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Chair

Ms. Nancy Karetak-Lindell

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Thursday, December 9, 2004

• (0905)

[English]

The Chair (Ms. Nancy Karetak-Lindell (Nunavut, Lib.)): I'd like to call the meeting to order, meeting number 14, December 9, 2004.

Our orders of the day are pursuant to the order of reference of Friday, November 19, 2004: Bill C-20, an act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority, and First Nations Statistical Institute and to make consequential amendments to other acts.

We will be doing the clause-by-clause consideration of Bill C-20 this morning.

Pursuant to Standing Order 75(1), consideration of clause 1 is postponed.

I see that we have an amendment for clause 2: amendment G-1, reference number 1535771, which is before you right now.

Since this is a government amendment, Ms. Barnes, please.

(On clause 2—*Definitions*)

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians): Madam Chair, on clause 2, during the last Parliament process for this bill, several amendments were made that addressed the optionality of the bill. These included the addition of a schedule developed by the Governor in Council to identify first nations that want to participate. However, the provisions related to the development of this schedule are currently silent with respect to the conditions that should apply to the deletion of the name of a first nation that is a borrowing member of the finance authority.

In practice, it would be highly unlikely that the Minister of Indian Affairs and Northern Development would recommend that the Governor in Council delete the name of a first nation with outstanding financial obligations to the finance authority. But that said for the sake of clarity, this amendment will create a statutory prohibition on the deletion of the name of any borrowing first nation that has amounts owing to the finance authority.

Just for clarification, I'll ask Brenda Kustra whether or not this was consulted on with the proponents.

Ms. Brenda Kustra (Director General of Governance, Lands and Trust Services - First Nations Governance Directorate, Department of Indian Affairs and Northern Development): Yes,

we have discussed the contents of this amendment with the proponents to the bill.

Hon. Sue Barnes: And I'll ask legal counsel to clarify whether the wording of this was clarified with legal counsel for proponents.

Mr. Paul Salembier (General Counsel, Legislative Initiatives, Legal Services, Department of Indian Affairs and Northern Development): Yes, the approach for this amendment and for the others was discussed with legal counsel for the proponents for the bill and they were comfortable with the approach that was being taken.

• (0910)

The Chair: Are there any questions on this amendment?

(Amendment agreed to) [See *Minutes of Proceedings*]

(Clause 2 as amended agreed to)

(Clause 3 agreed to)

The Chair: We have another amendment, G-2, reference number 1535772.

Ms. Barnes, please.

(On clause 4—*Financial Administration Laws*)

Hon. Sue Barnes: Thank you very much, Madam Chair.

This is the first in a series of four motions, including amendments to clauses 9 and 145 and the deletion of clause 146, that are required to limit to borrowing members only the requirement for a first nation to have a financial administration law approved by the financial management board.

The main purpose of having the board approve financial management laws is to ensure that all borrowing first nations have the necessary high financial management standards and practices in place to support a marketable credit rating for the bonds issued by the finance authority.

The current wording of the bill requires first nations that wish to commence property taxation under this act to have a financial administration law approved by the board. Under section 83 of the Indian Act there are no similar requirements. Thus, the clarification of the optionality of Bill C-20 coupled with the real fact that the former First Nations Governance Act did not proceed has inadvertently created two classes of taxing first nations, and this amendment seeks to correct this inequity by requiring only borrowing first nations to have a financial management law approved by the financial management board.

Again, was this discussed with...?

Ms. Brenda Kustra: Yes, this amendment was discussed with the proponents to the agreement.

Hon. Sue Barnes: And was the legal...?

Mr. Paul Salembier: Yes, their legal counsel was comfortable with the approach being taken.

The Chair: Is there a question? I thought you had a question.

(Amendment agreed to) [See *Minutes of Proceedings*]

(Clause 4 as amended agreed to)

(Clauses 5 to 8 inclusive agreed to)

(On clause 9—*Financial Administration Laws*)

The Chair: We have another amendment G-3, reference No. 1535773.

Ms. Barnes, please.

Hon. Sue Barnes: Thank you, Madam Chair.

This is the second of a series of the four motions that are required to limit to borrowing members the requirement for a first nation to have a financial administration law approved by the financial management board.

