way that no Canadian could see as being fair.

I have a question for the member for Yukon. In light of his party's support for the Indian residential schools settlement, which we ratified as practically the first act of the House when we first came to office, and his party's support for the Nunavik land claims agreement, Bill C-30, the independent claims tribunal, and of course for all the other important first nations aboriginal bills that we have done, is his party going to support this bill as it goes to committee and comes back to the House? We are hopeful that his party will continue to support this bill not just now but beyond committee.

Hon. Larry Bagnell: Mr. Speaker, that was a great question because it shows us one of the major problems that the Conservative Party has had since it became government. Asking if my party is going to support this bill after it comes out of committee shows an entire lack of democratic process. Then why would we even go to committee to find out from experts and stakeholders whether a bill is good? This happens time and time again with that party.

I am on the justice committee so that is where my experience lies. Those members go into committee, experts suggest amendments, and there are proposals that make no sense whatsoever, but what does the government do? It does absolutely nothing. We might as well not waste millions of dollars and taxpayers' time in going to committee and hearing from the experts and stakeholders about how to improve bills.

The government wants us to commit to something before all the thousands of dollars worth of hearings have taken place. Of course I will not commit to what is going to happen and thus say that the voice of the aboriginal people of Canada is worthless and that all the people coming to committee are wasting their time.

What I hope the member will do is deal with the concerns that have come up in today's debate on the bill. He seems to be in favour of the bill, so indeed, if he would deal with the concerns that have been raised all day instead of raising more, it would make it easier for all the parties to put it through more quickly.

He mentioned a lot of the recent aboriginal successes that were started during the Liberal government, in particular the residential schools agreement. I am delighted that he mentioned it, because I was there the day the agreement was made with first nations. It was a spectacular success for Grand Chief Phil Fontaine. There were many tears that evening. It was a wonderful move forward that we achieved for first nations people. I just hope we can deal with the unfortunate consequence of some of the payments that are coming out and the tragedies they led to. Hopefully we can provide more healing and counselling money to deal with some of those corollary difficulties.

Mrs. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, I would like to ask for a response from the member for Yukon to the letter from Beverley Jacobs, the president of the Native Women's Association of Canada, in which she told the minister directly:

> Despite...a discussion process with relevant National Aboriginal Organizations, the federal government introduced legislation...that does not have the support of... NWAC....

The minister responsible was well aware of this, she said.

Ms. Jacobs and other members of first nations communities suggested legislative and non-legislative solutions, one being a long term solution that enables women and children to access their treaty, membership and aboriginal rights regardless of their residency. This, according to first nations, would be a significant improvement, because it would result in women being able to access programs and supports delivered through their band councils based on their need for the services in an appropriate and communal way, rather than what the government has presented us with.

I would ask the member to comment on these long term solutions that involve access by children and women to their treaty, membership and aboriginal rights.

● (1555)

Hon. Larry Bagnell: Mr. Speaker, the member's question is an excellent and substantive one.

Over and above the concerns she listed, and hopefully the government is taking this down so it can answer this, the Native Women's Association of Canada also had concerns about a complete lack of an implementation plan, a lack of provision of resources to develop plans to implement this, as I talked about earlier, the only 180 days that a widow is allowed to stay in the house, the lack of appropriate housing, which we all talked about earlier, and the reference to a court process, which I said I was going to get back to but forgot. The problem with the court process, of course, is this: how many aboriginal people, single women with children, can actually afford to go to court to get their remedies?

There were a lot of difficulties. Personally, of course, I am going to support the bill going to committee so that all these issues can be discussed, which is the purpose of committees. We can hear from experts and stakeholders. I am not a member of the committee, but I hope that together its members can come up with solutions for these concerns that will make the bill much more palatable to the very major groups that should be supporting this in the first place. Even after extensive consultation worth $5.4 million, the groups that should be the major supporters are still not supporting the bill. Hopefully the committee can smooth this out, this very intractable problem will be dealt with and there will be at least a relatively positive solution.

Mr. Brian Storseth (Westlock—St. Paul, CPC): Mr. Speaker, I want to follow up on the hon. parliamentary secretary's question because I was a little disturbed by the answer I heard. I have had the privilege and honour to sit on this committee for quite some time to work on the issue of human rights for first nations communities and human rights for on reserve first nations people.

The member talked about the need to have it holed up in the committee forever. It is important that we understand his position and the position of his party now and also the direction in which they are going in the future. Quite frankly, I do not want to have to waste another year to a year and a half with those members trying to water down amendments on something that is essential structural reform for first nations communities. This follows the exact same guidelines.

Quite frankly, I think this is a very valid question. We need to know if the Liberal Party of Canada is going to do the same thing that it did before, which is to stand up in the House of Commons, pass it through to committee unanimously, and then sit and try to delay and deceive for at least year on the bill. We need to get real action for some of these communities.

I represent many of the people in these communities. They want to see the structural reform that this government has brought forward. For the first time in 15 years, a government finally has a vision for first nations communities. I think it is imperative that the opposition—if it is not going to stand up in the House and vote against it—get on side and support us on this vision.

Hon. Larry Bagnell: Mr. Speaker, this is absolutely astounding. Just after the parliamentary secretary got a tongue-lashing for asking people to ignore aboriginal people when they come to committee to tell us what they are going to do now, the member has asked for the same thing. What is the purpose of the committee if the Conservatives do not want to have it? Why do we not just give the answer now?

I am delighted that the member brought up the human rights bill, which the government drafted so poorly. It only had 12 words in it, but I think took a year for the three opposition parties to put in I do not know how many improvements to it, to strengthen the bill, to make it realistic and to answer what all the stakeholders wanted so that the aboriginal people of Canada could have their human rights.

[*Translation*]

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, it is a great pleasure for me to rise in this House today to take part in the debate on Bill C-47, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves.

I listened closely to my colleagues who spoke before me. I listened with particular attention to my colleague from Yukon, a person dedicated to protecting fundamental human rights and a tireless worker in his community on behalf of the most needy. I know that because he has often appealed to our generosity to help the members of his community, and I find that very praiseworthy. However, I was not surprised at the way in which my colleagues from Westlock—St. Paul and Winnipeg South responded to the comments by the member for Yukon, who was speaking on an issue he feels deeply about.

It has been said that a bill can change the lives of thousands of people and Bill C-47 can do that. If it is well articulated, well crafted and well presented this bill can make a real difference in the lives of thousands of people, especially in the case of aboriginal women, for whom I have a great deal of respect and admiration. They have to overcome difficulties that are much greater than anything we may experience outside aboriginal communities. Because this bill in large measure concerns women, if it is not carefully considered and crafted, it could also make women even greater victims than they are at present.

Several years ago we consulted with women from aboriginal communities on various topics, for various reasons and for various committees, both in the Standing Committee on the Status of Women, where we wanted to learn about their experiences and profit from their knowledge so as to improve conditions for all women, as well as in our ridings in order to find out how we can learn more about their situation and their communities so that we can better work with them.

In the past, mistakes were made as we tried to do what was right and help aboriginal communities. We decided as white men and women—even though men were in charge at that time—what was best for them. I have the uneasy feeling that we are still trying to decide what is best for aboriginal communities, without having listened carefully enough to what they told us when we consulted them.

Of course, the consultations did not last very long. Communities had from September 29, 2006 to January 29, 2007 to hold their consultations. If I am not mistaken, that makes four months to consult on such an important bill. What is more, one month out of that period is the traditional holiday season, when people celebrate with their families. I do not believe the communities were very interested in discussing Bill C-47 at that time.

To take so little time to draft such an important bill shows what I would call a serious lack of judgment. Once again, this comes as no surprise, considering that the government is refusing to sign the United Nations Declaration on the Rights of Indigenous Peoples.

● (1600)

It does not surprise me that this same government does not want to pay more attention to what women and men in aboriginal communities have had to say about Bill C-47.

Since I am from Quebec, I have a better knowledge of the communities in Quebec. I would therefore like to quote from a letter that Ellen Gabriel, the president of Quebec Native Women, sent all the members of the Senate and the political parties:

> —we would like to express our concern over certain key issues that seem to have been omitted in Bill C-47, the Family Homes on Reserves and Matrimonial Interests or Rights Act that has recently been introduced.
>
> First, we do not believe that the negative gender-based impacts are "unavoidable and likely justifiable" as stated in the Gender-Based Analysis issue paper. As mentioned, courts may tend to provide caregiver spouses or common-law partners with exclusive occupation of the family home.

That is a key point.

> Because women are more likely to be caregivers of dependent children and/or adults, men may be less likely to retain occupation of the family home on breakdown of a conjugal relationship. As a result, [under Bill C-47] more women than men may be required to financially compensate their spouse or common-law partner for their share of the family home. What is not mentioned is that because women act as the main caregivers of children and elders, women are often not, or at least not the main breadwinners for the family.

This is where things get tricky. This should be clear. It is true that this must not make much of a difference to a party that is not terribly concerned about women's problems.

Ms. Gabriel continues:

> Also, [Bill] C-47 does not take into account the fact that there is a serious housing shortage on reserve.

Let us talk about housing. In a number of aboriginal communities people have had to move because their housing was uninhabitable and unsafe, with no water, heating and all the necessities. Housing is already uninhabitable and now the government wants to cause even more problems.

The letter goes on:

> We wonder if any measures will be taken to find housing on reserve for the person against whom an emergency protection order has been made. The frustration that may result from such a situation can lead to even more violence.

As we know, violence affects women from aboriginal communities more so than women from other communities and that is too bad. Aboriginal communities are already going through enough. Women's shelters in these communities receive less funding than shelters outside aboriginal communities, which come under the jurisdiction of the various provinces. Women's shelters in aboriginal communities are subsidized by the federal government.

Ms. Gabriel goes on to say:

> This is why we would like to caution ... [the] Minister of Canadian Heritage, Status of Women and Official Languages on her comment.

The comment made by the Minister of Canadian Heritage, Status of Women and Official Languages was:

> This important new legislation will afford protections to women and children living on-reserve that are similar to those now available to women and children living elsewhere.

Ms. Gabriel continues:

> We would like to remind [the] Minister ... that Aboriginal women and children living on-reserve do not share the same realities as their non-Aboriginal counterparts.

● (1605)

When drafting legislation, we have to be aware that it will have a major impact on many communities.

There are 600 aboriginal communities in Canada. They are all governed differently. They have different cultures because not all aboriginal peoples have the same origins, the same cultural backgrounds, or the same traditions. Their cultures differ according to whether they live close to the forests or the waters, are nomadic or sedentary. All aboriginal peoples have different characteristics and different cultures. It is important to remember that as we attempt to bring in legislation for such a diverse group of cultures.

In Quebec, our laws are worded differently. We are governed by the civil code. Quebec Native Women has pointed out that Bill C-47 would enact laws that might be difficult to apply in Quebec. QNW wanted the federal government to conduct more meaningful—not simply token—consultation, which would certainly have produced different results. QNW wanted the government

> —to properly inform and seek the advice of aboriginal peoples before passing this important legislation.

QNW also had this to say to the federal government:

> We also caution against pan-aboriginal legislation since the over 600 aboriginal communities in Canada contain a diverse cross-section of...realities—

Ongoing research into the needs of aboriginal peoples is happening every day, every week and every year. Research is being done into the impact on aboriginal peoples of the various laws we have imposed on them over the years and throughout history. Research gives us food for thought. It should also give the government food for thought. If the government does not think this through, if it acts only to please some of the voters, it will not be meeting the basic needs of the people it claims to want to help.

I believe that the government was trying to do the right thing by drafting this bill, because the government does not generally draft bills that try to do the wrong thing. They do not mean to do the wrong thing, but by trying to act too quickly, they make mistakes when it comes to setting goals and objectives. The Native Women's Association of Canada produced a report about the consultations that took place. The report repeatedly refers to the difficulties that aboriginal peoples are experiencing now. It says: "—we became non-persons. We couldn't vote. Our women had no say whatsoever." That is what we did to them in the past. We reduced aboriginal peoples to entities living on reserves.

I would point out that the term "reserve" is not one that is particularly appreciated by the aboriginal peoples. These are aboriginal communities, but people still use the term "reserve" in French. It is not particularly appreciated. When you go to Africa, reserves are for animals, cattle, lions, elephants, giraffes. That is what reserves are. They are wildlife reserves, various kinds of reserves. I too am opposed to using this expression when we are talking about the aboriginal peoples.

The aboriginal peoples were also forced into the schools. They were forced to betray their culture, their traditions, their history. The grandmothers used to gather the children around them and pass on their culture, which is so important. Perhaps today we would have fewer problems with young people in the aboriginal communities. We might have fewer suicides among young people if they felt the full pride that comes from belonging to a people that is this great and this strong.

● (1610)

For years, and even for hundreds of years, we tried to assimilate them completely into the society outside the aboriginal communities. For years, we have been trying to make them forget their roots. In spite of that, and in spite of how they are disappearing, little by little, every year, many members of these aboriginal peoples have still found the courage, the strength, the audacity to discover solutions to enable them to make their communities whole again. They have found the strength to be able to forgive what was done to them, to be able to keep moving forward.

And today, we are once again trying to lock them into something that would suit us: there are no more problems, we have legislated, we have made a law, let them make do with that, it is the best thing we could do for them, and we know best what they need!

That is not how we should be acting toward a people that has thousands of years of history, wisdom, culture and traditions, and who can probably show us much more than we can show them, if we just make the effort to listen.

So I would like this bill to be sent to committee so we can make the effort to listen to the people who have not been heard, so we can make the effort to listen to experts on what is happening elsewhere. What is being done elsewhere, where the fundamental rights of the aboriginal peoples have been recognized? Even if we do not want to do it here, we still have to know that it is being done elsewhere. Only three member states of the United Nations have refused to recognize them, and we are one of them. Shame!

But elsewhere, in other countries, these peoples have been recognized, their rights have been recognized—fundamental rights of human beings. As human beings, they are entitled to the same dignity and the same respect as everyone who lives within Canada's borders—the same dignity and the same respect for all the women, men and children of the aboriginal peoples.

We may get there, if the government agrees. This seems to be a major issue, since the Liberal Party—oh!—does not want to vote on the bill immediately. Beyond a doubt, should we have to vote on a bill without having the chance to examine it in depth? I am sorry, we may be in opposition, we may be the opposition parties, but we have more respect than that for the people we represent. This bill will pass one day, I hope, if we agree that it be sent to committee and if we agree that it be amended, not to water down its importance, but to maximize the results and the effects on the women and men who will have to live with this bill, until those women and men adopt their own law to govern matrimonial property.

I sincerely hope that this House, like the Bloc Québécois, will choose to vote to refer Bill C-47 to committee, so it can be argued, scrutinized, studied, evaluated and amended in committee and come back even better and stronger for all of the aboriginal peoples.

● (1615)

[*English*]

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I appreciate the submission by the member opposite.

Our party, our government, appreciates the support that the Bloc will be providing for this important bill. It is important that we extend matrimonial real property rights to individuals who are living on reserve. That is where I want to go with my question.

I know the member often brings up women's issues in the House, so I would pose this question. She referenced a number of leaders from aboriginal first nations communities in Quebec. Some of these leaders have put forward the argument that when a marriage breaks down on reserve, if the wife is not first nation, she should not receive any access to marital property. I personally disagree with that.

What does the member opposite have to say about that?

● (1620)

[*Translation*]

Ms. Nicole Demers: Mr. Speaker, as the member for Winnipeg South knows, it is up to aboriginal people to decide how they will deal with questions of marital property, violence and individuals, aboriginal or not, who live on reserves. We, not as government, but as people first, decided that band councils would govern aboriginal communities.

