



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

42nd PARLIAMENT, 1st SESSION

Standing Committee on Canadian Heritage

EVIDENCE

NUMBER 149

Monday, March 18, 2019

Chair: Ms. Julie Dabrusin



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• (1555)

[*Translation*]

The Chair (Ms. Julie Dabrusin (Toronto—Danforth, Lib.)): Welcome to this 149th meeting of the Standing Committee on Canadian Heritage.

Today we begin our clause-by-clause study of Bill C-91.

[*English*]

Mrs. Cathy McLeod (Kamloops—Thompson—Cariboo, CPC): Madam Chair, before we get started, I want to express significant concern. To have the government side drop over 20 amendments 15 minutes prior to clause-by-clause is absolutely ridiculous. There is a process, which I think every committee member goes through, in terms of doing due diligence around amendments to see if it fits in. As I said, I think it's absolutely shameful that with 15 minutes to go there are over 20 amendments that have been tabled.

As such, I'd like to make a motion that we adopt this bill as is, without amendments.

The Chair: I'm just getting some advice from the clerks for the moment. I'm just going to hold that for a second, if I may, so that I can get proper advice from my clerks.

Because this is highly unusual, it requires getting some advice from the external clerk. We're going to have to hold onto that for a moment. I'm just going to suspend it for a moment so I can get the proper advice.

If I may, what I did want to start with, in fact, was the budget for the study.

Mr. Pierre Nantel (Longueuil—Saint-Hubert, NDP): I'm sorry—a point of order.

[*Translation*]

The Chair: It was Mr. Anandasangaree's turn, in fact.

Is it about this motion?

Mr. Pierre Nantel: If a motion is tabled and we are going to vote on it, I understand that we wait for the vote. However, if it is not voted on and it is debated, I too would have something to say.

The Chair: Very well. We are waiting.

[*English*]

What we're doing now, on this motion, is just holding it until I have advice from the clerks as to whether it's actually a motion that can be brought—whether it's a proper motion.

We're not debating it. We're not discussing that motion right now. I will have your name down.

Mr. Pierre Nantel: [*Inaudible—Editor*]

The Chair: Can I just do one thing first? Mr. Anandasangaree was ahead of you on the list.

Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.): Thank you, Madam Chair.

First and foremost, to the committee members, particularly the opposition, I want to profusely apologize for the very late submission of the proposed amendments. I recognize that both parties opposite have been submitting these documents in a very timely manner, and we appreciate that. Regrettably, due to circumstances beyond our control and beyond the control of the minister, we were unable to provide these up until now. In fact, we take responsibility for this. However, we believe the nature of the amendments that are proposed is such that they shouldn't necessarily alter the bill significantly, and they're fairly straightforward and not ambiguous. I do want to ask the committee's indulgence on this.

I know this committee has worked very well, and we certainly appreciate the enormous co-operation we received, both from the NDP and the Conservative Party, with respect to this bill. I do, however, just want to reiterate the importance of this and the fact that we do need to move forward.

Once again, I apologize. We are open to discussion of the amendments we've put forward.

The Chair: I'm still waiting for the final advice on this, but now that we seem to be having a discussion about it, I will allow it. We could go to Monsieur Nantel and Mrs. McLeod. Because it's still on hold and we haven't decided whether this motion could even go ahead, I'll just allow the two of them to speak.

[*Translation*]

Mr. Nantel, please.

Mr. Pierre Nantel: First, I want to thank Mr. Anandasangaree for apologizing. We have to show good faith in the clause-by-clause study of this bill, given the sensitivities involved.

Even if his apology has been accepted, I'd like to know how much time we will need to debate all of these amendments, especially since we were not able to study them beforehand. It seems impossible to me to debate these very particular amendments without having had the opportunity to discuss them with my colleagues. Perhaps we should suspend the meeting or study all of the other amendments first and look at these later.

I'll close with a broader question to the clerk. What sort of agenda did you have in mind? I can't see how we will manage to do all this unless we extend the meeting till 7:30 p.m. or 8 o'clock this evening. I can't see how we can study all of these amendments, all the more so since there are already 21 we are supposed to study.

The Chair: Ms. McLeod, you have the floor.

[English]

Mrs. Cathy McLeod: Thank you, Madam Chair.

I was puzzled when my colleague indicated that there were circumstances beyond the minister's control, in terms of getting this to the table. I thought this was a committee process and it was a committee input into clause-by-clause, so I guess we now understand that it is being driven by the PMO.

Having said that, I want to be on the record as saying that, when we vote on these amendments, it is not because we may or may not think they are valuable amendments. We will be voting no to every single amendment that came in at the last minute because it would be absolutely irresponsible for us to look at so many different amendments on the fly.

I want it to be clear that our "no" is going to relate to the inadequacy of any time for the opposition to give proper consideration to this batch of amendments.