This amendment clarifies that any participating first nation can, if it wishes, make a financial administration law under the bill. However, it is only the financial administration laws made by the borrowing first nations and any amendments to those laws that require the approval of the financial management board. This is part of that series.

Again, Ms. Kustra, were they consulted?

Ms. Brenda Kustra: The contents of this amendment have been discussed with the first nations proponents.

Hon. Sue Barnes: And legal?

Mr. Paul Salembier: And the legal counsel for the proponents were comfortable with the approach.

(Amendment agreed to) [See *Minutes of Proceedings*]

(Clause 9 as amended agreed to)

(Clauses 10 to 18 inclusive agreed to)

(On clause 19—*Appointment of Chief Commissioner*)

The Chair: We have another amendment, NDP-1, reference number 1542562.

Mr. Martin, please.

Mr. Pat Martin (Winnipeg Centre, NDP): Thank you, Madam Chair.

As people turn to amendment NDP-1, let me say by way of background that one of the items we have spoken to throughout all the incarnations of this bill is the process by which board members are appointed and the fact that we view this as a one-sided unilateral process with no guaranteed input from first nations as to who should be on the boards.

In the interests of not interfering with the general progress of this bill, we crafted a recommendation that we believe is fairly moderate in its scope yet answers the general issue that there should be consultation and there should be a process for input from the first nations community to assure that the people who are on this board of directors, especially the chief commissioner and the deputy chief commissioners, are people who are suitable to them—if not chosen by them, then certainly suitable to them. There should be input and the process should be obvious, public, and in keeping with the openness that the government has been espousing.

This is a motion we're moving at all standing committees. We just finished moving a similar motion at the government operations committee Tuesday, which passed with all-party support, that in the appointments of CEOs, officers, and members of the board of directors of crown corporations, the President of the Treasury Board shall have to meet certain criteria and make public the appointment process and the justification for each appointee.

This, then, is in a similar vein. We are not seeking to take away from the minister the power to appoint officers or directors. The minister will still have the ultimate power to make these appointments. This motion would simply guarantee that there would be the input from first nations communities into who those persons should be. They can make their views known, and the minister would have to make public the rationale and justification as to why these are suitable appointments, and not—let's be honest here—some kind of Liberal cronyism or some kind of a control measure by the minister to appoint people he wants onto the board of directors of these institutions.

In the interest of self-governance, in the interest of self-determination and the fact that these are new fiscal institutions that are supposed to be driven by and operated by and for first nations, they should have more participation in the appointment process of the board. So I urge my colleagues to allow this amendment to pass.

You will find an almost identical amendment eight times throughout this bill. Any time there's a reference to the minister or the Governor in Council appointing directors, and so on, we're moving a similar motion.

That said, I understand I have an opportunity to close at the end if there is debate around this motion, so I'll leave my remarks at that and perhaps answer people's questions if they choose to comment on it.

• (0915)

The Chair: Ms. Barnes.

Hon. Sue Barnes: Thank you very much, Mr. Martin.

Mr. Pat Martin: On point of order, Madam Chair, is Ms. Barnes speaking now as the government or as a member of the committee?

Hon. Sue Barnes: I will speak as the government, and I will put on record the government's response.

For the sake of simplicity, as you have said, if the same amendment is seen a number of times, I will try to put the full response, which would apply to all the amendments, and hopefully I won't have to do it a number of times, but I'll just go through it briefly.

The government does not support these amendments, because they are ambiguous and would put in place an unwieldy mechanism for appointments under the bill. There are many uncertainties regarding how these amendments would be interpreted.

For example, does “every first nation” mean the council of every first nation, or does it mean every member of every first nation? Does it require that every first nation conduct a referendum to determine its position as a nation before submitting to that minister? In soliciting present representations, is the minister required to make public the names of prospective appointees or merely disclose the fact that an appointment is proposed?

Furthermore, it is unclear what “representations” means. If it means a right to make personal representations, then it would be completely unworkable. There is no practical means by which the minister could find time to give an opportunity to meet with members of every first nation for every appointment.

Requiring all representations to be made public also poses a significant problem. The bill calls for the appointment of up to 40 commissioners and board members, with staggered terms of appointment, to serve for three years. This averages out to more than one appointment per month. If making representations public requires publishing, say, in the *Canada Gazette*, this could involve publishing thousands of pages per month, or whatever number of pages it would be.