If we are not happy with the decisions they are making, we have only ourselves to blame. Instead of remaining matriarchal communities, they have become patriarchal communities. Since that change, aboriginal women have had a hard time accessing band councils to make their opinions known.

That is the difference, and that is what the previous government decided should happen.

[*English*]

The Acting Speaker (Mr. Royal Galipeau): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Vancouver Island North, Fisheries; the hon. member for Kitchener Centre, Ethics.

[*Translation*]

Hon. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, I would like to congratulate the member for Laval for her speech on Bill C-47. I am a bit surprised. I do not believe that aboriginal women are supporting this bill, even though it concerns family homes situated on first nation reserves and matrimonial rights to or interests in structures and lands situated on those reserves.

Why does the member for Laval think that the Conservative government introduced a bill that concerns the rights of aboriginal women, even though these women do not support this bill?

Ms. Nicole Demers: Mr. Speaker, my colleague is quite right, and I in fact said in my remarks that native women are not in favour of this bill because they were not adequately consulted and because their recommendations were not taken into account. That is what I said. I also said that this was why we want to send the bill back to committee.

They want something that incorporates matrimonial rights, something done properly, which is of real use and beneficial to them. However, they do not want the bill as put forward. They want it amended to reflect the recommendations they made and the needs they expressed during consultations, although the consultations were inadequate.

For this reason, we will vote to send the bill to committee and not because we support it at the moment. In fact, we oppose it.

My colleague is right that the women are dismissing it out of hand and do not agree with it, as it fails to meet their expressed needs.

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, my question concerns what my colleague from the Bloc said a number of times in her remarks and answers the question by my Liberal Party colleague for Etobicoke North as well. She said simply that the studies done on the matter were inadequate because they lasted no more than three or four months. That is not the case. I was elected in 2000. I know that that parliament and preceding ones thoroughly examined the matter on a number of occasions. It has been examined under both the federal government and our Conservative government a number of times.

Why does the member want still more studies, when the matter has already been examined a number of times? The matter of equality for women in each region of the country is very important. All Canadian women, including native women and indeed everyone should be governed by the same laws and enjoy the same protections. In this country, we must have equality before the law.

Why wait further to act? The question is a simple one. Why should we wait? If the hon. member supports the spirit of equality, if she acknowledges that all women in our country should be equal before the law, can she tell us why we should wait before acting?

● (1625)

Ms. Nicole Demers: Mr. Speaker, I really like that question from my colleague. Of course I am in favour of equality—equality of rights, but also equality in fact. This bill in no way brings us closer to equality in fact.

In addition, as I pointed out earlier, the realities are very different from one aboriginal community to another. There are 600 different aboriginal communities in Canada, and the realities of the different aboriginal communities must be taken into account. All those communities do not need the same bill. Some of them have procedures that enable them to work effectively in the case of separation or divorce, and even where there is violence.

To achieve real equality it is essential that this government begin by actually recognizing the fundamental rights of aboriginals by agreeing to sign the United Nations Declaration on the Rights of Indigenous Peoples.

[*English*]

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I congratulate the member for her very passionate and eloquent speech, raising her concerns.

First, does she actually think the government has listened to those concerns and will deal with them?

Second, she mentioned how, for thousands of years, first nations have very ably governed themselves and that now we are trying to impose something on them. Because of that, one of the groups has suggested that it may not be constitutional. Does she think that is a concern in this case?

[*Translation*]

Ms. Nicole Demers: Mr. Speaker, one of the chief concerns of aboriginal communities stems from the fact that the government does not take into consideration their timetable, their needs or their rights. The government takes nothing into consideration. On numerous occasions, we have seen the lack of tact and the lack of judgment of this government.

This government has already broken its promise to seniors with respect to the guaranteed income supplement. It broke its promise to women; we do not have equality, whether my colleague likes it or not. It has also broken its promise to veterans. The government broke its promise three times—and those are only three examples.

They would like us to believe that this bill will resolve the situation of aboriginal people, that all will be well and there will be no more problems. That is nonsense; I do not believe it.

So long as the bill is not properly amended to respond to the needs and demands of the women who made their recommendations to us, we will not pass it. Whether my Conservative colleagues like it or not, we are going to wait.

We must not forget that aboriginals have real rights. They were here before we arrived. The Bloc Québécois often talks about sovereignty. If anyone is sovereign here, it is the aboriginal people. They are the very people who should have precedence in terms of rights, respect and dignity.

[*English*]

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, it is a pleasure to speak to Bill C-47, the Family Homes on Reserves and Matrimonial Interests or Rights Act. On the surface, all of us are absolutely, positively desirous of ensuring that aboriginal women and men have equal rights under the law, like non-aboriginal women and men, and that there is one set of rights, rules and regulations so that everyone has the same rights and rules and everyone is protected under our courts.

This pertains to the issue of those women and men who are in situations where their families are affected by issues and tragedies that compel them to need legal protection and a structure wherein they can deal with the division of assets in family breakups or when a spouse dies.

The fact that we are here speaking to this bill alludes to a much larger problem in that we have an issue of separate development in Canada. Somehow we are trying to tag on a series of rules, regulations and acts to ensure that in this case aboriginal women have some protection and security under the law. But that deals with a much larger issue of a separate development that has occurred in our country between aboriginal and non-aboriginal people. In part that is responsible for the terrible social discord and horrible social circumstances that affect too many aboriginal and non-aboriginal people on and off reserve.

There are some concerns about the bill, but we support sending the bill to committee. The Liberal Party will be calling upon witnesses and representatives of aboriginal women in Canada to ensure that their voices are heard because they have a lot of concerns about this. The Native Women's Association of Canada does not support Bill C-47 in its current form for many reasons. An example is the complete lack of information about the implementation plans and measures for this legislation including timeframes, resources for measures that are specified in the bill, and resources for first nations to implement the legislation.

There is a lack of information regarding the provision of resources to first nations to enable them to develop their own laws for the MRP. Another issue is that a widowed spouse only has 180 days to remain in a family home following the death of his or her partner. It is perfectly understandable why NWAC believes that is too short a period of time to allow a person to live in his or her own home when such a tragedy has befallen him or her. There is a lack of adequate and appropriate housing in many first nations communities. This has been mentioned multiple times in this House. The measures contained in Bill C-47 will not assist women and children in obtaining alternate housing in the community during the breakdown of a marriage or common law relationship.

I cannot impress enough on members the degree of tragedy and the horrible living conditions found on too many reserves. I worked as a physician in northern British Columbia and I remember flying into reserves. The houses are so poorly built that people are living in homes that are essentially a health hazard. They are boxes of disease. To see this level of housing in Canada is absolutely appalling. If there is a breakup in a relationship, particularly in smaller communities where there is already an acute lack of housing and the housing that is available is unsafe and frankly toxic, where would the person go? Where would the spouse and children go in that kind of an environment? There is no other housing locally. Would they go to an urban centre? Would they go off reserve? The choices for them are quite bleak. That is one of the central problems of this piece of legislation.

We support sending the bill to committee but we would like to ensure that these issues are dealt with. I personally hope that this galvanizes the government to deal with the horrible health and socio-economic conditions on reserves, including the housing on reserves.

● (1630)

One example from my riding would be the Pacheedaht reserve. It is near Port Renfrew on the west coast of Vancouver Island. I was there several days ago. The roads on the reserve are pock-marked and full of holes. None of them are paved. There is detritus and refuse everywhere on the reserve. Why? Because the band does not have any agreement to remove the waste on the reserve. It does not have the money nor the people to do it. As a result, there is waste everywhere.

There are homes with the windowpanes smashed out. The windowpanes are not replaced because people do not have the money to replace them, so they cover the windows with plastic sheeting. What would it be like in the dead of winter in Canada to live in a house where the windowpanes have been smashed out and the windows are covered with plastic sheeting? What does it mean for the health of the people who live in that house? What does it mean for the children who have to live in those horrible conditions, huddled under blankets to try to keep warm, because the whole house has actually broken apart?

Inside the houses people have put plywood over the flooring so people do not fall through the floorboards. That is the way many of these houses are made. In the corners, around the windows and on the walls there is mould, which is toxic.

There are buildings that have been improperly built. In addition, there is the mould which is toxic. These are unsafe structures. Children, men and women live in these structures. Is that the Canada we know? That is the Canada we have. That is the trauma many aboriginal people are living in right now. Those are horrible third world conditions.

The minister has brought up some very important and legitimate concerns about the issue of housing in that money is given to communities, houses are built, often improperly, and the money goes to waste in too many cases. Why? There is an essential problem of capacity. The government has given reserves and aboriginal leaders money. The government has also given them the responsibility to take care of various things, including some of the social services, housing and health care. However, what if they do not have the capacity to execute those areas for their people? We have set up many communities for failure.

It is all right not to have the capacity to implement something, but if we give them the responsibility for such things as health care, housing and social services, it is very important to ensure that the aboriginal communities can build the capacity within their communities so they can take care of these areas. That is not happening. As a result, we are setting up these communities for failure. That is absolutely immoral. They can never get out of this rut if they do not have the capacity to implement these things and make them operational.

I was very happy that the minister today spoke about the fact that he has asked Chief Clarence Louie, who is a success story with the Osoyoos Band, to teach other aboriginal communities what they can do to ensure that they have sustainable development in their communities.

Right now there is often a huge chasm between capabilities and resources and the desire to implement what it is they want. The difference between desire and the plans they want to implement and the capacity to implement those plans is quite broad. INAC must ensure that it actually engages with aboriginal communities to give them the capacity building that they desperately require.

Another few examples are in Esquimalt. We have the Esquimalt Nation as well as the Beecher Bay Nation in Beecher Bay in my riding. Both have fantastic leadership. Chief Russell Chipps is the head of Beecher Bay. They are trying very hard to build up their communities, but they hit a huge wall at INAC. Today the minister said that he will try to streamline the process. He will find cross-party support in enabling the Department of Indian Affairs to be more efficient at addressing and working with aboriginal communities to ensure that they have the tools and resources to do the job.

● (1635)

There is $9.2 billion spent through the Department of Indian Affairs every year. Tragically only a trickle of that money gets to the people who need it the most. There is a claim that $1.5 billion is spent on administration.

I do not know how we can account for the fact that the per capita income for aboriginal people in Canada is $13,500 a year. That means half the people earn more than that amount and half the people earn less than that amount. How on earth can someone survive in Canada on $13,500 a year? A person cannot. We have created in many ways a case of institutional penury. Part of the reason is that the institutional structures, as well-meaning as they have been, have been set up for failure.

As one first nations chief said, the reserve system was never meant to work. It says a lot when that comes from a first nations chief. It expresses the deep frustration of aboriginal leaders and aboriginal people across our country. The most heartbreaking thing to see is the lack of hope. There have been some extraordinary success stories. There are aboriginal communities that are doing a wonderful job, that are being incredibly dynamic and are working by their people for their people. They are showcases that ought to be held up for other communities across the country. However, there are other communities that we need to consider.

There are small communities in areas of our country where there is no hope whatsoever of developing a sustainable environment. The people who live there must have the opportunity to ensure that their children are educated, that they as adults have the skill sets, so that they can go wherever they want to for periods of time to work at a job and generate the funds that they require. It is hard to be part of a 21st century economy when people's skill sets do not match. It is hard to be part of that economy if three-quarters of the children are not going to graduate from high school.

One of the great challenges that I have seen in too many cases is that the children have to travel vast distances, sometimes three hours a day, to attend school. How can children participate in the extracurricular activities, study and do their homework when they get home if they are travelling three hours a day? The children on the Pacheedaht reserve have to travel three hours a day to and from school. It is no wonder that the dropout rate there is astronomical. If we were living in the same conditions, the same thing would happen. We would not have the endurance needed to travel three hours a day to and from school and be able to think when we got home.

There is the other issue about nutrition. As a physician, often I have seen that the ability to access nutritional food is very limited. The costs are prohibitive. Again, I go back to the fact that half of first nations people in Canada earn less than $13,500 a year. How can they afford to buy the fruit and vegetables and meat that is required for a balanced diet? As a result, we see malnutrition and terrible health conditions in some of the more remote communities.

I also want to deal with the issue of fetal alcohol syndrome and fetal alcohol effects. It is in epidemic proportions among aboriginal people on and off reserve. It is the leading cause of preventable brain damage from birth in Canada. It is something that has received short shrift. More than half of the people in jail have fetal alcohol syndrome or fetal alcohol effects. The average IQ is 70. The tragedy is that this is an entirely preventable problem.

● (1640)

Fetal alcohol syndrome is the leading preventable cause of brain damage at birth and we need more than just posters on clinic walls. We need a series of engagements through our medical community.

I want to propose something that was in a private member's bill that was quite controversial but received two responses. One response was from those who deal with rights issues and they said that I was violating women's rights. The other was from those who took care of children with fetal alcohol syndrome and they said, “Thank God you have done this. Thank you for bringing this bill forward”.

The bill said that if a woman was pregnant, had chosen to take her fetus to term, was willingly and knowingly taking substances that were injurious to the fetus and had refused all help, two physicians could actually put that woman, against her will, into a medical facility for treatment. I know it is harsh but I have dealt with this clinically.

I have had 15-year-olds tell me to take a hike when I have begged and pleaded with them to take the treatment I was offering while they were pregnant. When I asked one 15-year-old patient what she would do if her baby had fetal alcohol syndrome, she responded by saying that if it were cute, she would keep it, but if it were not, she would give it up. That is the reality. That is the harsh situation on the ground. While nobody wants to trample on anybody's rights, it is fundamentally important, I would suggest, that we take a pragmatic approach to this.

We have the same parallel for adults. Two physicians can put people in treatment in a hospital against their will if they are a danger to themselves, to other people or are unable to take care of themselves. If a person meets those criteria, physicians in Canada can sign a legal form and put those individuals in a treatment facility against their wishes. Why do we not apply the same thing for a pregnant woman who deserve all the sympathy and compassion that we deserve?

The hard, cold fact of the matter is that a child does not deserve to be born with an IQ of 70 if that baby boy or girl can have a chance of being born with a normal IQ. Life is tough enough as it stands to have a normal IQ and be able to navigate the shoals of life as they come toward us. Is it not cruel to saddle a child with irreversible brain damage, damage that never had to occur, and committing him or her to a life that can truly be horrific?

I know that is controversial and difficult but it may be something that the government might want to propose in the House. We should have that debate and bring fetal alcohol syndrome to the forefront. We should try to find the best minds in our country and the best ideas internationally and apply them to this hidden crisis.

Fetal alcohol syndrome affects many people but is largely unknown because fetal alcohol syndrome or fetal alcohol effects in someone is not immediately evident to anybody else. They do not come with a stamp on their foreheads that say they have FAS or FAE. The signs are subtle and often clinically difficult to pick up but the impact upon the lives of those people is so profound, so significant and have so many negative implications that I cannot overstate the matter.

I was a correctional officer years ago and all one needs to do is go to the jails and speak to psychologists to see the number of people incarcerated who have this. The proof in the pudding is that the chances of an aboriginal male being incarcerated is 11 times higher than an non-aboriginal male. Another shocker is that the chances of an aboriginal female going to jail are a staggering 250 times greater than that of a non-aboriginal woman. Can anyone imagine that? That is a social catastrophe.

I think the government would find a willingness from all parts of the House to work with the best minds, the aboriginal communities, the aboriginal leaders and those in first nations communities who know and have solutions that will address these pressing social problems. I would plead with the government to do that as soon as possible.