• (1600)

The Chair: I'm going to hold the conversation because we're still trying to figure out if we can go ahead with it. We have two big green books out.

We still need to pass the budget for this study. Can we go to that, please? I believe that you all have the request for project budget in front of you. I'll open it up for questions and discussions about the budget.

Yes.

Ms. Georgina Jolibois (Desnethé—Missinippi—Churchill River, NDP): I have great concerns regarding the budget.

I understand the amount on the budget. However, I want to state that given the significance of this bill, in my opinion thorough consultation or the bringing in of witnesses should have been done, and we should have taken it further than we did. As an indigenous woman, with my first language being Dene, I find the small amount being spent very disrespectful to indigenous people across Canada.

The Chair: Ms. Jolibois, I will comment that this budget is driven by the witness lists that were provided by all parties, and the witnesses were called in the order of priority given by the parties. That's how this budget was set up. Just so you understand, the number of witnesses, as well as who was called and where they were based, was not driven by the budget, but the other way around. It was driven by the lists that were provided by the parties.

Ms. Georgina Jolibois: For clarity reasons, the process has been driven by the governing party, and they sped up the process so that they could rush through it.

Thank you.

The Chair: Seeing no further discussion on the budget for the study of Bill C-91, I will call it to a vote.

Seeing none opposed, it passes.

I'm going to take one more moment to consult with the clerks. I'm going to suspend for five minutes to allow the clerks to continue to look at this question, rather than having us sit. Please don't go far.

• (1600)

(Pause)

• (1610)

The Chair: We're going to start again.

Perhaps I'll ask our legislative clerk to explain to us how the rules operate for this motion.

Mr. Philippe Méla (Legislative Clerk): It's an unusual request. I've been here 18 years, and it's a first for me, hence the time required to give you an answer. We don't have a straight answer for you, as it stands. We have to go in parallel with what the chamber does.

It's possible to pass a piece of legislation in the House at all stages, but it requires unanimous consent. Here's the question: Can we pass through clause-by-clause at committee in one motion? The Standing Orders tell us that we have to go through clause-by-clause. If we take a parallel with the chamber, we come to the same conclusion, that it would require unanimous consent to do it.

The Chair: All right. Thank you very much for all that assistance.

The motion was to approve of this legislation in its original form, in its entirety, without amendments.

Do we have unanimous consent for that?

Mrs. McLeod.

Mrs. Cathy McLeod: Can we speak to the motion first?

The Chair: I don't know if it's debatable when you need unanimous consent.

Mr. Philippe Méla: No.

The Chair: No, it's not a debatable motion.

Do we have unanimous consent?

An hon. member: No.

The Chair: Okay, so we will begin.

Monsieur Nantel.

Mr. Pierre Nantel: I'm very sorry, Madame Dabrusin.

[Translation]

We also have a motion which seems like the only gracious thing to do, which is an acceptance of the government's apology. I did say the government, not the committee. So, we accept your apology. However, it is out of the question that we study these in a few seconds or on the fly.

Consequently, I ask that today's clause-by-clause study be adjourned and that this study be postponed until the next meeting of the committee.

• (1615)

[English]

The Chair: Okay, I understand you're asking to adjourn this meeting. That's not debatable, so that will go to a vote.

(Motion negatived)

The Chair: All right, so we are going ahead.

We are now looking at the clause-by-clause for Bill C-91.

(On clause 2)

The Chair: The first amendment we have is NDP-1.

[Translation]

Mr. Nantel, do you want to present your amendment?

Mr. Pierre Nantel: Yes. It pertains to clause 2.

This is what it says:

That Bill C-91, in clause 2, be amended by replacing, in the English version, line 10 on page 3 with the following:

Commissioner means the Indigenous Commissioner of Indigenous

[English]

There's no comma there; it's just an insertion.

If you want to elaborate, please do.

The Chair: Before I go to Ms. Jolibois, I apologize. When we were looking at all the motions, I skipped one part, which is that pursuant to Standing Order 75(1), consideration of clause 1, the short title, is postponed.

Now we're on clause 2, and we'll just pick up from there.

Ms. Jolibois.

Ms. Georgina Jolibois: With all due respect, I'm going to reiterate that the government is rushing through this process.

[Member spoke in Dene as follows:]

Sı Denesųłıne hesų, ...

[Member provided the following translation:]

I am a Denesųłıne Woman,...

[Member spoke in Dene as follows:]

dııı dene ʔa yastı...

[Member provided the following translation:]

I am speaking in dene.

[English]

This legislation is so important, yet the government is rushing this very important piece of legislation through and insulting the speakers of the languages across Canada. It's just rushing through.