I defer to the legislative clerk, who has advised me that even though this is a bill with a royal recommendation, she feels that these amendments are still in order because it's not a significant increase to the fisc. I accept that because it is one of these grey areas, so I won't push that. But I will say that these amendments would also require that all representations be made public, including those containing personal information or a libellous matter or material, potentially.

For all these reasons, I am asking you to vote against these proposed amendments. But I do want to say that I understand the spirit in which Mr. Martin puts this forward. I also know the minister will be open and listening to the representations, and that is very clear.

● (0920)

The Chair: Mr. Martin.

Mr. Pat Martin: If there are no other interventions....

The Chair: There are no other interventions. I said I would give you the last word. Go ahead.

Mr. Pat Martin: Regarding a verbal commitment by the minister that he will take into account all the representations, let me simply note that we used to say in the labour movement that a verbal commitment isn't worth the paper it's not written on.

We want some kind of a statutory declaration that the minister will take into consideration the input from the first nations involved, in this case the First Nations Tax Commission, so these appointments won't be simply the minister exercising his control over a new institution by appointing who he wants, whether they are washed-up Liberal hacks, cronies, or whoever, because that's what we've seen in every other government institution, agency, etc., where the President of the Treasury Board chooses the appointees.

Do we want the First Nations Tax Commission to be governed only by people with Liberal cards in their back pocket? Do we want the First Nations Tax Commission to look like the National Capital Commission, the NCC here in Ottawa? That's what we're worried about.

We either believe in self-determination or we don't. We either believe that we're creating something new, or we just admit and acknowledge here that we're creating another institution of DIAND. The appointment of the commissioners, and especially the chief commissioner, the deputy chief commissioner, and the members of the board of directors, will dictate the activities and actions and future direction of this new-founded institution.

So it seems contradictory to me, with all the talk of transparency and accountability in recent years, that they wouldn't want to introduce an element of transparency to the appointment process here and introduce an element of fairness. If you believe in the self-determination of people, you would let them make their own appointments to these boards. To keep the iron-fisted control is an extension of the Indian Act mentality, where the minister is all-powerful. That's been a theme or a trend in all of the legislation we've seen dealing with aboriginal issues since I've been here. Actually, when you read the fine print, the minister's role is expanded, not diminished. If you read between the lines, you will find that the minister is still keeping absolute control and in many cases has augmented the amount of direction and control.

In my view, it seems a very modest and temperate view to introduce the concept, at least, that the principals who are affected by this bill should have some input and some direction and control over the appointment of the directors and the officers of the institutions we're creating here.

I don't understand the parliamentary secretary speaking for the minister, but I understand that position, as I expected that position from the government. I don't understand how you could take off that hat and put on your “member-of-this-committee hat”, and given all the things that you've said in your time here in this committee about how critically important it is to you personally to advance the emancipation of aboriginal people, and not see how we're missing an opportunity here to at least make that statement, by introducing this concept into this bill.

As an individual in another party, I just don't understand at all how.... To MPs, the theme or motif of this parliamentary session has been transparency and accountability. Those are the buzzwords of Ottawa these days. That's why at every standing committee there are motions being entertained to clean up the appointment process of directors, so that the Liberals no longer have a stranglehold on every commission, board, agency, crown corporation, etc.—because that's how they plant permanence. Long after they're gone, their appointees linger on and control the environment that way. We're trying to clean that up; we're trying to stop that; we're trying to snuff that out. It's part of dealing with the democratic deficit that we do so.

● (0925)

In this vein, in this bill, again in very modest and I believe temperate language, we're trying to introduce the concept that the minister shouldn't have absolute direction and control over who gets these important commissions' directorships.

Having said that, I'll express my heartfelt view that this is the right thing to do, and from an opposition party point of view it's in keeping with a broader theme that we have. From a narrow aboriginal affairs point of view, for the interests of this committee, it's in keeping with the doctrine of self-determination and self-governance to at least go this far in putting into statutory language the rights of first nations affected by the bill to make representation to the minister as to who they want to be the directors of this newly founded commission.

The Chair: Thank you, Mr. Martin.

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

(Clause 19 agreed to)

The Chair: Now we go to clause 20.

We have two amendments for this one: NDP-2, reference number 1542735; and NDP number 31542821.