● (1645)

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, a few weeks ago, I met with about 25 first nations students who were doing their post-secondary studies. I talked with them about some of the issues they had faced in getting there. Some of the issues were very similar to many other Canadian students, such as the financial burden of a huge student debt. However, they did mention something very specific, which was the need for a model through a mentorship program that many of them were exposed to.

It is interesting that many of the students who spoke with me were themselves mentoring their younger brothers, sisters or cousins. Most of the students told me that the program needed more resources. In many cases, they felt overwhelmed by the issues that they were asked to deal with through the mentorship program.

One of the recommendations that the human resources committee made through the employability study that we were conducting over the past couple of years was to build that capacity through mentorship programs. I am wondering if the hon. member would comment on how that kind of mentorship could be expanded and improved with the understanding that he brings to these issues. How can we support those young people who are themselves now in a position to provide mentorship to their brothers and sisters?

● (1650)

Hon. Keith Martin: Mr. Speaker, I know my colleague from Victoria has a lot of interest and knowledge in social issues and works very hard on these issues back home and across the country.

Her comments are well taken. As I mentioned earlier, the Native Women's Association of Canada expressed the very concern that the member from Victoria is expressing, which is that there are not enough resources at the grassroots levels to do these incredible initiatives that are coming up by aboriginal people for aboriginal people.

What INAC needs to do is to facilitate the resources and get on the ground to support those grassroots NGOs and grassroots initiatives that can accomplish just that.

Earlier today, in questions and comments on a previous bill dealing with first nations issues, the minister said that, on the economic side, he was trying to do that with respect to economic development. Maybe what we need to do is identify some best practices in aboriginal communities across the country and share those best practices across the land so that a mentoring program that is working well in British Columbia can be shared with a mentoring program for communities in Ontario, Newfoundland and other parts of our country.

It is critically important that this happens. I have always been a fan of where, in this case, first nations community groups that are doing some extraordinary work, that those jewels, those areas of success should be shared and that those people who are doing the work should have the resources to go across the country and share their expertise with other communities.

I think that would be something that the minister and the Department of Indian and Northern Affairs should champion forthwith.

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, I thank my colleague for his fine remarks on Bill C-47 and for outlining the realities faced by many native people across this country.

The bill is entitled, "An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves".

We have said in this House that we support the intent of the bill going to the committee because there are some issues that are valuable in the bill and it does deals with some of the concerns that have arisen since the 1986 Supreme Court ruling which basically stated that the courts could not apply provincial-territorial family law because reserve lands fall under federal jurisdictions.

At the same time, even though we support the intent of the bill and we understand that there are incredible matters of human rights and rights of women and children living on reserves that need to be addressed, I take note, and my hon. colleague has already stated that he takes note as well, that the Native Women's Association of Canada, in its March 4 press release, stated:

> There is nothing in the legislation that addresses the systemic issues of violence many women face that lead to the dissolution of marriages nor is there any money available for implementation. In the end, we end up with a more worthless piece of paper.

That was said by Bev Jacobs, the president of the Native Women's Association of Canada. She criticizes the legislation because it fails to address some of these issues.

As I said, I support the intent of the legislation and there is some value to studying the legislation, but it is somewhat inadequate in addressing all those realities and all those issues.

Perhaps my hon. colleague could answer some of those questions that were raised.

● (1655)

Hon. Keith Martin: Mr. Speaker, I know my colleague from Davenport has been an ardent worker on an array of social issues in his riding of Davenport, as well as across the country.

The cruel aspect of this bill and something that absolutely needs to be addressed in committee is what to do with the acute housing shortage that exists. If a family breaks up, the woman and the children need to go somewhere but the question is, where. Because of the toxic situation of homes on reserves, the lack of absolute numbers and the lack of quality, this poses an extraordinary problem, a problem that has not been addressed and which can be brought to light through this bill and, in so doing, would enable us, I hope, to get the best ideas possible to deal with the housing situation.

I know the minister raised a very good concern, one he and other aboriginal leaders across the country have, which is where the moneys that are going in are going.

Also, however, there is a lack of resources going into housing and the housing that is built is often not of the quality it should be. Some of the unscrupulous individuals who are building substandard housing in Canada should, frankly, be put through the court system and tried for fraud because they are ripping off aboriginal communities and taking money away from those people who can least afford it. They are leaving them with horrific situations and horrific financial conditions that they cannot get out from under.

The third thing is that where housing is being built, there should be a mandatory provision for capacity building within first nations communities. There should be an obligation on a contractor who is doing work in the community to build capacity within and among the aboriginal members of that community. I think that would go a long way to addressing some of the conditions we see and building up the long term capacity that is desperately needed in first nations communities.

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I did hear the member opposite make a number of interventions on aboriginal issues. He did speak to the bill, as well, but he raised a number of other issues which I agree do exist within first nations throughout our country.

However, it seemed that he was also latching on to an argument that has been posed by other members, that, in light of the fact there are these other issues that do exist, perhaps that should be used as an argument against supporting this bill. I would like to ask him whether he is using that flawed logic as well.

Hon. Keith Martin: Mr. Speaker, as they say, *carpe diem*, seize the day.

This is an opportunity for us to use the bill, to seize the day, to deal with issues such as aboriginal housing, aboriginal health, access to education, governance structures, environmental conditions on and off reserve.

I say off reserve too, because we know a the large number of aboriginal people living off reserve are excluded. Frankly, they only receive about 3.5% of the moneys through the Department of Indian Affairs and Northern Development. They are left bereft, but their needs are as great as those living on reserve.

This is an opportunity for the government to seize the day, take initiatives, tap into the finest ideas of our land and deal with these issues now.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am delighted to follow the member, my colleague from Esquimalt—Juan de Fuca. He has used the phrase *carpe diem*. I want to use the phrase *fidelitas in arduis*, which is Latin for strength and determination in adversity.

My friend from Esquimalt—Juan de Fuca will be the only person in the House who knows what I am talking about. That is actually the motto of our high school. This past weekend he and I attended the 50th anniversary dinner for Neil McNeil High School in Toronto. This is not the subject of my intervention, but I wanted to mention that.

We are dealing with a statute that will be making a major change in the legislative foundation law that governs our first nations. While one can see the reason why the House and the government are dealing with the legislation, one also has to acknowledge that we would rather, as a Parliament, not have to legislate for our first nations. The best of all possible worlds would be that our first nations would themselves be in a position continually to deal with the personal law matters of their members on their reserves.

Throughout the wide breadth of the country, that is in fact the case. The tribal councils on all the reserves handle pretty well most of the daily needs, legally, of the reserve, albeit under the infrastructure of the century old Indian Act, which they complain, and which most members of Parliament will agree, is a bit too old and decrepit as a statute to govern the modern circumstance.

Approximately eight or nine years ago, I recall three or four separate major pieces of legislation were proposed to the House, which were very controversial. While some of the first nations across the country supported those bills, many did not. Many also regarded those statutory proposals as unwarranted interventions by Parliament in the first nations sphere of activity.

The problem Parliament and government has is that government has a constitutional obligation to manage or oversee what is called Indian affairs. It also has the contractual obligations of treaties and has ongoing societal development issues on the reserves involving our first nations. It is very difficult to do that under the auspices of a statute that is 100 years old.

It needs to be modernized. Therefore, if we all agreed on that, I suppose we would then move into the phase of developing modern laws for our first nations, ones that they have wanted. The difficulty is that there is not one first nation. Our first nations are as diverse as the rest of the world is. Each reserve, each tribe, each grouping has local traditions and languages. Therefore, it is very difficult for one Parliament, one legislature, to somehow embrace the whole scope of first nations activity and social development and come up with one set of laws that will govern.

I wanted to get that on the record because any member who speaks in here on these statutes I am sure will want to recognize the complexity of this and why we feel that government is compelled to do this at this point in history. We want to try to do it as best we can, but realize that at the end of the day, we expect and want our first nations to step up to the plate, wherever they can, and manage these issues.

● (1700)

The statute under consideration deals with matrimonial breakup, matrimonial property, domestic breakup, domestic property and also what happens in an estate at the time of death.

Up to now each first nation may have its own way of handling these things. For those who do not or do not do it effectively, there is the Department of Indian Affairs and Northern Development. A lot of the people working there now are first nations peoples, but over history most of them were not. This resulted in the unsatisfactory circumstance of an administration attempting to administer laws and impose rules and regulate affairs on our reserves, when they might have been hundreds and thousands of miles apart and divided by culture and by language, which was very unsatisfactory.

The proposed statute realizes the significant need among our first nations for some clarity, to fill voids in the law. Most Canadians know they have access to laws that govern the breakup of a marriage or govern an estate at the time of a death. This is not the case with every first nation because provincial laws do not govern first nations. I suppose individuals on a reserve could voluntarily subscribe to those laws if they wished to enter into settlements, but those laws do not bind our first nations. The deal that the white man cut with our first nations centuries ago and in treaties was that our first nations people manage those things themselves.

Our Charter of Rights and Freedoms is supposed to be there for all Canadians. We are now finding that our legal infrastructure, in some cases, is not accessible by first nations on reserves. If the statute passes, I would like to think our first nations peoples will accept it as a reasonable attempt by Parliament, as a whole, to offer them a legal infrastructure that will allow for some regularization and to fill some of their needs.

There needs to be some consistency across the country and if not across the country, at least within a province. What happens in a family breakup on a reserve can be roughly consistent with what happens in a breakup elsewhere. If two people cannot solve the problem themselves, they have to go to a decision-maker. Who is the decision-maker? What rules will he or she use to decide on this? There has to be clarity and consistency. We have to fill the void. We are a country that thrives and relies on rule of law. We cannot have voids in our law and places in the country where there is the application of discretion, unregulated discretion, arbitrary decisions, or unfair decisions.

The best to expect would be that each couple involved, whether in a breakup or a death, would settle it without a dispute. That happens a percentage of the time, but a lot of the time it does not. We realize that.

● (1705)

Then the next best thing we could have is it could be settled on a first nation reserve, using the rules the first nation itself normally uses, rules that the first nations members themselves have embraced, accepted and are used to applying. That is probably a pretty good arrangement and one that would be consistent with our history and our rule of law, which includes the Constitution-based first nations entitlements.

However, we still may have the problem of inconsistency. If the rules on a particular reserve say that the chief makes the decision, the chief may make a decision that is conspicuously out of keeping with decisions made on other reserves or, for that matter, elsewhere in the province in question.

The statute deals with the family home and then with other matrimonial property. The matrimonial home is dealt with one way and that is how it is handled in most of our provinces, if not all now. The matrimonial property, the money, the heirlooms, the hand-me-downs, are handled separately from the family home.

The proposed law itself begins by setting out some basic definitions. While to the layman, they will read as a very complex thing, what it actually tries to do is encourage first nations to adopt their own rules and laws. If first nations do that, this proposed statute will enable them and assist them to do it. In so doing, it imposes a regime of verification, which is really Parliament's attempt to ensure that when the first nations develop these codification of laws governing these issues, that they are in the ballpark and compliant with our charter and with prevailing norms in terms of matrimonial settlements.

We all realize there has to be some flexibility. As much as in theory, a first nations chief might have the ability to pick between two sometime common law spouses. At the end of the day, it will not be fair if those decisions are made and are way out of keeping with prevailing legal norms. All citizens of Canada, including members of first nations, are entitled to the benefits of the charter, which includes rule of law, some certainly and fairness as to how their lives are sorted out when there is a dispute like this.

Clause 7 of the statute sets out a mechanism that allows for the first nations to write some of their own laws and rules. It is noteworthy that in so doing, Parliament in this statute so far, and I have not sensed a will to change it, has decided that the delegation of that ability to make rules, which from a Canadian statutory point, is a delegation to the first nation. However, under first nations perspective, they might not see it as a delegation at all. First nations might say, no, that it is their right to make these laws, that we cannot delegate anything to them that they do not already have the right to do as first nations because the white man and the Queen said that they could do it that way 100 or 150 years ago, or whenever it was.

● (1710)

In the statutes it is described as a kind of a delegation of law making authority, but it also says that this delegation of law making authority is not a statutory instrument. It is not a statutory instrument that would fall under the normal delegation of rule making powers that we often use around here.

If Parliament delegates the authority to a minister to make regulations, those regulations are scrutinized by Parliament and our courts of law. In this statute, when we delegate our way to the first nations, those are not statutory instruments and they will not be scrutinized or treated as statutory instruments.

My own tendency, as a legislator, is to say no, we better not delegate anything without the ability to scrutinize and check it. At the end of the day, out of respect for our first nations, we do this. We say they have the rule making authority and we are not going to oversee and scrutinize it like we do all of our other legislation. We respect their right and need to make those rules and laws. We will help them do it with the verification process, but we are not going to interpose and tell them how to do everything and scrutinize the way we do our other laws.

I want to reference an existing problem included in this. Most members will not be aware that there have been two reports presented to this House from the Standing Joint Committee for Scrutiny of Regulations that reported to the House serious problems with the Indian estates regulations.

As l pointed out, this bill covers the breakdown of a marriage in death, but what happens to the property? Prior to this, under the Indian Act, the government had already encountered problems in dealing with matrimonial property and general property on the death of a first nations member. In most cases, it was pretty clear and members of the first nation knew exactly what was to happen when the individual passed away. But in the modern world with all the changes going on things began to go a bit askew.

I will give an example where a male would get married and maybe the marriage would last for a couple of years and then he would take a common-law wife after that. Perhaps he and the common-law spouse would live together for 20 years and the old marriage was way in the past, but still in existence. Let us say the individual were to pass away. Who, in law, would the spouse be who would be entitled to take the property of the diseased male? And it can work the other way too. But it was very unclear, if the local chief or tribal council did not have that organized, and it was really complicated as to who was going to get the property.

Under the Indian Act, where there was some power to do this, the government decided to adopt regulations. The regulations permitted the minister to make the decision about which spouse and which set of kids inherited the property of the deceased first nations member. Wherever there was a big problem, it seemed to work except for one thing. The government actually never had the power in law to make those regulations.

So, those regulations have been impugned and while we have not struck them down, there are many decisions of ministers deciding to entitle group A and not group B, when group B may have actually had the legal entitlement. There are unresolved cases out there and I give credit to the aboriginal community and the people involved in those matters for acceding to the purported use of power by the Indian Act administration.

● (1715)

This act, unfortunately, does not resolve those regulations. We asked the government to include in this bill a provision that would settle and say that all those old decisions are legal and binding. The government did not take that advice. That provision is not included in here, so there are still some issues outstanding in theory.

Having put that on the record, I will stop there.

BUSINESS OF THE HOUSE

Mr. Laurie Hawn (Parliamentary Secretary to the Minister of National Defence, CPC): Mr. Speaker, I rise on a point of order. There have been consultations and I think you would find, if you were to seek it, unanimous consent for the following motion. I move:

> That, notwithstanding any Standing Order or usual practices of the House, during the debate tonight on a motion to concur in the Seventh Report of the Standing Committee on Canadian Heritage, no quorum calls, dilatory motions or requests for unanimous consent shall be received by the Chair, and at the end of the debate, the motion be deemed adopted on division.

● (1720)

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

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[*English*]

FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS ACT

The House resumed consideration of the motion that Bill C-47, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves, be read the second time and referred to a committee.

Hon. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, I listened very intently to the remarks of my colleague from Scarborough—Rouge River. I can imagine that there are not that many aboriginal or first nations people in his riding as there are not in my riding either of Etobicoke North. I was quite impressed with his knowledge of the landscape of this particular bill.