The "Commissioner means the Indigenous Commissioner", the wording here.... We've heard from witnesses. Witnesses provided solutions, suggestions. They invested their time, energy and who they are, their identity, into it. Yet, we aren't taking that into consideration here, and the government, again, is just emphasizing words to their liking. Indigenous people who speak their languages want more than what the Liberals are providing.

My question is, how come we aren't taking our time to review what the witnesses brought forward with their suggestions?

Thank you.

The Chair: Does anyone have any other discussion about NDP-1?

Mr. Anandasangaree.

Mr. Gary Anandasangaree: Madam Chair, with respect to this, it would essentially amend the bill to limit the commissioner of indigenous languages to be an indigenous person, and I think in principle it is appropriate and important to have an indigenous person in that role.

Legislatively, however, I do believe it's likely a violation of the charter, given that we can't limit the individual to be of a particular background, and this is part of the enumerated grounds under the Charter of Rights and Freedoms. The fear is that it will be a violation and therefore this particular amendment.... I think it's important to record that, with the committee that will likely advise the minister, as well as with the demand that's there, it would ensure that the person does have a full understanding and ideally is an indigenous person. I think that should suffice. I don't think we can necessarily put that in legislation.

• (1620)

The Chair: Mr. Hogg.

Mr. Gordie Hogg (South Surrey—White Rock, Lib.): Consistent with the comments just made, it's my understanding as well that there may well be a charter challenge should we do this.

We have a proposal later on in this legislation to look at an advisory committee that would be primarily indigenous people, who would make the recommendations. I think that we can achieve the principle and goal, because I think we all believe the commissioner should be an indigenous person. It's just the process of getting there that I'm concerned about. I would hate to see a charter challenge and this being sidelined, but if we do have an advisory committee that frames that in a reasoned way, I think that's the best way of achieving this.

The Chair: I want to point out that a vote on NDP-1 also applies to NDP-10 and NDP-11, as they have the same content of adding the word "Indigenous" before "Commissioner of Indigenous", just so everyone is aware of that.

Mr. Saganash.

Mr. Romeo Saganash (Abitibi—Baie-James—Nunavik—Eeyou, NDP): First, I want to start by saying that I still recall the day the Prime Minister made his speech about this. That was more than two and a half years ago. It's been almost three years since he announced this legislation, and it comes at this moment in time, just before the election. We're rushing because of the government's waste of time.

Second, I want to respond to what Gary just said. I know it's important for indigenous people to get confirmation that this should be an indigenous commissioner. I understand the point raised by the charter; however, I think there are ways under our Constitution that allow us to do that in a free and democratic society, so perhaps that may be an avenue, or we can clarify this clause by mentioning that the person holding the commissioner position should be an indigenous-speaking person. That may be a way out of this discussion as well.

The Chair: Mr. Anandasangaree.

Mr. Gary Anandasangaree: Madam, just for the record, and for the purpose of interpretation of this particular component of the legislation, I think the intention of the government is for this individual, the commissioner, to be an indigenous person. I think there is no doubt about that.

If we look at the way it's framed, with an advisory committee, as well as, no doubt, the expectation that the indigenous languages legislation creates, I think it will be virtually impossible to have a non-indigenous person in this role. However, to put it in legislation, I think, would be problematic in that it can be open to challenge, particularly from applicants or individuals who may be seeking that position and who are non-indigenous.

I think that, in an abundance of caution, it's important to address it now but to make the intention clear, for the purpose of interpretation, that this role is meant to be for an indigenous individual.

The Chair: Ms. Jolibois.

Ms. Georgina Jolibois: I'm holding myself back because the way you explained it is offensive. It is degrading and colonialistic. It does not support first nations, Métis and Inuit people across Canada. I'm sorry, but with all due respect, the government is showing that it is continuing with the practices of colonialism through the way you just explained it.

You're asking me, a full-blooded Dene, who speaks Dene, to be open to someone who is a non-indigenous speaker. That is colonialistic. That is offensive. With all due respect, this is a very sensitive issue to me, to my family, to my cultural group, to Saskatchewan and to all of Canada.

The government sits here and explains it offensively. That is hurtful. That is disrespectful. That is unacceptable. First nations, Métis and Inuit people across Canada are going to read about what was just said, and it will be all across Canada, and I won't encourage the indigenous speakers, those who work really hard every day to teach the languages, to sit back and be open to the commissioner being a non-indigenous person—that is essentially what I'm hearing—and leading us.

Idle no more—indigenous people across Canada have been telling us that has to change. Sunny ways.... The government proposed that we do this differently, and now you're telling us that there is no other way than to continue with colonialism.

• (1625)

[*Translation*]

The Chair: Mr. Nantel, you have the floor.