Please start with NDP-2, Mr. Martin.

(On clause 20—*Appointment of commissioners*)

Mr. Pat Martin: Madam Chair, I can't hear a word you say without my headphone. Did you say we're on—

The Chair: Clause 20, amendment NDP-2, please.

• (0930)

Mr. Pat Martin: I'm not here to bog down the progress of this process. You know this is word for word the amendment we just dealt with. I have nothing to add other than to appeal to members to take into consideration the points I was trying to make.

The Chair: Okay.

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

The Chair: We'll go to NDP-3, please, Mr. Martin.

Mr. Pat Martin: Ditto.

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

(Clause 20 agreed to)

The Chair: Let me group the next ones again, from clause 21 to clause 39, if you have no objections to grouping those clauses.

(Clauses 21 to 39 inclusive agreed to)

The Chair: We're on clause number 40, and on amendment NDP-4, reference number 1543213.

Mr. Martin, please.

(On clause 40—*Appointment of chairperson*)

Mr. Pat Martin: We're now at the "First Nations Financial Management Board" and the appointment of directors for that newly created institution.

In the vein of what I was saying earlier, in my first intervention, perhaps in this more than any other area it's vital and critical that there be more input from the very people affected, from the very communities who choose to bind together to benefit from the operation of this board; that they have input and something documented in the bill, not just the word of the minister that he will take into consideration recommendations for the appointment of

those boards. That's the commitment we have now with all of the other boards of directors and institutions the government appoints directors for, and it doesn't work.

The evidence is clear that the process is now charged with political favouritism. That is the way appointments are made by this government in Ottawa today. There's not a single crown corporation or agency or institution that's appointed by government that's not tainted by party politics, and these particular boards shouldn't be. Therefore, we should be taking steps as a committee to ensure we fix that.

I would urge the support of my committee members. Perhaps for this First Nations Financial Management Board they would reconsider their vote and allow this amendment to carry.

The Chair: Ms. Barnes.

Hon. Sue Barnes: Thank you very much.

I'll just remind the members of this committee the First Nations Financial Management Board is also a shared governance corporation. The board has from nine to fifteen directors, and of these the Governor in Council appoints the chairperson and from five to eleven other directors. The remaining directors will be appointed by the Aboriginal Financial Officers Association, or by another body prescribed by regulation.

The board is not an agent of the Crown, and we heard evidence at committee the other day from the proponents of the bill on this point, about the expertise required.

All my comments respecting what I said earlier about the NDP amendments stand, and I will not take the time of the committee to repeat myself.

The Chair: Mr. Martin, would you like to finish off?

Mr. Pat Martin: No, that's fine. Thank you.

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

(Clause 40 agreed to)

(On clause 41)

The Chair: Clause 41 has an amendment also, NDP-5, reference number 1542841.

Mr. Martin, please.

Mr. Pat Martin: I think I'll simply call the question.

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

(Clause 41 agreed to)

The Chair: Let me group the next clauses together, clauses 42 to 83 inclusive, if I could group that large number together.

(Clauses 42 to 83 inclusive agreed to)

The Chair: On clause 84 we have a government amendment, G-4, reference number 1535774.

Ms. Barnes, please.

(On clause 84—*Debt reserve fund*)

Hon. Sue Barnes: Thank you, Madam Chair.

Members, there are many checks and balances that have been created in Bill C-20. These include the establishment of a debt reserve fund that not only supports the joint and several liabilities of the member first nations, but also was required to support a marketable credit rating for the bonds issued by the finance authority. Borrowing first nations will be required to contribute 5% of the amount of any loan they receive out of the proceeds of a bond issued to this fund.

In addition to issuing bonds for the purpose of long-term loans, the finance authority provides its members with access to short-term financing. It was never intended that the requirements of the debt reserve fund be applied to these short-term arrangements, and this amendment will provide the necessary clarification to that point. I urge you to support it.

Has there been consultation on this, Ms. Kustra?

Ms. Brenda Kustra: Yes, we have discussed this with the proponents of the bill.

• (0935)

The Chair: From the legal point of view, was it run past their legal counsel?

Mr. Paul Salembier: Their legal counsel were comfortable with the approach.

(Amendment agreed to) [See *Minutes of Proceedings*]

(Clause 84 as amended agreed to)

The Chair: Let me group clauses 85 to 94 inclusive.