I have been following the debate on the bill and I think it is a very important piece of legislation. I am surprised that a bill dealing with matrimonial interests and rights does not seem to have the support of aboriginal women in Canada nor does it seem to have the support of the Assembly of First Nations. I find that rather shocking and perhaps if the bill goes to committee there will be ways to improve and enhance the bill.

However, I am surprised that the Conservative government would table a bill that does not seem to even remotely have the support of some of the key stakeholders that would be involved.

I know that my colleague from Scarborough—Rouge River is a very accomplished lawyer. I wonder if he could expand on some of the jurisdictional issues that he touched on and that I have become aware of in following this bill and the debate that is going on.

It is my understanding that the Supreme Court in 1986 ruled that when a conjugal relationship breaks down on reserve, the courts cannot apply provincial and territorial family law because reserve lands fall under federal jurisdiction. So, although on the face of it that seems fairly straightforward, I wonder if the member for Scarborough—Rouge River would speak about some of the constitutionalities of those issues.

These provisions, which I gather if this legislation would come into force, would be an interim measure and would be a bridging measure that would suffice until the various first nations communities brought in their own laws. Indeed, we have been moving toward self-governance among the aboriginal people of Canada.

Currently, how are these problems resolved in the absence of this legislative framework and how does he see it moving in transition from this legislation to a world where there is more self-governance within the aboriginal communities?

Mr. Derek Lee: Mr. Speaker, my feeling is that while we might look upon this proposed statute as a bridge, allowing time for aboriginal communities or first nations communities to actually enact the rules they want in their various communities, it is probably a fact that they will not all get around to it over time. In the absence of really clear, enforceable rules among the first nations, we have problems of lack of clarity and inconsistency, and we have charter problems.

I like what the bill offers in terms of saying to first nations, "Take this and run with it and we will help you do it". However, for those who never get around to it, the provisions in the bill will govern. I can understand why aboriginal women's groups might be cautious about this. In a sense I am guessing because I have not met with any in the last little while.

However, if there is an aboriginal female on reserve and she looks at the tribal council and she looks at all the guys running the show, she might not feel that comfortable having these guys make up a bunch of rules. A lot of the women might prefer the legislative template and infrastructure that exists in the provinces.

However, women do not have access to those. Also, provincial legislation and federal legislation is not in any way nuanced to deal with the circumstances of the first nations women. They have their own history and culture.

This law has been developed, using current existing legislative norms and matrimonial law norms from across the country. Those women may say that it is great for us in urban Canada, but they have their own thing. This bill does not hit the nail on the head and they need more time, or something. I have respect for that.

On the constitutional side, we are making the best of a very complex basket weave situation here where the provinces just do not, because of our constitutional history, have any jurisdiction involving these matters on reserves. It might be a lot simpler if they did, but if that were to be the case, we would have to have the first nations on the reserve fully plugged into an accountable legislature, and electing people to the legislature. We just have not developed that yet.

I am not sure what the first nations want in that regard, but I sure do not want to propose something that they do not want. What they have now is what they have, and I would like to have members of Parliament work with them and help them develop what they want. However, in the interim, we have this one size fits all with an opt out for first nations who want to customize their own lives in this regard.

● (1725)

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, one of the major criticisms that the first nations have, and the women's groups in particular, has been that there is no provision in the legislation for funding for the transition that will be required. I wonder if my colleague could comment on that and whether his party would be prepared to oppose the bill until we see that kind of relationship established.

Mr. Derek Lee: Mr. Speaker, that is really a cogent question. I cannot speak for my party, but most of us could endorse a concept of federal assistance with funding to assist the first nations to develop.

I do not think we would put an actual amount in the bill, and if we do not put an actual amount in the bill, then we would have the question of how much and then it is sort of left with the government. I do not think I would want to oppose a provision in the bill that put on the government a statutory obligation in some fashion, either firm or flexible or something in between, to assist financially in the development of the transition as requested by the first nations women.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I think the next speaker on the list might be interested in the answer to this too. I would like to ask the member if he thinks the government supports this bill. As of this afternoon, we have had a whole day of debate and the government has not had a member speak on the bill. The minister of course supports it as it is his bill. He introduced it.

However, every problem has raised a number of issues. The normal procedure would be that the government would say, "Yes, but here is the answer to those issues, and yes, we still support the bill". We have no indication of that at this moment. I would like the member to comment on the policy making process.

Mr. Derek Lee: Mr. Speaker, the member has spotted what might be interpreted as an apparent lack of interest on the part of the government in passing the bill, but there was a time when the member and I sat on that side of the House, on the government side, and there are occasions when a government believes the bill is perfect in every way and does not believe it is necessary to put up members to speak and delay the passage of the bill.

The opposition often takes a slightly different perspective on it and, for all kinds of reasons, wants to make constructive comment on the bill. I have tried to do that here today. I know the next speaker will do the same.

I should point out that earlier today we actually did get another bill passed in this same first nations envelope, so the government is probably feeling fairly good about that.

The Acting Speaker (Mr. Andrew Scheer): 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

● (1730)

[*Translation*]

OFFICIAL LANGUAGES ACT

The House resumed from February 6 consideration of the motion that Bill C-482, an act to amend the Official Languages Act (Charter of the French Language) and to make consequential amendments to other acts, be read the second time and referred to a committee.

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, several of our government members have already had a chance to voice their opposition to Bill C-482. The only possible conclusion is that this is a bill intended to solve a non-existent problem. The 2006 census shows that French is doing well as the language of work in Quebec.

The census has been collecting data on the language of work since 2001, and the 2006 census shows that 99.2% of Quebec francophones use French most often or regularly at work. This figure speaks for itself. It is very hard, therefore, to claim that English poses a serious threat in Quebec and the federal government is responsible. The facts show that this is simply not the case.

Some 94.3% of all Quebec workers use French, with varying frequency. In addition, between 2001 and 2006, the percentage of immigrants who said they use French most often at work, either alone or together with another language, increased from 63% to 65%. There was also an increase in the proportion of anglophones who use French at work most often or regularly. I also want to remind the House that 69% of Quebec anglophones are bilingual now, in comparison with 63% just ten years ago. Under the circumstances, we really do not see the point of Bill C-482.

If we look at the results of the 2006 census on mother tongue and the language spoken at home, it becomes apparent that certain people have a tendency to draw hasty conclusions about major trends in our society, which in themselves do not pose a threat to the French language. It is true that many immigrants speak their language of origin in the home in order to pass it on to their children. Nevertheless, most of these people work in French and frequently use it in public. In addition, their children attend French-language schools and will eventually find it easy to migrate to this language.

Some concerns were raised last December and January about data on how easy it is for unilingual English staff to get hired in Quebec businesses. Everyone who is familiar with the statistics knows that this was not a serious study and it was undertaken mostly just to stir up trouble without really improving our understanding of the linguistic situation.

We also need to know that the situation in Montreal is not evolving in a vacuum. Every day some 270,000 people from the northern and southern suburbs of Montreal, most of them francophones, cross the bridges to go and work on the island. Nine out of ten of them use French at work: 73% most often and another 16% regularly. Under the circumstances, there is no reason to fear the worst, especially as the data show that the use of French in Montreal has remained stable.

In Canada as a whole, because of immigration, we see the same linguistic diversification and reduction in the proportion of people with English as a mother tongue. Given the importance of English in the world, it is hardly surprising that this is a consequence of our very necessary immigration.

The second good reason to oppose this bill is just as important, since is has to do with a truly Canadian value: the equality of status of English and French, and the commitment of the federal government to enhance the vitality of English and French linguistic minority communities in Canada. Our government cannot emphasize enough the principle that both official languages are equal.

With this bill, the Bloc is implying that the federal government is a threat to the French fact in Canada, when nothing could be further from the truth. Yet again, the Bloc proposes a backward-looking vision, where the knowledge of one language is necessarily a threat to another.

Through its official language policies, the government encourages not only francophone minorities, but also all Canadians, to learn French. That is why we now have a record number of Canadians who are able to speak both official languages.

● (1735)

The government supports the French fact throughout Canada and particularly supports francophone minority communities. There are more than one million francophones in our own country. This opens the door to the international Francophonie.

This year, the 400th anniversary of the founding of Quebec City, some important international Francophonie events will be held. Quebec City will host the next Sommet de la Francophonie from October 17 to 19, 2008. It is no coincidence that francophone heads of state and government are turning to Canada to hold their discussions. Canada is a beacon of support for the dissemination and promotion of the French language.

Canada is proud to be a partner in the celebrations, which highlight an important chapter of our history. We want the 400th anniversary of Quebec City to be a celebration all Canadians will remember. It is a great opportunity to celebrate the event, the francophone presence in the Americas, and the vitality of the French fact.

The two official languages of Canada are also languages with high standing internationally, let us not forget. French, which is one of the ten most commonly spoken languages in the world, ranks second for the number of countries where it is spoken, and in influence. Like English, French can be found on every continent, and it has official language status in 29 nations.

The Prime Minister has often said it, and I quote him without hesitation: we share a long-term vision of a Canada where linguistic duality is an asset both for individuals and for institutions across Canada.

The future depends on learning the second language, and even other languages, in a global economy and a spirit of openness to the world. Languages are the key that enables us to understand and appreciate other cultures.

The Canadian language framework that has been developed in recent decades originates in and is based on the principles and provisions found in our Constitution. Canadians today still say that these values are widely shared, and we will make sure that future generations have an opportunity to enjoy the benefits of bilingualism, one of Canada's fundamental characteristics.

Our language industries are helping to position Canada on the international stage and they will continue to thrive in the years to come thanks to the cutting-edge research that is being done and will continue to energize this entire sector of the economy and thereby Canada as a whole. I would like to take this opportunity to note that Canada continues to be a world leader when it comes to translation and other activities of that nature. We are also a model for many countries in the management of linguistic duality.

In conclusion, we are determined to continue working to help the official language communities flourish, in a spirit of open federalism and in a way that respects the jurisdictions of the provinces and territories. Our approach to developing a new strategy is therefore aided by our continuing dialogue with the provinces and territories, and in particular by the work done by the Ministerial Conference on the Canadian Francophonie.

The provincial and territorial governments are the ones that can take direct action on issues of crucial importance to the vitality of official languages communities throughout Canada, and our government looks forward to working with them to promote Canada's linguistic duality.

In recent years, the Government of Canada has developed a number of policies on official languages, and our government is working actively on the next phase of the action plan, in order to take into account social and demographic changes in Canada. We want to offer Canadians the support that is best suited to their needs. We want to help them preserve their linguistic and cultural heritage and reap the full benefits of that heritage and pass it on to future generations.

Our government will continue to build on existing accomplishments so that Canadians can benefit from all the advantages our country has to offer because of the unique cultural wealth our two official languages represent in North America.

● (1740)

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, I am very pleased to rise here in the House today to speak to Bill C-482, An Act to amend the Official Languages Act (Charter of the French Language) and to make consequential amendments to other Acts.

When we look at the whole issue of the Official Languages Act, there is one thing we must always keep in our sights, one very important thing. That is ensuring that the legislation will improve the conditions of official language minority communities, for both francophones outside Quebec and anglophones in Quebec.

In order to be able to move forward and not backward we must also ensure that the act can be properly defended. If we want to be in a position to properly defend it we must make sure that, when people propose amendments to certain acts, those proposals do not run counter to what many generations have been trying to do over the years to improve the conditions of official language minority communities.

Clearly, anyone who tries to improve the conditions of official language minority communities must be an ardent defender. The Liberal Party of Canada has always been an ardent defender of official languages in this country. We have taken steps to advance many causes and have ensured that programs are in place to enable communities to defend their rights before the courts.

However, when we look at a bill like Bill C-482, we might ask ourselves some serious questions. Serious questions might come to mind because, indeed, as though by chance, this bill is trying to separate one part of the official languages issue in this country and shift it. In the end, it conveniently addresses one part of the issue without considering the overall situation. And the overall situation is very important.

It is not possible to try to make amendments to an act or take over an act—acts under federal jurisdiction—that exists to ensure respect for communities, that exist to ensure that communities, even those in a minority situation in any given region, province or territory, do not see any decreases in their services, their standard of living or their rights.

Respecting their rights also includes the whole issue of employment and language of work. Certainly, if at some point we try to generalize and say that everything is going to go in one direction, people are going to suffer. People are going to suffer because their rights will not be respected. That is one of the reasons why we have the Charter of Rights and Freedoms, to ensure that communities, including language communities, are respected.

But this is a constitutional issue as well. The Official Languages Act guarantees Canadians the right to be served in the language of their choice, be it French or English. Some people want services in both languages, because many communities across the country are bilingual. However, the government has to be able to provide those services.

Imagine for a moment telling the people who work in institutions and undertakings governed by the Canada Labour Code, "Now, you no longer have the right to serve people or work in your own language." It is a matter of respect.

This does not necessarily mean that the language of work has to be English only or French only. There has to be a balance. In my riding, for example, there are francophones, mainly in the Madawaska area, and there are more anglophones in the Restigouche area. We cannot say that the francophones would not have the right to work in French and would have to work in English only, because it is the majority language in New Brunswick. The reverse is also true. Imagine if it were to happen one day. In one case, the rights of the francophones would be trampled, while in the other, the rights of the anglophones would be violated.

When it comes to official languages, we must always make sure we do not come up with just any bill to promote one part of the official languages issue for our cause. The issue here is not just a separatist cause versus a federalist cause. People all across the country have the right to be served in their own language, but they are also entitled to some respect when it comes to language of work.

● (1745)

As I mentioned earlier, we must never forget that there are other communities in the country, notably francophone communities outside Quebec. These people would like to be able to work in their language, but they are conscious of the fact that they are not necessarily in the majority and that there are also anglophones who work in their language.

We cannot simply tell a minority community that some of their rights will be taken away because the language of work must be limited to a single language. Nor can we say that their rights will be set aside because they are not important. We have to be careful. Often when we talk about linguistic issues it leads to debates because it directly affects individuals. People most often express their gut reaction because they remember the struggle they went through to defend their rights.

It is hard to comprehend that a Bloc Québécois member has introduced such a bill. Bloc members must also be aware that Canada has two official languages. The problem does not crop up province by province. If things were that easy, there would not be any problems in the world. At some point, we have to be able to recognize that each one of us has the right to our own little space and the right to more forward in consideration of our linguistic situation.

It is a bit difficult to understand where people want to go with this bill. We need to have a broad overview and not just look at elements here and there. If we only look at the elements in isolation, we would never be able to move society forward. That would certainly benefit some. However, the Charter of Rights and Freedoms exists to protect minorities.

If there were no injustices, there would be no laws. If justice prevailed across the country and there were no problems, we would not need any laws. However, it is because there are injustices, and rights are not being respected, that we have to bring in legislation to govern the country fairly and appropriately, to ensure respect for official language communities within the country and within each province.

Imagine if each province made its own decisions on this. Some provinces might be interested in doing so. Imagine though how difficult it would be to have the official languages respected. People would end up having to choose which province to live in to receive certain services or to have the right to work in their language. It is somewhat illogical to think that way. That is not what we want. We want people to stay in the province of their choice and work in their language. That does not mean it has to be English only or French only. It is a matter of basic respect.

At the very beginning of my speech, I was saying that we have to make progress on the entire issue of the Official Languages Act. I will give an example that is rather easy to understand. Recently, Ms. Paulin from New Brunswick stood up for her rights and won, and now the RCMP has to provide services in French in New Brunswick. This is a reality: the law will enhance the quality of life of citizens who will be respectfully served in their official language.

The same is true for language of work. It is important to observe reality and get statistics. How many people who speak a certain language work in the public service or in places governed by the Canada Labour Code? Sometimes, these percentages are quite low.

Often, people adapt. Minority communities adapt far more than others to the language of the majority. At the very least, an anglophone should not be required to speak French and vice versa. It is always the same issue: we do not want the inverse to happen. We do not to put others through something we would not want to experience ourselves.

My presentation is drawing to a close. In my opinion, we must remember this: do unto others as you would have them do unto you. If we want our rights to be respected then we have to give everyone rights.

● (1750)

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, I am pleased to speak today to Bill C-482, concerning the Charter of the French Language.

This bill proposes a number of changes with the goal of increasing the use of French as the language of work. It also proposes an amendment to the Canada Labour Code to protect the language rights of francophone workers in the federal sector governed by the Canada Labour Code.

My NDP colleagues and I believe that this bill deserves to be examined in committee. Our primary interest is to protect French where there is the largest group of francophones—in Quebec—and then to focus on the need to increase and promote the use of French at work. Of course, that does not mean that we want to reduce the presence and influence of French elsewhere in Canada. On the contrary, everyone wins when we strengthen Canada's uniqueness and truly try to respect the spirit of bilingualism.

We are all aware that there are still numerous obstacles preventing many Canadians and Quebeckers from truly learning French. Several reports suggest that the use of French is declining even in Quebec. Is this true? We do not know. Further study and discussion are required. A few months ago, the writer Roch Carrier spoke about the high rate of illiteracy in Quebec. That is disturbing. This bill should be examined in light of that kind of problem.

After listening to the comments of my Liberal colleague, who seems to simplify the problem, I believe that we should stop fueling the separatist cause. In a recent interview, the Commissioner of Official Languages expressed his disappointment with the Conservative government's policies pertaining to official languages. I am thinking of the appointment of judges and others, the abolition of the court challenges program— which truly helped francophones exercise their rights outside of Quebec—or the lowering of standards for French in the public service and the military. All these actions taken by the Conservative government undermine this type of educational programs. Yet, the Prime Minister himself is an example of the success of these programs. So why refuse to study a bill that seeks to protect the right to use French as the language of work?

Affirming the language rights of francophones does not at all diminish the rights of anglophones. On the contrary, these actions provide all Canadians with choice and, in this way, ensure the continued growth and vitality of the French language throughout the country.

We know that this is an important issue for Canadians living outside Quebec as well. For example, in my riding, French immersion programs are in high demand and are probably the most popular education program in British Columbia. That is definitely the case in my riding.

On a personal note, my own experiences growing up in Manitoba showed me the importance of promoting French there.

● (1755)

French was banned from the education system for an entire century. I even remember being a little girl, taught by nuns, and when the inspector came into the classroom, we had to put away our French textbooks and hide them. Imagine such a situation. It really created a feeling of being attacked. We had the impression that we did not have the right to speak French.

And if we believe that the French fact enriches Canada as a whole, it must be given the support it needs to fully develop.

However, it remains to be seen if this bill could do that, if it could really achieve those goals, given that we are talking about areas of federal jurisdiction. That is one of the main reasons why we are suggesting further deliberations on this bill in committee.

In addition, the issue of how the provisions concerning federal institutions and companies will be imposed still has yet to be resolved. My hon. colleague from Acadie—Bathurst already raised this question in his comments. What impact will this bill have on companies such as Air Canada, VIA Rail and many others?

The business administration of these federal institutions, and particularly the promotion of French in those settings, will be a focal point of the committee deliberations, if the bill is in fact referred. That is another reason this debate is necessary. It would be one way of assessing the health of French in those federal institutions.

I am convinced that if we keep an open mind, both in the House and in committee, we will successfully make decisions that will allow us to achieve the following goals: first, to allow Quebeckers to express themselves fully at work in their mother tongue and, second, to preserve and encourage the use of this rich, dynamic language, which we are fortunate to be able to use anywhere in Canada.

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, May 1—International Workers' Day—was barely two weeks ago, yet it seems that there are two categories of workers in Quebec. Workers in the first category have the right to work in French in Quebec. They are governed by Quebec labour laws and Bill 101, the Charter of the French Language.

Over 200,000 Quebec workers in the second category are governed by the Canada Labour Code, and their employers are not subject to the Charter of the French Language. All too often, they have to work in both languages and sometimes, in English only. Some of them feel like second-class citizens in Quebec. They are the ones working for organizations that fall under federal jurisdiction, such as ports, airports, telecommunications and broadcasting companies, interprovincial and rail transportation companies, banks, and Canada Post Corporation.

Most of these organizations ignore the Charter of the French Language. Some openly flout it. Bill 101 does not apply to these employers in Quebec, so they can impose their language on their employees, who receive their weekly English-language schedules, and are blithely asked to attend meetings that are held, all too often, in English when at least one of their colleagues is unilingual anglophone. Bizarre situations arise as a result. For example, a company under federal jurisdiction is not required to respect the language of its workers in Quebec, but the union representing those workers, which is subject to the Quebec Labour Code, must comply with Bill 101.

Witnesses have stated that employers even force their employees to work in English, threatening to cut jobs in Quebec and create new jobs elsewhere in Canada, where people speak "Canadian", if they do not agree to write their reports in English or if they speak up when they receive internal documents written in English only. I should clarify that employees are not refusing to provide services to clients in the latter's own language. They simply want meeting minutes, or the meetings themselves, as well as their interactions with their employers and colleagues, to be in French.

Of course, the situation varies with the region. In Montreal and in the Outaouais, the situation is far more problematic than in the Saguenay region, for example, where francophones make up 99% of the population. Overall, English is the main language of work for 17% of Quebeckers. Statistics recently released by the Quebec Office de la langue française indicate that many more francophones work in English than do anglophones in French. Forty per cent of workers in Quebec use English at work regularly.

The federal government stubbornly refuses to recognize Bill 101 in Quebec, so that even today, despite the legislation's 30 year existence, the process of francisation is still in its infancy. When we raise the matter in the House, the Minister of Canadian Heritage, Status of Women and Official Languages replies that she is promoting bilingualism in Quebec. In fact, each time the government promotes bilingualism in Quebec, it pushes French back. English is not threatened in Quebec and Canada. Promoting French in Quebec means advancing the cause of francophones outside Quebec.

However, in response to the Bloc's initiative, the Conservative government recognized in 2006 that Quebeckers formed a nation. Who honours the rights of this nation? Certainly not the Conservative government, which protested far too much when the Canada Post calendar did not include Quebec's national holiday—and I say "national", which is Quebec's national holiday on June 24—only to discover two weeks later that the same error of omission had been made on its own calendar.

Clearly, denial of the Quebec nation and disdain for its rights seem to be part of the culture of the federal government machinery. When have we heard the Prime Minister, one of his ministers or even one of his MPs use the term Quebec nation? Recognition of it is not to be found in either their remarks or their actions.

Let us not forget that the Conservative Prime Minister did not recognize the Quebec nation in November 2006 for its intrinsic value or because he was fond of or respected Quebeckers, but rather with the malicious intent to trip up the Bloc Québécois by adding the words, "within a united Canada" after "Quebeckers form a nation".

● (1800)

But the time for empty words is over. It is time the Conservative government walked the talk.

To protect workers' language, identity and culture, this government must recognize the Quebec nation in fact by giving workers throughout Quebec the right to work in French.

The Bloc wants to amend federal legislation so that federally regulated businesses carrying on activities in Quebec are subject to the Charter of the French Language. The member for Drummond introduced Bill C-482 to amend the Canada Labour Code. We thank her and congratulate her.

I hear someone applauding. That is a very good idea, because this is a very fine initiative on her part.

Bill C-482 will require the federal government to recognize the Charter of the French Language in Quebec and will extend its application to businesses under federal jurisdiction.

First of all, to avoid any ambiguity, it must be clear in the Official Languages Act that French is the official language of Quebec. We therefore consider it important to amend the preamble so that it provides that the federal government recognizes that French is the official language of Quebec and the common language in Quebec.

This amendment is not purely symbolic. It states, to a certain extent, the intent of the legislator. In this regard, the Barreau du Québec said this:

> Jurisprudence, also, seems to consistently demonstrate that the preamble is always important, though the circumstances in a matter, such as the clarity of the provision, justifies setting aside any indications of intent that may be found in the preamble.

It then becomes an insurance policy provided that the body of the act is also amended. The Official Languages Act essentially applies to the Government of Canada and its institutions, and as mentioned earlier, under section 16 of the Canadian Charter of Rights and Freedoms, it is impossible to amend any provisions dealing with institutionalized bilingualism within the federal government without amending the Constitution. However, two parts of the act can be amended, namely part VII, which deals with the advancement of English and French in Canadian society, and part IX, which deals in part with the mandate of the Commissioner of Official Languages.

The amendments proposed by the Bloc Québécois will force the federal government to undertake that it will not throw up obstacles to the objectives of the Charter of the French Language. It is important to remember that recognition of the Charter of the French Language in no way diminishes the rights and privileges of the Quebec anglophone minority provided for in the Canadian Charter of Rights and Freedoms. These amendments only limit the power of the federal government to interfere in Quebec's language policy.

The specific reference to a provincial act in the context of federal legislation is possible and even common. This is referred to as a statutory reference, in other words the government recognizes the provisions of another Canadian legislative assembly. For example, the Canada Labour Code sets the minimum federal wage based on provincial minimums. Section 178 states that:

> —an employer shall pay to each employee a wage at a rate
>
> *a*) not less than the minimum hourly rate fixed, from time to time, by or under an Act of the legislature of the province where the employee is usually employed—

This bill will amend the Canada Labour Code.

Federal undertakings or federally regulated enterprises are not governed by the Charter of the French Language, particularly with regard to the language of work. Some of these enterprises choose to abide by it, but on a voluntary basis and too infrequently for our liking.

Which federal enterprises are affected by the Canada Labour Code? I mentioned some earlier: Bell Canada has 17,241 employees; the Royal Bank, 7,200 employees; the National Bank of Canada, 10,299 employees; ACE Aviation Air Canada, 7,657 employees. We estimate that 200,000 Quebeckers are governed by the Canada Labour Code, or about 7% of Quebec workers.

The Bloc Québécois' bill will also amend the Canada Business Corporations Act to ensure that corporations' business names respect the Charter of the French Language.

The problem is that Quebec, as a nation, is still not able to ensure the use of French as the official and common language because of limits imposed by the federal government and its blatant disregard for Bill 101.

I ask that my colleagues in this House seriously reflect on the rights of a nation.

● (1805)

Mr. Pierre Lemieux (Parliamentary Secretary for Official Languages, CPC): Mr. Speaker, several members of our government have already had a chance to express their opposition to Bill C-482. We can conclude only one thing: this bill purports to solve a problem that simply does not exist. The 2006 census data show that French as a language of work in Quebec is doing well.

Since 2001, the census has collected information on language of work, and the 2006 edition confirms that 99% of francophone workers in Quebec use French most often or regularly at work. These figures speak for themselves. It is very difficult to claim that the use of English in Quebec is a serious threat and that the federal government is to blame. There are no facts to back up this claim.

Some 94% of all Quebec workers use French, with varying frequency. In addition, between 2001 and 2006, the percentage of immigrants who said they use French most often at work, either alone or together with another language, increased from 63% to 65%. There was also an increase in the proportion of anglophones who use French at work most often or regularly. I also want to remind the House that 69% of Quebec anglophones are bilingual now, in comparison with 63% just 10 years ago. Under the circumstances, we really do not see the point of Bill C-482.

If we look at the results of the 2006 census on mother tongue and the language spoken at home, it becomes apparent that certain people have a tendency to draw hasty conclusions about major trends in our society, which in themselves do not pose a threat to the French language. It is true that many immigrants speak their language of origin in the home in order to pass it on to their children. Nevertheless, most of these people work in French and frequently use it in public. In addition, their children attend French-language schools and will eventually find it easy to migrate to this language.

Some concerns were raised last December and January about data on how easy it is for unilingual English staff to get hired in Quebec businesses. Everyone who is familiar with the statistics knows that this was not a serious study and it was undertaken mostly just to stir up trouble without really improving our understanding of the linguistic situation.

We also need to know that the situation in Montreal is not evolving in a vacuum. Every day some 270,000 people from the northern and southern suburbs of Montreal, most of them francophones, cross the bridges to go and work on the island. Nine out of ten of them use French at work: 73% most often and another 16% regularly. Under the circumstances, there is no reason to fear the worst, especially as the data show that the use of French in Montreal has remained stable.

In Canada as a whole, because of immigration, we see the same linguistic diversification and reduction in the proportion of people with English as a mother tongue. Given the importance of English in the world, it is hardly surprising that this is a consequence of our very necessary immigration.

The second good reason to oppose this bill is equally important, because it touches on a deeply Canadian value. It concerns the equal status of French and English, and the federal government's commitment to enhance the vitality of the English and French minorities in Canada. Our government can never overstate the importance of this principle of the equality of the two official languages.

With this bill, the Bloc Québécois is suggesting that the federal government poses a threat to the French fact in Canada, although nothing could be further from the truth.

● (1810)

Yet again, the Bloc proposes a backward-looking vision, where the knowledge of one language is necessarily a threat to another. Through its official language policies, the government encourages not only francophone minorities, but also all Canadians, to learn French. That is why we now have a record number of Canadians who are able to speak both official languages. The government supports the French fact everywhere in Canada and provides particular support to the minority francophone communities. There are a million of these francophones in Canada. This reality opens the gates to the international Francophonie.

This year, the 400th anniversary of the founding of Quebec City, some important international Francophonie events will be held. Quebec City will host the next Sommet de la Francophonie from October 17 to 19, 2008. It is no coincidence that francophone heads of state and government are turning to Canada to hold their discussions. Canada is a beacon of support for the dissemination and promotion of the French language.

Canada is proud to be a partner in the celebrations, which highlight an important chapter of our history. We want the 400th anniversary of Quebec City to be a celebration all Canadians will remember. It is a great opportunity to celebrate the event, the francophone presence in the Americas, and the vitality of the French fact.

The Prime Minister has often said it, and I quote him without hesitation: we share a long-term vision of a Canada where linguistic duality is an asset both for individuals and for institutions across Canada. The future depends on learning the second language, and even other languages, in a global economy and a spirit of openness to the world. Languages are the key that enables us to understand and appreciate other cultures.

The Canadian language framework that has been developed in recent decades originates in and is based on the principles and provisions found in our Constitution. Canadians today still say that these values are widely shared, and we will make sure that future generations have an opportunity to enjoy the benefits of bilingualism, one of Canada's fundamental characteristics.

Our language industries are helping to position Canada on the international stage and they will continue to thrive in the years to come thanks to the cutting-edge research that is being done and will continue to energize this entire sector of the economy and thereby Canada as a whole.

I would like to take this opportunity to note that Canada continues to be a world leader when it comes to translation and other activities of that nature. We are also a model for many countries in the management of linguistic duality.

We are determined to continue working to help the official language communities flourish, in a spirit of open federalism and in a way that respects the jurisdictions of the provinces and territories. Our approach to developing a new strategy is therefore aided by our continuing dialogue with the provinces and territories, and in particular by the work done by the Ministerial Conference on the Canadian Francophonie. The provincial and territorial governments are the ones that can take direct action on issues of crucial importance to the vitality of official languages communities throughout Canada, and our government looks forward to working with them to promote Canada's linguistic duality.