(Clauses 85 to 94 inclusive agreed to)

The Chair: Clause 95 has an amendment from the NDP. It's NDP-6, reference number 1542860.

Mr. Martin, please.

(On clause 95—*Appointment of Chairperson*)

Mr. Pat Martin: Thank you, Madam Chair.

I would only add, I suppose, in response to the parliamentary secretary's comments that the expertise needed is very high for these seats that are being chosen, and that in Liberal patronage appointments expertise has never been a barrier.

If we can look at the empirical evidence and not at what the minister or the parliamentary secretary say at this committee.... One graphic illustration is the Liberal candidate I ran against, who gets put on the Canada Pension Plan Investment Board, the 11-person board that invests \$160 billion of Canadians' money, with no expertise and no training and no background in the investment of billions and billions of dollars of Canadians' money. Expertise has nothing to do with it.

Let's not kid ourselves that the minister will be sensitive to the fact that this is going to take a great amount of specific expertise in this area and therefore will only select and appoint appropriately qualified people. That isn't what happens. We're dreaming if we think that's what happens. Look around you at every board and agency that you can imagine. It gets stacked with washed-up Liberal hacks, former candidates, or people the Liberals owe some kind of favour to. I don't know where or how with—

Mr. Lloyd St. Amand (Brant, Lib.): Madam Chair.

Mr. Pat Martin: —this example, but it's the experience we should be drawing from, not what the parliamentary secretary gives us verbal assurance of at this committee.

I don't understand, frankly, the inability to see the intention here, certainly by the NDP, and I would hope by the opposition. It's our job to try to clean this stuff up wherever we have the opportunity to do so. And in this case, we run into the same situation. In this example, it will be the First Nations Statistical Institute, but my same point applies. Qualifications and appropriate skill sets have very little to do with Liberal patronage appointments.

Hon. Sue Barnes: I have a point of clarification, Madam Chair.

The Chair: Ms. Barnes, please.

Hon. Sue Barnes: I would just draw attention to the bill itself. Please, Mr. Martin, don't take my word for it; look to the bill.

Clause 95 is about the appointment of the chairperson. In subclause 97(2), the qualifications are specifically addressed. I'll read it into the record:

The board of directors shall be composed of men and women from across Canada, including members of first nations, who are committed to improving first nations statistical information and analysis and who have the experience or capacity to enable the Institute to fulfil its mandate.

That is a legal requirement in this bill. It's a subclause of the bill. Please, don't take my word for it; read the bill.

The Chair: Thank you.

I don't have any other speakers on this amendment. Mr. Martin.

Mr. Pat Martin: Madam Chair, do I have the opportunity to wrap up? If it was my motion, do I get closing remarks on the motion?

• (0940)

The Chair: Go ahead.

Mr. Pat Martin: I'd simply point out that subclause 94(1) says that the institute shall be managed by a board of directors consisting of between 10 and 15 directors. So if there are some specific qualifications cited for the chair, we have 10 to 15 other directors in the institute. My point applies. And even in those cases where there may be some consideration of qualification, the language that I'm recommending be put in certainly does no harm, and it augments the case in many of the other examples.

The Chair: I just have a question on behalf of the committee. When you're referring to the board of directors as in subclause 97(2), wouldn't that also include the chairperson and the vice-chair? You would think they would be part of the board.

Hon. Sue Barnes: Could I have a legal opinion?

Mr. Paul Salembier: Yes, as you'll see from clause 94, it talks about the board of directors including the chairperson and vice-chairperson. They are considered to be members of the board.

The Chair: All right. Thank you.

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

(Clause 95 agreed to)

The Chair: On clause 96, we have amendment NDP-7, reference number 1542888.

Mr. Martin, please.

(On clause 96—*Appointment of other directors*)

Mr. Pat Martin: Well, the only thing I would add is that even in those cases where some reference to appropriate skills sets or qualifications may be cited, it doesn't help the process to be more transparent. The language that I'm recommending would require the minister to make public the representations made to him and to justify the appointment by stating publicly in what way this appointee meets the qualifications or is the appropriate person for the job.

That is not an onerous task. The way we have it crafted for the President of the Treasury Board in the motions we're moving at every committee in the House of Commons is that a simple template can be manufactured. When such an appointment is made, the minister shall then have to produce this form that says "This person is qualified and is the appropriate person for the job for the following reasons".