In recent years, the Government of Canada has developed a number of policies on official languages, and our government is working actively on the next phase of the action plan, in order to take into account social and demographic changes in Canada. We want to offer Canadians the support that is best suited to their needs. We want to help them preserve their linguistic and cultural heritage and reap the full benefits of that heritage and pass it on to future generations.

Our government will continue to build on existing accomplishments so that Canadians can benefit from all the advantages our country has to offer because of the unique cultural wealth our two official languages represent in North America.

● (1815)

Hon. Raymond Simard (Saint Boniface, Lib.): Mr. Speaker, it is a pleasure for me to join the debate today on Bill C-482. I must say at the outset that I have a great deal of respect for the member for Drummond, but I profoundly disagree with her on this bill. The bill is extremely dangerous from the point of view of a francophone from outside Quebec. It would give precedence to the French language in federal institutions in Quebec. I can only imagine the repercussions in the other provinces.

First, there is the whole issue that the federal government must respect the Constitution. I will not go into the details of that subject because my colleague from Ottawa—Vanier has very clearly spelled out the matter of constitutional principles. However, I do not understand how anyone could introduce a bill here, in this House, that goes against the Constitution of Canada. I want to look at practical reasons.

The Official Languages Act that was adopted in 1969 has protected and continues to protect our country's two official languages. The act puts both official languages of our country on an equal footing. I will be the first to admit that there are many challenges to overcome. In a country as large and diverse as Canada, where there is a strong concentration of francophones in one province and where we encourage and celebrate multiculturalism—which is another factor that adds to the complications in an officially bilingual country—it has never been easy to find a balance in all of the issues related to official languages.

Nevertheless, we have made enormous progress. The Official Languages Act was essential to the growth of our minority francophone communities. The member for Drummond said that the use of French is declining in Quebec and everywhere in Canada.

However, we must talk about positive changes. In Manitoba, for example, there 45,000 people of francophone descent, but in principle, 110,000 people speak French. These people completed French immersion or second language courses. In British Columbia, parents, especially from immigrant communities, stand on the sidewalk all evening to register their children in immersion courses. This is really an interesting and significant phenomenon.

Significant changes are occurring in terms of respect for the two official languages. Let us take, for example, the group Canadian Parents for French, which last year or the year before celebrated its 25th anniversary in Manitoba. It is an exceedingly positive group for francophones right across the country.

In this age of globalization, people are realizing that knowing two or three languages is becoming the norm, not the exception. The hon. member will recall a study we did together on democratic reform. We visited England, Scotland and Germany, where she had an interpreter with her. In fact most of those we met spoke two, three or four languages and offered to speak French. That is today's reality.

I do not understand the strategy of turning inward and trying to stick to a single language. It makes no sense in today's world.

I do understand that we want to protect our language. We live in this great anglophone sea that is North America. However, today's youth must not be held back. The teaching of both official languages must be encouraged as must their use in the workplace. Our young people must be given every opportunity.

I have never understood why there has not been greater cooperation between Quebec and francophones outside Quebec. There are 6 million francophones in Quebec, but there are 2.6 million francophones in Canada's other provinces. Once again, in this great North American sea of 330 million people, it seems to me we would do well to work together—cooperatively—more closely and to join forces. But no, it is just not done to acknowledge that there are francophones living outside la Belle Province or that immersion programs are working extremely well. It would not be politically sound for a separatist party to admit that its distant cousins were managing quite well and that there were vibrant communities to be found in Saint-Boniface, Manitoba, Vancouver, Regina, New Brunswick and even Alberta.

What was really heartbreaking was the Bloc's vote against Bill S-3, a bill that was vital for minority francophone communities. I can say for a fact that not all the Bloc members supported the decision by the leader of the Bloc.

● (1820)

The Bloc Québécois members who sat on the Standing Committee on Official Languages were torn by this decision. They knew that Bill S-3 was essential to the survival and development of francophone communities outside Quebec. Despite this, it was decided that they should vote against Bill S-3. How can that be good for the Canadian francophone community?

The other day, one of the Bloc members said that Quebec is a francophone nation. That disappoints me. How does a statement like that make the anglophones in his riding feel? That member does not necessarily represent everyone. That bothers me greatly. Anglophones and allophones also have the right to a representative that takes their interests to heart.

Things are changing. For example, in Manitoba, Premier Doer just created the Agence nationale et internationale du Manitoba. It is a francophone Manitoba Trade. We understand the added value of francophones in our province. It is the exact opposite of what is happening in the world and in all of the other Canadian provinces. In Quebec, they want to withdraw into themselves. I do not understand this senseless ideology.

As I said earlier, Canadian Parents for French is the most vocal group in terms of early immersion in New Brunswick. This group is essential for francophone communities.

Instead of seeing this withdrawal, I would rather see the Bloc Québécois work with us to restore the court challenges program and to put into place a new official languages action plan. It would be constructive and would advance French throughout Canada, including in Quebec.

In my opinion, the bill introduced by the member for Drummond would have the opposite effect, and I cannot support a bill that could harm our language. We have all worked too hard to preserve it.

● (1825)

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, I am very pleased to have introduced Bill C-482. I would also like to thank my colleague from Saint-Bruno—Saint-Hubert for her remarks, in which she really explained the bill. I am a little disappointed to see that my colleagues on the opposition side and my colleague who has just spoken have not sufficiently understood Bill C-482. In fact, it does not take away anything. It only amends the Official Languages Act so that businesses respect the spirit of the charter dealing with the language of signage and the language of work in related legislation on businesses. I would like to thank my colleague from Saint-Bruno—Saint-Hubert, my colleague from Joliette and my colleague from Gatineau, who travelled all across Quebec to explain Bill C-482, what it would change and what it would modify. I can say that it takes away absolutely nothing from the privileges of minorities within Quebec.

It is essential to specify in the Official Languages Act that French is the official language of Quebec. I would like the members who spoke on this bill could really recognize that French is the official language of Quebec. That is why it seems significant to us to amend the preamble to the act to state that the federal government recognizes French as the official language of Quebec and the common language of Quebec.

This bill would amend two parts of the Official Languages Act: Part VII, which deals with the advancement of English and French in Canadian society, and Part IX, which deals primarily with the mandate of the Commissioner of Official Languages.

Recognition of the Charter of the French Language in no way diminishes the rights and privileges of the Quebec anglophone minority that are set out in the Canadian Charter of Rights and Freedoms, and I emphasize that point. These amendments strictly limit the power of the federal government to intervene in Quebec's language policy.

Let us talk about a concept. The concept of nationhood is to recognize a nation. It also means recognizing its identity, its language, its culture, its history and its institutions. For the Conservatives, the concept of the Quebec nation is an empty shell. The Conservative game is nothing but a manoeuvre intended to trivialize the Quebec nation.

Logic requires that the identity of Quebec be recognized; in the North American context, that the predominance of French in Quebec be recognized; that Bill 101 adopted by the National Assembly be recognized and respected since a statutory reference is possible. We have used an example on many occasions, the example of minimum wage legislation. The reality is that the Conservatives do not have the courage to move from words to action. The Quebec nation in a united Canada is just window dressing.

The leader of the Liberal Party of Canada has already publicly committed himself to the need to defend and protect the French fact in Quebec. Speaking of Bill 101, he said in 1997 it was, and I quote, "The opposite of a racist law." He even told the Canadian Press that Bill 101 was a great Canadian law. In that context, I invite honourable members and, in particular, all members from Quebec, to support this bill.

● (1830)

The Acting Speaker (Mr. Royal Galipeau): I am sorry to have to interrupt the hon. member.

[*English*]

It being 6:30 p.m., the time provided for debate has expired.

The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Royal Galipeau): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Royal Galipeau): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Royal Galipeau): In my opinion the nays have it.

And five or more members having risen:

The Acting Speaker (Mr. Royal Galipeau): Pursuant to Standing Order 93 the division is deferred to Wednesday, May 14, just before the time set aside for the consideration of private members' business.

ROUTINE PROCEEDINGS

[*Translation*]

COMMITTEES OF THE HOUSE

CANADIAN HERITAGE

Mr. Gary Schellenberger (Perth—Wellington, CPC) moved that the seventh report of the Standing Committee on Canadian Heritage (recommendation not to proceed further with Bill C-327, An Act to amend the Broadcasting Act (reduction of violence in television broadcasts)), presented on Wednesday, April 9, be concurred in.

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Mr. Speaker, I am very pleased to rise here today to debate the seventh report of the Standing Committee on Canadian Heritage.

This report raised a number of debates in committee, but basically, it can be summarized by the following text:

> Therefore, be it resolved that this Committee, pursuant to Standing Order 97.1, recommends that the House of Commons do not proceed further with Bill C-327, An Act to amend the Broadcasting Act (reduction of violence in television broadcasts) and that the Chair present the report to the House.

Before I explain what led the committee to adopt the report, I would first like to explain what motivated me, as a parliamentarian, to introduce Bill C-327. Why did I introduce this bill? I would remind the House that, in November 1992, a 13-year-old girl by the name of Virginie Larivière presented a petition signed by 1.5 million Canadians to the Canadian government, calling for legislation to reduce violence on television.

At the time, the images spoke volumes. The young girl presented the Conservative government, headed by Brian Mulroney, with a proper petition signed by 1.5 million Canadians. What did the government do then? It decided to accept a voluntary code governing violence on television, to trust radio and television broadcasters. Television broadcasters who signed on to the code committed to not broadcasting programs with scenes of gratuitous violence, to not exposing children to inappropriate programs, and to informing viewers of the content of the programs they chose to watch.

The voluntary code adopted by television broadcasters was the subject of an in-depth study at the time by the Standing Committee on Canadian Heritage. In June 1993, the committee determined that if the voluntary approach proposed to television broadcasters did not work—and it was failing to achieve the goal of reducing violence on television—Parliament should seriously consider legislation.

Now, 15 years later, 15 years after the voluntary code for television broadcasters was introduced, where are we?

The Université de Laval's media studies centre looked at this issue. The latest study available was released in 2004. The media studies centre no longer has the funding to do its work because the federal government decided to cut funding for researchers studying and analyzing programming. Nevertheless, the study found that over 10 years, violence had increased by 286%, 81% of depictions of violence on television were broadcast before 9 p.m., not after peak viewing hours for children, and 29% of movie violence was psychological in nature.

Over the past few years, violence on television has changed. We are seeing proportionally less physical violence and more psychological violence. Numerous studies have shown that the violence to which our children are regularly exposed in movies, and sometimes even in television dramas, influences their behaviour.

● (1835)

The report by Dr. Rudel-Tessier as a result of her coroner's inquest into the death of an 11-year-old boy on December 31, 2005, is still fresh in people's minds. In her report, the coroner described Simon's story.

> —Simon [was] a lively, healthy boy with a bit of a sense of adventure. On December 30, 2005, at around 7:00 p.m., Simon and his father decided to watch the movie *The Patriot* on television.

As the report indicates:

> The plans of Simon and his father to watch the movie together changed when an unexpected visitor arrived. The child started to watch the movie alone, and his father promised that he would come and join him. At around 8:10 p.m., the boy was found hanging from the ceiling with *The Patriot* still playing on the television. The movie was rated "13 and over with violence" in Canada.
>
> According to the coroner [Dr. Rudel-Tessier], there was nothing to indicate that the boy had committed suicide. She said that he had almost certainly been trying to play out a scene from the film shown at 7:34 p.m. where the hero's oldest son is brought by soldiers to be hung from a tree. According to the coroner, Simon may also have been influenced by another scene, which was shown at 8:01 p.m.

Finally, she questioned whether the film should have been shown in the evening, at 7:00 p.m. This example proves that we must establish regulations to reduce violence on television. The voluntary code did not stop a major network from broadcasting *Striking Distance*, on August 7, 2007, at 8 p.m.; it is rated "18 years and over with violence and coarse language." Another movie, *Cradle 2 The Grave* , was shown on September 12, 2007 at 8 p.m.; it is rated "14 years and over with scenes of violence and coarse language." I believe it is time to take action.

I would remind members that, in June 1993, the House of Commons Standing Committee on Communications and Culture concluded that the self-regulation approach needed to be given a chance. I quote:

> However, the committee did agree that if that approach did not work, legislation would need to be considered.

That is the spirit behind Bill C-327. The bill before you today would require the CRTC to adopt regulations to limit—and I emphasize, to limit—and not to prohibit violence on television; to monitor compliance by broadcast licence holders with their obligations concerning violence; to sanction those that violate the rules; and to hold hearings every five years to assess the results of this approach.

The attitude of the government and the Liberal Party of Canada, who refused to study the amendments proposed by the NDP that would improve the bill, is deplorable. In my opinion, in a democratic debate, when a bill is studied by a parliamentary committee, members on the committee must have the opportunity to present and consider amendments.

● (1840)

I would like to thank the NDP member who will speak today for deciding to work on this bill. I would like to say today that it is important and that we will vote—

[*English*]

The Acting Speaker (Mr. Andrew Scheer): Resuming debate, the hon. Parliamentary Secretary to the Minister of Canadian Heritage.

Hon. Jim Abbott (Parliamentary Secretary for Canadian Heritage, CPC): Mr. Speaker, the seventh report of the Standing Committee on Canadian Heritage presented April 9, 2008 should be accepted. The report recommends that the House not proceed further with Bill C-327, An Act to amend the Broadcasting Act (reduction of violence in television broadcasts).

Violence in society is an issue of profound concern to every Canadian and is of concern to this government in particular.

First, I do want to thank the hon. member for Rosemont—La Petite-Patrie for his efforts to bring this bill before Parliament, not just in this session, but also in previous sessions.

The issue of violence in society has been a priority for this government. We continue to address it through initiatives to tackle crime. The age of protection, the age of sexual consent, has been raised from 14 to 16. People accused of gun crimes must now show why they should be on the streets while awaiting trial. There are tough new mandatory minimum penalties for those who commit serious gun crimes.

The tabling of Bill C-327 gave us an opportunity to have a constructive dialogue and to consider our accomplishments in Canada in limiting violence on television and in other media, particularly as it concerns children. It also gave the Standing Committee on Canadian Heritage the opportunity to hear from a diverse group of witnesses and gain a better understanding of the best approach to address the issue.

Bill C-327 would amend the Broadcasting Act to add as a policy objective "to contribute to solving the problem of violence in society by reducing violence in the programming offered to the public, including children", and would mandate the CRTC to make regulations respecting the broadcasting of violent scenes.

During the second reading debate, the government explained that the Broadcasting Act already contains the necessary policy objectives and regulatory powers for the CRTC to deal with the issue of violence in broadcasting. It already makes broadcasters responsible for the programs they air and requires their programming to be of high standard.

The Broadcasting Act sets out a number of objectives for the broadcasting system. Central among these objectives is that the system should serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada.

The Broadcasting Act also provides that all persons who are licensed to broadcast programs on television have a responsibility for what they air and that all programming originated by broadcasting undertakings should be of high standard.

Furthermore, the act states that the broadcasting system should encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity. In this regard the respect for the freedom of expression of creators and the provision of choice for Canadian audiences are key principles.

Our approach to the reduction of violence in television is one that balances freedom of expression and regulation where necessary, but not necessarily one of increased regulation.

We have systems and industry codes in place, including a code on violence that upholds societal norms of decency and integrity. The current approach gives Canadians the tools to make informed program choices for themselves and their families.

Canadians who have concerns over programming can make a complaint with the CRTC or the Canadian Broadcast Standards Council, an independent non-governmental organization which administers programming standards, including the code on violence. Both the CRTC and the Canadian Broadcast Standards Council have a rigorous review process in place to investigate complaints.