The onus is on the minister, not on this committee, to check each appointment, because we don't have the time or the expertise to do so. It should be the minister who can justify why this person is the right man or woman to fill this executive position, and that's what we're seeking to achieve with the language we propose today.

The Chair: Thank you, Mr. Martin.

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

(Clause 96 agreed to)

(Clauses 97 to 101 inclusive agreed to)

(On clause 102—*First Nations Chief Statistician*)

The Chair: On clause 102, we have amendment NDP-8, reference number 1542935.

Mr. Martin, please.

Mr. Pat Martin: This is the last amendment and the last time that we'll seek to have the bill amended in this way. Let me simply say that the qualification for any appointment, whether it's to a crown corporation or an agency or an institution of government or these newly created institutions, wherever the government has some direction and control over the appointment of these positions, you should have better qualifications than just a Liberal membership in your pocket. That's been the experience and that's been the frustration for the last decade, and before that too. It's the way this country is run.

It's one of the serious democratic deficit issues that we seek to address in this Parliament. I urge my colleagues to take into consideration the long-term effects of not acting, when we have the opportunity to act, as opposition members, because we are failing to be consistent with our role as opposition to demand better from government.

With the exception of the Tlicho self-government agreement and the other self-government initiatives that we've had, every piece of legislation dealing with first nations aboriginal issues and affairs that I've seen before this committee has somehow enabled the minister to not only maintain the stranglehold, the absolute power the minister

has had over the lives of Indian people, but to actually augment and grow this stranglehold that the minister maintains. It's contradictory to the spirit of self-determination and the stated objective of self-governance to fail to introduce measures that give the right to people to have their own direction and control over their own institutions.

I will point to again, as I often do, the famous study by Stephen Cornell at Harvard University that drew the direct connection between successful economic development models and the degree of self-determination in the community where the development is taking place. The models are directly proportional to the degree of self-determination. It's a direct correlation.

This is the umbilical cord back to the minister that still exists with these new independent fiscal institutions; the minister controls the appointment of the commissioners of these institutions.

I urge my colleagues to reconsider and to make the statement that we do care about self-determination and self-governance and in that light to vote to support amendment NDP-8 in clause 102.

• (0945)

The Chair: Thank you, Mr. Martin.

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

(Clause 102 agreed to)

(Clauses 103 to 105 inclusive agreed to)

(On clause 106—*Sharing of information*)

The Chair: On clause 106, we have amendment G-5, reference 1535775.

Ms. Barnes, please.

Hon. Sue Barnes: This is fairly technical in the fact that this amendment merely corrects an inconsistency of wording in clause 106 by adding the words "other aboriginal group" to paragraphs 106(2)(a) and 106(2)(b). That's it.

The Chair: Are there any interveners on this one? No?

(Amendment agreed to) [See *Minutes of Proceedings*]

(Clause 106 as amended agreed to)

(Clauses 107 to 144 inclusive agreed to)

(On clause 145—*Continuation of existing by-laws*)

The Chair: On clause 145, we have amendment G-6, reference number 1535776.

Ms. Barnes, please.

Hon. Sue Barnes: This is the third in a series of four motions that are required to limit to borrowing members the requirement for a first nation to have a financial administration law approved by the financial management board. Clause 145 serves to bring the property tax and financial management bylaws of participating first nations from the Indian Act into Bill C-20. This motion clarifies that amendments to any such financial management bylaws do not need to be approved by the financial management board.

The Chair: Are there any questions on this one?

Hon. Sue Barnes: Again, has this been consulted?

Ms. Brenda Kustra: We have discussed the contents with the proponents.

Hon. Sue Barnes: And legal...?

Mr. Paul Salembier: Yes, the legal counsel for the proponents were comfortable with the approach.

The Chair: Thank you.

(Amendment agreed to) [See *Minutes of Proceedings*]

(Clause 145 as amended agreed to)

(On clause 146—*Existing financial administration by-laws*)

The Chair: On clause 146, we have amendment G-7, reference number 1535777.