I would like to take this opportunity to thank members of the committee who worked on this private member's bill, especially for taking time to hear from more than a dozen witnesses and for conducting such a thorough review of the bill.

Violence on television is a sensitive issue and one that concerns us all. The committee heard from key representatives from the CRTC, the Canadian Broadcast Standards Council, media literacy organizations, teacher organizations, as well as advocacy and civil liberty groups. The committee also heard from children ranging in age who talked openly and honestly about their television viewing habits and their use of the Internet.

● (1845)

The key question we ask ourselves is this: will Bill C-327 achieve the goal of reducing violence in society, particularly as it relates to children?

What we found is that although there was broad support for the goal of reducing violence in society, almost all of the witnesses felt that Bill C-327 was not the right means for achieving that goal. Almost all believed that the regulatory measures contemplated by the bill would not be effective.

We heard that the CRTC already has the powers to make regulations concerning broadcasting of violent scenes and it has done so by requiring as a condition of license that broadcasters adhere to codes regarding violence on television. These codes were developed by the industry in consultation with Canadians and are designed to protect viewers from content they may find to not be to their wishes.

We also heard that the number of complaints concerning violent programming is generally low. From many of the witnesses, we heard that they were concerned with the potential for violations of free expression by the delegation to the CRTC of the power to make regulations respecting broadcasting violent content. We were reminded that Bill C-327 is directed toward the public, not exclusively toward children.

Some witnesses also talked about the difficulty in identifying the root cause of violent behaviour. As evidenced in the preamble, the bill presupposes a relationship between violence on television and violence in society.

However, whether there is a clear causal link between the two remains very much in dispute. There are everyday realities that we as a society must face, one being that we live in a society that unfortunately experiences violence.

The committee heard from many witnesses about the need for education, media literacy and parental engagement. They explained that media education and the fostering of media literacy skills in young people are key elements in any effective strategy to teach children how to be critical and thoughtful about the media they consume.

In contrast, we heard directly from children that they watch virtually anything they want, whether it is on television or the Internet. They questioned the effectiveness of wanting to regulate what they watch on television. With modern technology such as satellite television, digital cable and the Internet, they are able to access content from across Canada and the United States and, for that matter, all over the world.

The proposed bill has a limited ability to deal with these other potential sources of violent content. Therefore, we need to focus on encouraging parents to become more involved in the media choices their children make. We learned that kids and adolescents whose parents supervise their TV viewing and Internet usage are more likely to be aware of the negative impact of media violence.

I must tell members that just today the CRTC appeared before the standing committee to discuss administrative money penalties in testimony today. In regard to these AMPs, as they are known, we are now at the beginning of a process in which the committee is going to undertake to assist in giving a report on the efficacy and advisability of AMPs. The minister is looking forward to that report from the committee.

We are all deeply committed to the safety of our children and want less violence in our society. I do thank the hon. member for Rosemont—La Petite-Patrie for bringing this issue forward. However, witnesses convinced the House of Commons Standing Committee on Canadian Heritage that Bill C-327 is the wrong means to achieve the goal and would not serve Canadians in the long term.

I would therefore at this time encourage all members to accept the report of the Standing Committee on Canadian Heritage which recommends that the House of Commons not proceed further with Bill C-327, An Act to amend the Broadcasting Act (reduction of violence in television broadcasts).

● (1850)

[*Translation*]

Hon. Denis Coderre (Bourassa, Lib.): Mr. Speaker, as a member of Parliament and a father of two young children aged 12 and 15, I want to begin by commending and congratulating my colleague from Rosemont—La Petite-Patrie on his efforts. This is a typical case of a commendable initiative that does not meet the required goals in practice. A number of reasons have been given, and I agree with them. In any event, the Liberal Party of Canada will accept this report for all the reasons that have already been given.

We are parliamentarians. The testimony we have heard indicates that everyone agrees with the principle as such. We therefore need to work together to set guidelines that will enable us to reduce violence and help our young people grow and develop in a healthy environment.

We are already debating Bill C-10 with regard to film production. There will be a debate on freedom of expression, control and so on. Looking strictly at Bill C-327, we can see that it is a commendable initiative whose goals were appropriate and certainly relevant. However, these goals would not be achieved in practice.

I also agree that we should have agencies such as the CRTC and self-regulation. Our committee is working very hard to give the CRTC the necessary tools and to give it more teeth, making a cause and effect link to ensure that when there are abuses or deficiencies on the part of the broadcasters, there can be, through the Broadcasting Act, cause and effect links and actions taken accordingly.

Unfortunately, this bill, in light of everything we have done, is becoming obsolete. That is why, pursuant to Standing Order 97.1 we recommended that the House of Commons not proceed further with the bill. That does not mean that nothing was done, but that exhaustive work had already been done.

I will not get into a political debate on the Conservatives, the Liberals, the NDP and the Bloc. All of us are either good parents or extremely aware of the relevance and importance of reducing violence. I am one of those who believes that it is not our role to regulate. That would lead us to a society where there is room for the arbitrary and possible censorship. How far will this go? I agree that there needs to be some structure and that we need to give agencies such as the CRTC the necessary tools to move from talk to action.

The work was comprehensive in scope. The member did a fine job, and he will be disappointed today. It is sad when a private member's bill does not pass. However, I would like to congratulate him because he contributed to moving this issue forward. He can tell his constituents and little Virginie Larivière that he did his job well, and that we all worked on this. Quite often, when our work entails creating legislation, we can have laudable objectives and present excellent proposals but, in terms of implementation, the situation as a whole must also be taken into consideration. Perhaps this is not the best approach. We did not move backwards, however. We continue to move forward. All of the members from the various parties contributed based on their own values and experiences. They shared their points of view.

It is also important to take time to read the whereas clauses.

[*English*]

Thus, we can see that we are all aiming at the same goal. I think that putting in all those "whereas" clauses provides the proper environment so people can understand that we have been doing our homework and that we are aiming at the same goal. However, as for the application itself, which is the legislation, we felt that in our case the Liberal Party of Canada could not proceed further.

We believe, and it is unanimous, in supporting freedom of expression, including everything regarding the media, film and television. As a start, it is important to talk about that.

● (1855)

Also, we believe that it is important to note the number of witnesses that came before the committee. It is not that we are deciding this in a partisan way. We have been doing our homework. We took the time to listen to the witnesses, including the children who came to tell us in their own way, with their own words, through their own experience, and with their own expertise what the application of Bill C-327 means. I think that is important to mention. I am a parent myself. There is always a need to relate that goal to education, to media literacy and clearly to parental engagement.

It was interesting when we had a little turmoil in putting together the motion, but everyone had the opportunity to put forward their words and explain clearly what they meant. I think the motion itself reflects that we have been doing a great job among ourselves.

Therefore, I truly believe that because it is the wrong means to achieve the goal, and because we believe in the goal, the Liberal Party of Canada, through Standing Order 97.1, will recommend that the House of Commons not proceed further with Bill C-327.

[*Translation*]

For all of these reasons, and for the work done by all of the members, I must say that the Standing Committee on Canadian Heritage did a fine job. I did not feel a blind partisanship as I have felt in other committees. We work well in that way. Again, I congratulate my Bloc Québécois colleague from Rosemont—La Petite-Patrie, and I would like to thank all of my colleagues. It is clear that we must accept this report as presented.

[*English*]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I am pleased to have this opportunity to speak in the debate on the motion to concur in the seventh report of the Standing Committee on Canadian Heritage, which is a recommendation not to proceed further with Bill C-327, An Act to amend the Broadcasting Act (reduction of violence in television broadcasts).

As we have heard, Bill C-327 was tabled by the member for Rosemont—La Petite-Patrie in response to a petition of over 1.5 million Canadians, a petition spearheaded and headed by Virginie Larivière, a 13-year-old girl who was concerned about the role of television violence in the rape and murder of her younger sister. She gathered those petitions and presented them to the Mulroney government back a number of years ago.

The petition expressed the concern of over a million Canadians about the effects of violence on television in our society. This is clearly a very strong opinion about the circumstances and that issue. Members of Parliament needed to take that expression of concern very seriously. That is exactly what the member for Rosemont—La Petite-Patrie did when he proposed this private member's bill. He did absolutely the right thing in putting forward a serious attempt to address that issue raised by so many Canadians.

Unfortunately, there were problems identified with the bill as proposed. The most serious problem members of the Standing Committee on Canadian Heritage faced, after listening to testimony from many organizations and individuals, was that many witnesses saw this bill as giving the CRTC the power to censor television programing in Canada. This was seen a inappropriate by most of the witnesses and the members of the committee. It was a power that the CRTC should not have in the opinion of most of us, and I agree.

I have heard the concerns expressed around censorship and the freedom of cultural expression. Many of those have been raised recently regarding the Canadian film and video tax credit in the provisions of Bill C-10, which include a very broad possibility of the Minister of Canadian Heritage using guidelines to deny film and video tax credit based on personal sensibilities about what is appropriate film or video production in Canada. We have seen a great outcry from the cultural and arts community about that aspect of the bill.

We were very aware in the committee of that context of Bill C-10 and it was clear that we could not proceed with the provisions of Bill C-327 as they were presented.

There were also concerns that disputed some of the evidence presented in support of Bill C-327, including the way the numbers were used to compare the number of acts of violence in the Laval study, which my colleague from Rosemont—La Petite-Patrie has cited. It was also clear that television violence was only one source of violence today that Canadians and children faced. The Internet and video games were also very major sources of very violent programming and violence to which children and adults were exposed.

Therefore, for those reasons, I support the concurrence motion that we should not proceed with Bill C-327 as it was originally presented and as it cleared the Standing Committee on Canadian Heritage.

However, I want to point out that it became clear to me, as we worked on the bill in committee, there was the possibility for amending it to fully remove the censorship provisions and instead stress the further development of broadcast codes and media literacy education commitments. It was clear there were serious concerns in Canadian society related to violence on television and its effect on adults and children in our society.

It also became clear that media literacy education was an important approach to dealing with the concerns, an approach that deserved stronger support from government, the CRTC and broadcasters. Many organizations do that excellent work, and we heard from quite a number of them. We should ensure there is expanded access by adults, children, parents and educators to the work on media literacy and media awareness done by those organizations.

● (1900)

It also became clear that the development by broadcasters of codes of ethics, broadcast codes, programming standards, classification systems and related complaint mechanisms should be enshrined in the Broadcasting Act. I appreciate that private broadcasters have developed those codes, voluntarily originally. Now through the auspices of the CRTC it is more mandatory, but they belong in the Broadcasting Act.

We should also put into the act that such codes should be developed in consultation with government, the CRTC, cultural workers, media unions, media literacy and media awareness organizations, advocacy groups and interested individuals, among others, that such codes and classification systems should be formally reviewed every five years, comprehensively, independently and publicly, and that further analysis of the connections between the depiction of violence and violence in society should be part of the mandate of the CRTC and broadcasters, as should media literacy education and media awareness education for Canadians of all ages.

I proposed amendments that would do exactly those things, that would add all those aspects to Bill C-327 as originally proposed. I had an indication from the chair that my amendments would be seen as being in order.

I also had clear support for my amendments from the B.C. Civil Liberties Association, one of the groups that most clearly stated its concern and its opposition to the original bill because of what it saw as censorship provisions in the bill. It supported my amendments because it was clear that I had removed effectively all the censorship provisions from the bill.

Sadly, the Conservatives and Liberals on the committee would not even consider these amendments and then decided to recommend that the bill be abandoned without any discussion or debate on the amendments, which I had worked on, proposed and brought to the committee.

That was a serious disappointment. When we have the opportunity to consider private members' legislation at committee, we should go the whole way on that consideration. When members bring forward amendments to legislation before a committee, the committee should hear those amendments and have discussion on them. Sadly, that was short-circuited by the Standing Committee on Canadian Heritage in this regard.

I would not have been able to support Bill C-327 as it was originally proposed and now as it returns to the House. That is why I support the motion before us today that the bill be abandoned, that we not proceed with the bill.

However, there was something valuable in the proposal from the member for Rosemont—La Petite-Patrie. We could have rescued the bill and found in it, with some amendments such as the ones I proposed, something that would be worthwhile for Canadians and that would serve us well in the long run, something that merited more discussion. We should have debated it more thoroughly in committee at the end of our considerations.

However, given now that the only option before us is the original form of the bill, sadly I have to concur with the full committee that we should not proceed with the legislation, given the very serious problems.

● (1905)

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I appreciate the opportunity to add my voice to the debate on the seventh report of the Standing Committee on Canadian Heritage. The report essentially recommends that the House not proceed further with Bill C-327.

Bill C-327 proposes to introduce tougher regulations to regulate violence in television broadcasts. I will read the salient portion of the bill, which happens to be section 10.1(1). It states:

> The Commission shall make regulations respecting the broadcasting of violent scenes, including those contained in programs intended for persons under the age of 12 years.

Although this was promoted as a bill that would protect children against TV violence, the actual wording within the legislation was much broader than that. It would give the Canadian Radio-television and Telecommunications Commission the power to institute regulations that would essentially censor violent programs on television.

Members of committee devoted a great deal of time to hearing from witnesses on the issue of media violence. Almost without exception, they gave the same clear message, and that was while well intentioned, the bill was not the right vehicle to address violence on television. In fact, it just simply was not going to work.

I want to thank my colleague from Rosemont—La Petite-Patrie for bringing the bill forward. I share his underlying motives in addressing this issue. We all want to see violence on television decrease, especially where it relates to children's programming.

When I first heard about the bill, my first response was that I could support it. Why would anyone not support a reduction in violence in children's programming on television, except perhaps those who profit from it? However, as I looked more closely at the legislation, I realized it was deeply flawed.

What would the bill do? As I mentioned, it would give the CRTC broad new regulatory authority to make regulations on violent programming on television.

What did the committee determine after it had listened to the witnesses? The witnesses gave evidence that even though studies showed there was a connection between TV violence and the acting out of violent acts in society, there was a similar body of evidence that seemed to contradict it. In other words, the jury is still out as to whether there is a connection between TV violence and violence in our society. I tend to agree with those who say there is a connection, but the evidence before committee was not clear. It was ambiguous.

Some witnesses also raised the issue of censorship. The proponent of the bill went to great lengths to try to show that this was not about censorship, but virtually every witness who appeared before us, when directly asked by myself and others on the committee, said that it was a form of censorship.

Some of the concerns they raised centred around where would we stop. Are we no longer allowed to see boxing on TV, or programs such as *24*, or *Prison Break* or even ice hockey, because ice hockey sometimes has fights? Is that too violent? We get into that whole discussion.

We already have restrictions on violence in Canada. The Criminal Code outlines what types of violent acts shown in broadcast programs are unacceptable. Beyond that, the CRTC has not interfered in what is shown on TV because TV broadcasters themselves have adopted their own code and standards of broadcasting, which address violence on TV.

We see warnings on TV telling viewers that a violent program is coming up, or the program is going to include adult content. Those warnings are there as a result of the industry agreeing to comply with its own code. There are those who say that is only a voluntary set of standards. In fact, it is not voluntary, even though the word voluntary is used. The conditions of licence require broadcasters to comply with that code.

● (1910)

What is really remarkable is that we did something in committee that we do not do too often. We invited children to address us and to share their views on television violence. They came up with some interesting information. First, they talked about the changing face of media, such things as the Internet, podcasting and personal video recorders. These are technologies that allow children and adults to view broadcast material in many different ways. They also talked about the multichannel universe, the 500 channel universe, where someone in Vancouver could be watching television during family hour, say at 7 o'clock in the evening, and they could be watching a program that is being broadcast in eastern Canada during hours when adult programming would be shown.