Hon. Sue Barnes: I'll just make the technical point here. This motion technically cannot be made this way. I just put it in there to give notice to the committee that this is the clause that we need to defeat, because I cannot legally put forward, as the legislative clerk would tell you, a motion to remove something. It's the last of the four in the series of motions that are required to limit to borrowing members the requirement for a first nation to have a financial administration law approved by the financial management board.

I'm asking the members of the committee to vote down clause 146. This was just my way of flagging it to all the parties in advance, that something should change in this situation.

With that, I'm asking for people to defeat clause 146, and I withdraw the motion.

• (0950)

The Chair: I'm declaring the amendment inadmissible.

Hon. Sue Barnes: Thank you, Madam Chair.

The Chair: It's out of order.

Thank you.

(Clause 146 negated)

Hon. Sue Barnes: Thank you.

The Chair: Shall clauses 147 to 153 inclusive carry?

Hon. Sue Barnes: Excuse me, Madam Chair. There's an amendment, so it's just up to clause 151.

The Chair: Yes. Excuse me, we shall go back. I'm calling the question on clauses 147 to 151.

(Clauses 147 to 151 inclusive agreed to)

(On clause 152)

The Chair: On clause 152, there is amendment G-8, reference number 1535778.

Ms. Barnes, please.

Hon. Sue Barnes: This amendment merely substitutes the word "band" for the words "first nation" in a consequential amendment to section 88 of the Indian Act. This is being done in order to maintain consistency of wording in the Indian Act.

This was consulted and approved by legal.... Is that correct?

Mr. Paul Salembier: That's right.

(Amendment agreed to) [See *Minutes of Proceedings*]

(Clause 152 as amended agreed to)

The Chair: Shall clause 153 carry?

Hon. Sue Barnes: Clause 153 has an amendment, I believe.

The Chair: No, I think you have to make it a new clause.

Hon. Sue Barnes: So clause 153 has to carry first.

(Clause 153 agreed to)

The Chair: We have a new clause 153.3, government amendment G-9, reference number 1537291.

Mrs. Barnes, please.

Hon. Sue Barnes: Madam Chair, I just want to clarify this. I think this is clause 153.1. It's a new clause.

The Chair: Yes.

Hon. Sue Barnes: Okay, I misheard.

The Chair: I said clause 153.1.

Hon. Sue Barnes: All right, thank you.

I'd like to point out that in the audience today is Mr. Micha Menczer, the lawyer for the Westbank First Nation, who on behalf of Chief Robert Louie has worked closely with the officials from the Indian affairs department and Department of Justice to ensure that the Westbank First Nation has access to the opportunities available in Bill C-20.

As you know, the Westbank First Nation Self-Government Act received royal assent during the last Parliament. What you may not know is that the Westbank First Nation is also a founding member of the existing First Nations Finance Authority Inc. and is a supporter of the legislation before us today.

In reviewing its ability to come under the provisions of this bill, Westbank First Nation determined that there was no suitable mechanism, either under this bill or its own act. It has therefore requested the assistance of the government to correct the situation, and this amendment will provide a consequential amendment to the Westbank First Nation Self-Government Act. The consequential amendment to the Westbank Act would first clarify that the Westbank First Nation, if it chooses, can benefit from the opportunities provided by Bill C-20.

Secondly, the amendment will provide authority under that act for the development of the regulations needed to bring Westbank First Nation under Bill C-20 and will provide any necessary adaptation to the provisions of Bill C-20 required for this purpose. Such regulations would be developed only at the request of Westbank First Nation.

I do have these people here with me, and I'll just clarify with our legal people whether this was discussed and this approach was felt appropriate.

Mr. Paul Salembier: Yes, counsel for the Westbank First Nation was comfortable with the approach being proposed by the government for this amendment.

The Chair: Any further interventions?

(Amendment agreed to)

(Clauses 154 and 155 agreed to)

● (0955)

The Chair: Shall the short title carry?

Some hon. members: Agreed.

The Chair: Shall schedule 1 carry?

Some hon. members: Agreed.

The Chair: Shall the preamble carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

Some hon. members: Agreed.

The Chair: That concludes our deliberation of Bill C-20.

I wish to thank all of you for being here this morning to enable the committee to get another piece of legislation done before Christmas. I also want to thank Mr. Harrison for doing the clause-by-clause for me. This was my first clause-by-clause as a chair because he took the honour. So thank you very much, and I shall report this back to the House.

The meeting is adjourned.

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