They also talked about the V-chip and, remarkably, none of the children at the committee said that their parents had ever invested or installed a V-chip on their televisions. They also talked about how little parental supervision there really was over what they watched on TV or viewed on the Internet.

When we collectively took the information that came from the witnesses, there was a very clear consensus that further regulation and censorship of TV would not work. It was not that there are limitations that might be suitable. The problem is that with a changing technological environment, those limitations are almost useless, because children view their programming in many different ways that are not subject to restrictions.

We also heard that when parents closely supervise what their children watch on TV, those children give more thought about the programs they watch. I can speak from personal experience. I am the father of four daughters. As they were growing up, we were very involved in their lives. We would not allow them to play video games. It was just a choice we made. We invested in music lessons. The same applied to TV.

We made sure that whatever they watched on television or whatever videos they watched were appropriate to their age. We intervened in their lives and I believe their lives today reflect that. I encourage parents to take responsibility for their children because, ultimately, it is not the government, not the nanny state, that is responsible for children. It is not teachers and it is not the media literacy groups. It is parents themselves who have the best opportunity of intervening and protecting their children against violent programming that they should not be watching.

What are the solutions? I have already mentioned media literacy groups. These are groups in our society who actually teach children and parents about some of the strategies that they can employ to ensure the programming their children watch is wholesome.

Parental involvement I have also mentioned and ensuring we engage in the lives of our children. The V-chip is modern technology that we can use to ensure that violent programming is not brought into our homes where our children would be exposed to it.

We also have the role of the broadcasters. They already have a so-called voluntary code of conduct that addresses the whole issue of violence on television. From all accounts, that set of standards is working well.

The chair of the Canadian Radio-television and Telecommunications Commission also suggested a number of other things and the most important of those was the suggestion that our government introduce the right to impose administrative monetary penalties on those broadcasters who actually violate the standards that they have accepted as a condition of licence. We have accepted that as an excellent suggestion and we will be suggesting to the government that it move forward with introducing an intermediate set of administrative monetary penalties that will allow the commission to penalize those who actually do not follow the rules that are set for broadcasting violent programs on television.

That is why I support the committee's recommendation not to proceed with Bill C-327. It was not carefully thought out and it does amount to censorship. From the witness testimony, it was clear that it would not actually achieve the result that it was intended to achieve.

● (1915)

[*Translation*]

Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, Ind.): Mr. Speaker, I listened carefully to the members' speeches. I also read the minutes and some of the witnesses' statements beforehand. I am very interested in this issue, as are many of us, I am sure.

I just want to take a few minutes to share my opinion. It is a shame that the committee did not study the amendments proposed by our colleague from Burnaby—Douglas. A committee is supposed to consider our colleagues' suggestions for improving the bills it is studying.

When that does not happen, I cannot, as a parliamentarian, feel anything other than disappointment, not only for the member who was able to express himself, but also for our colleague from Rosemont—La Petite-Patrie. I am disappointed because of what this means for all parliamentarians in this House who have the opportunity to submit a private member's bill or motion during a given session of Parliament.

As I said, studying the amendments proposed by the member for Burnaby—Douglas would probably have helped to save this bill, if I may say so. At least by studying them, we would have made an effort to save it.

I believe it is essential that we give private members' bills every opportunity to succeed, because introducing a bill gives a parliamentarian a chance to present something that we really care about, something our constituents really care about. It is important to introduce it, to speak in favour of it, to debate and discuss it, often, fortunately, with a greater degree of civility than what we are seeing here. This is essential, for without it, we would not have private members' bills.

I believe that this bill in particular deserved a better fate than the one that committee members condemned it to by refusing to study our NDP colleague's amendments. That makes me very sad, and I just wanted to share that with everyone.

● (1920)

[*English*]

The Acting Speaker (Mr. Andrew Scheer): Resuming debate. There being no further members rising, pursuant to order made earlier today, the motion to concur in the seventh report of the Standing committee on Canadian Heritage, recommendation not to proceed further with Bill C-327, is deemed adopted on division.

(Motion agreed to)

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

FISHERIES

Ms. Catherine Bell (Vancouver Island North, NDP): Mr. Speaker, on March 13, I asked the fisheries minister if he intended to raise the issue of so-called accidental fishing during negotiations with the Americans and whether he would start enforcing Canada's territorial waters and fine the American fishermen who illegally took our fish.

I also mentioned that the Conservative government was in treaty negotiations with the United States over Pacific salmon rights. Reports that American pollock fishers accidentally caught 130,000 Chinook, a full half of those fish from Canadian waters, is unacceptable. Canada's Chinook is at an all time low and working families and fishing communities are struggling to make ends meet.

The minister said that the government had already addressed the issue, that the amount of bycatch was unacceptable and that the government had made that quite clear to the Americans.

It is good to know that the issue was raised with our friends south of the border but he left Canadian fishermen with no guarantees that it will not happen again.

It is also interesting to note that the minister referred to a historical part of our heritage and an economic way of life for people of the Pacific south coast as “bycatch”, a term that seems to suggest that the fish that were caught are an unwanted commodity. It may be to pollock fishermen but to the people who feed their families and depend on the Chinook salmon for their financial well-being, bycatch hardly reflects the importance of these fish.

The United States recently issued a closure for Chinook, or King salmon, for California, Oregon and Washington. Now I am hearing disturbing news that it is currently in negotiations with our government in an effort to obtain Canadian fishing rights.

I am hearing from the Pacific south coast region that the Americans have put $20 million to $30 million on the table in the negotiation process. I am hearing that moneys collected will be used to subsidize the DFO budget and allow it to expand its research on the changing ocean climate, research on low escapement estimates and the salmon enhancement program.

The Department of Fisheries and Oceans is a Canadian government institution. Why would we even consider using American government funds for Canadian government initiatives?

The Pacific Salmon Commission's mandate is to create a mechanism for discussion between Canada and the United States around the salmon stock that we share because of the natural migratory path of the species. It also has a mandate to establish and enforce conservation to ensure the future of the species. As a commission, it identifies the issues and each country creates management policies. This mechanism was established to protect each country's sovereignty, a sovereignty that we are watching disappear right before our eyes.

Through discussions with a variety of stakeholder groups, it has now become apparent that DFO funding for many years now has been insufficient for the Pacific region.

The valuable salmon enhancement program is struggling due to cuts and the lack of a funding increase. The funding is still at 1999 levels. The hatcheries in B.C. have to contend with escalating costs and are cutting programs that would assist the salmon industry by enhancing declining stocks.

We need to do everything we can to increase salmon populations on the west coast. Habitat protection, science and enforcement are also DFO departments that have seen a decline in resources in the recent past.

Could the minister confirm that negotiations are taking place between Canada and the U.S.A. with regard to the purchase of Pacific salmon rights in Canadian waters and will he guarantee that he will protect Canadian sovereignty and ensure that the rights of Canadian fishermen are protected? Also—

The Acting Speaker (Mr. Andrew Scheer): The hon. Parliamentary Secretary to the Minister of Public Works.

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, last year, in 2007, approximately 130,000 chinook salmon were harvested as bycatch in the Bering Sea pollock fishery.

While this fishery took place in U.S. waters outside the Canadian 200-mile exclusive economic zone, chinook from the Canadian portion of the Yukon River and from other B.C. rivers are caught in this fishery. We are currently reviewing the estimates of how many Canadian fish are intercepted.

The Minister of Fisheries and Oceans was clear in his response to the question. He said that this level of bycatch was not acceptable, particularly when one considered that both Canada and the United States have agreed through the Yukon River salmon agreement to undertake efforts to reduce the marine bycatch of Yukon River salmon.

Not surprisingly, this issue has garnered a considerable amount of attention from fisheries agencies, salmon harvesters and conservation groups in both Canada and the U.S.

That is why I am pleased to report that Canada has been working with the United States to take concrete steps in addressing this issue. For example, Canada has been working with Alaskan authorities, through the Pacific salmon treaty process and the bilateral Yukon River panel, on ways to limit the level of chinook bycatch in the U.S. Bering Sea pollock fishery.

Specifically, the Canadian and U.S. chairs of the Yukon panel have written to U.S. management agencies responsible for regulating the pollock fishery, requesting that a fixed cap of 37,000 be placed on the bycatch of chinook.

Also, Canada's ambassador for fisheries conservation, Mr. Loyola Sullivan, has been meeting with key officials in the U.S. to raise our concerns and work toward bilateral solutions.

Canadian officials have also initiated discussions in the multilateral North Pacific Anadromous Fish Commission, which works to promote the conservation of salmon and other migratory species in the North Pacific Ocean.

We are also seeking to improve the sampling program in the pollock fishery to provide better estimates of the impact on chinook salmon.

Based on these discussions, I can assure the member that the United States and fishery agencies in both countries are concerned with the increases in bycatch we have seen in recent years and the impacts on a resource as important to our northern and coastal communities as chinook salmon.

It is not only talk. We are beginning to see progress as a result of these discussions. In December 2007, the United States federal government agreed to immediately reduce the total allowable catch in the Bering Sea pollock fishery from 1.3 million tonnes to 1 million tonnes in 2008. While this step alone will not limit the bycatch to an acceptable level, it represents a significant step forward.

And, more importantly, I understand that the U.S. is looking at a range of additional options in order to reduce the bycatch over the longer term. These options include the use of a fixed cap after which the pollock fishery would be closed for the season.

These measures will impact their industry and take time, but we are confident that the discussions between the U.S. federal government and its industry representatives will lead to actions that limit the bycatch to a level that is more acceptable to all parties.

Finally, I would note that the Bering Sea pollock fishery is currently undergoing marine stewardship certification review. Naturally, the U.S. industry is very concerned about this issue, as we are, given that the levels of bycatch for chinook salmon and other species seen in recent years could jeopardize the certification of the fishery. This review process provides yet another avenue for Canada and other countries to address this issue.

Again, while this process will take time, our government is committed to working with the U.S. and ensuring that measures are in place to protect, conserve and ensure the long term sustainability of Pacific salmon.

● (1925)

Ms. Catherine Bell: Mr. Speaker, I would like to thank the member for Port Moody—Westwood—Port Coquitlam for his answers. Unfortunately, I would like to have seen at least the Minister of Fisheries here or the parliamentary secretary to answer these very serious questions.

The decline of salmon stocks on the west coast puts fishermen and our communities in crisis. We are looking at possible closures. First nations are being forced to share what little catch they are getting. I can only reiterate the importance of this issue. I cannot fathom why the minister or his parliamentary secretary are not here today.

Again, I am speaking to salmon enhancement that could go a long way to improve stocks on the west coast. When we look at funding for salmon enhancement at 1999 levels in the year 2008—

The Acting Speaker (Mr. Andrew Scheer): Order. Before I recognize the hon. parliamentary secretary, I would remind the hon. member for Vancouver Island North that it is not appropriate to mention the absence or presence of members.

The hon. parliamentary secretary.

Mr. James Moore: Mr. Speaker, we agree with the general concerns of my colleague from Vancouver Island North. I have outlined the steps that our government is taking with regard to Pacific salmon. We have a record that we are very proud to stand on.

● (1930)

ETHICS

Hon. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, I am very pleased to have the opportunity this evening to speak to the House on the issue that has garnered many questions over the past few months but very few answers from this Conservative government.

This winter I asked the Prime Minister to provide the names of the individuals who were representing the Conservative Party when they went to the parliamentary office of the late Chuck Cadman and offered him a $1 million life insurance policy in exchange for his vote.

Canadians expect elected officials to conduct themselves with integrity, honesty and transparency. As a matter of fact, these are the very things that this current Prime Minister promised Canadians two years ago when he came to office. He promised openness and accountability.

Yet today, this very same Prime Minister, who claims to have done nothing wrong, refuses to provide any information on a very important allegation. The Prime Minister has been very tight-lipped on an issue for someone who claimed they have simply nothing to hide.

This Conservative government has been heavily cloaked in scandals for several months now. It has created a bit of confusion among the public trying to keep them all straight. We have NAFTA-gate, the Mulroney-Schreiber scandal, and the Kilrea-O'Brien affair, involving the environment minister. More and more this Conservative government adopted a motto that says: "I have nothing to say, I have everything to hide".

Anyone who knew Chuck Cadman, and I knew Chuck Cadman as I served with him for years, would say that he was a man of the highest integrity. He respected this House and he earned the respect of his colleagues, his constituents and Canadians-at-large.

The Liberal opposition has called upon the Prime Minister to appear before a parliamentary committee to explain his role in what has become known as the Cadman affair.

One would expect that a prime minister would readily agree to dispel any of these allegations of vote buying when they have been levied against himself and his party, the Conservatives.

Canadians want to know what role their Prime Minister played in efforts to recruit Chuck Cadman's support. Do Canadians no longer have the right to demand transparency and accountability from the federal government?

With this constantly changing story on this issue, we cannot believe the Conservatives are telling Canadians what actually happened in the days leading up to the dramatic confidence vote in 2005. All the Conservative comments on this issue sharply contradict the claims that are made by the three remaining Cadman family members. They claim Conservative representatives offered the terminally ill MP Chuck Cadman a $1 million life insurance policy in exchange for being the swing vote bringing down the previous Liberal government.

Of course, the more serious part of the allegation is really the matter of the tape recording, where the Prime Minister himself appears to confirm that there was an offer involving financial considerations to get Mr. Cadman to switch his vote. The tape suggests the Prime Minister knew about the financial considerations that were being provided to Mr. Cadman ahead of time and yet, did nothing to stop the offer from being made.

When will the Conservative government end its stonewalling and allow parliamentary committees to get the answers about the Cadman affair and come clean with Canadians?

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, parliamentary committees can decide their own agendas. I do not have any control over that and nor does the Prime Minister. However, with regard to this issue itself, we have answered the central question that there is in this matter, which is that no offer of a $1 million life insurance policy was made. That is the allegation by the Liberals. It is false and it is embarrassing that they still believe the nonsense.

Hon. Karen Redman: Mr. Speaker, I appreciate the fact that my hon. colleague is carrying the can for his party on this issue, but there is a tape. It has not been doctored. It has been presented by the author of a book on Chuck Cadman. We have the testimony of his wife Dona Cadman, his daughter Jodi, and his son-in-law, who all say the offer was made.

The fact that Chuck Cadman was a man of integrity is beyond dispute. The fact that a tape exists with the Prime Minister's own words on it would lead one to ask, as a reasonable person, why is the Prime Minister not coming clean, coming before a committee, and explaining the comments that are on the tape that he does not deny are his voice and his words?

● (1935)

Mr. James Moore: Mr. Speaker, the Prime Minister has answered the questions when the Leader of the Opposition has stood on his feet and asked them.

As I have said, my colleague totally misrepresents both Dona Cadman and Jodi Cadman and what they have said on this matter. There was no offer of a bribe and that allegation is completely ridiculous.

Of course, if the Liberals actually believed that the Prime Minister of this country was involved in a crime and if they actually believed their rhetoric, they would vote to defeat this government, but I am pleased that they have more confidence in our government than they have in their own leader.

The Acting Speaker (Mr. Andrew Scheer): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24.

(The House adjourned at 7:36 p.m.)

CONTENTS

Tuesday, May 13, 2008

ROUTINE PROCEEDINGS

GOVERNMENT ORDERS

STATEMENTS BY MEMBERS

ORAL QUESTIONS

GOVERNMENT ORDERS

GOVERNMENT ORDERS

PRIVATE MEMBERS' BUSINESS

ROUTINE PROCEEDINGS

ADJOURNMENT PROCEEDINGS

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