Mr. Pierre Nantel: What stands out for me here is the cavalier attitude of the current government and its committee representatives regarding this very specific and very sensitive bill. It's the same carelessness I saw when Mélanie Joly, the previous minister of Canadian Heritage, said they would review the broadcasting system. She opened all the doors wide and all the bugs came in, and now we're stuck with a system where our broadcasters and our newspapers—

The Chair: Mr. Nantel, I must ask you to get back to Bill C-91.

Mr. Pierre Nantel: Forgive me, but my comments are on topic. I'll get back to it quickly. From one mistake to another, the Liberal government, despite all the nice, striking window-dressing, is shirking its responsibilities. If that is of interest to you, of course, it applies here.

As my two colleagues said so well, this bill is vital. In addition, you have the audacity to say that it is closely related to the Truth and Reconciliation Commission. You know that this is sensitive, but that did not prevent you from dragging your feet for three years. The Prime Minister said that this was extremely important to him. However, three years later, everyone is still sitting around. Of course, the Minister of Canadian Heritage told us that this was a proper, exhaustive consultation process and that is why it is so long. Listen, either you are responsible or you are not.

And now we are seized with this bill, and people say that in principle, everyone was consulted. But in practice, several witnesses told us that they had not been consulted. We are presented with an improvised bill that seems to have been quickly drafted on the corner of a table. I don't want to disrespect our public servants, but clearly, there are a lot of problems.

I want you to know that I am very upset. You know how committed I am to the Standing Committee on Canadian Heritage—it's a little play on words. I have been committed to this committee for several years, on very important topics. I am told that the Standing Committee on Indigenous and Northern Affairs cannot deal with this matter, and that it was referred to this committee. Finally, we have had a lot of discussions here, and in this offhand fashion, you introduce about 20 amendments at the last second. It's irresponsible and pathetic. I find this insulting, and imagine what all of the first nations people must feel, and the Innu, the Métis. It's really shameful.

The truth is that we are here because your government did nothing for too long. Now it realizes that the election is near and that it must absolutely do something. It rushed off to the ITK and went to cry in the Far North in order to have something to show. Apparently, it didn't work.

This is really shameful, and I am not happy about it. I find that we are wasting our time. The only reasonable thing you can do is agree to adjourn this meeting to give us the time to examine the amendments you have proposed.

The Chair: Mr. Nantel, we already voted on the amendment.

[*English*]

I'm bringing it back to NDP-1, on clause 2, noting that it applies to NDP-10 and NDP-11.

(Amendment negated)

The Chair: This brings us to PV-1.

I am happy to see you here with us, Ms. May. I saw that you had to speak to Bill S-203.

• (1630)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Chair, congratulations. I have not spoken to this committee with you as chair, so I hope it won't offend you that, before I begin to put this amendment forward, I have to state on the record the various reasons that I so regret that every committee was asked to pass the identical motion that requires me to show up at committees at clause-by-clause.

It is true that, in fact, at this very moment, I should be at the fisheries and oceans committee, where the bill I am sponsoring, Bill S-203, is being presented and witnesses are being heard. I can't be in two places at once, so I presented what I could and ran here, because I believe this bill is very important, but so is the bill before the fisheries committee now on ensuring that whales and dolphins aren't kept in captivity.

If it weren't for the motion passed by this committee, I could have brought forward the amendments I have before you now at the report stage. The effect of the motion that was originally put forward by Harper's PMO, and then repeated by this Prime Minister's PMO, is that I have to be in two places at one time. I'm sure it's taking years off my life, and I don't mean that rhetorically; I mean it literally.

Despite the fact that I don't welcome this opportunity, I do appreciate that the individuals around this table aren't responsible for what's happened to me.

With good will, I will put forward my amendment, which is to speak to the issue of how we define "indigenous governing body". This, of course, is found in the definitions section at clause 2. The current definition, as in the legislation at first reading, would exclude governing bodies that fall outside the Indian Act and the colonial system that was established for how indigenous nations govern themselves.

This, of course, was brought to the committee by Jennifer Wickham, the executive director of the Witsuwit'en Language and Culture Society. We do know from the Delgamuukw case, for example, that Witsuwit'en land is unceded and that they have been extraordinarily courageous—as all indigenous peoples have—in hanging on to culture, tradition and language in the face of oppression and colonialism. In the case of Witsuwit'en, for example, there is a still unbroken lineage of hereditary chiefs, and the hereditary chiefs and

the traditional hereditary government on unceded land are not included under the Indian Act, so hereditary chiefs and governance such as that on Witsuwit'en territory would be excluded from being able negotiate to get access to funding and so on.

I'm hoping that this amendment will meet with your approval. It merely extends the definition of "indigenous governing body", as found at clause 2, with the words "including a traditional hereditary government of unceded lands that is not provided for under the Indian Act", etc.

Thank you, Madam Chair.

The Chair: Thank you.

Before we continue to any comments, I want to note that, if this amendment is adopted, CPC-1 cannot be moved, due to a line conflict.

I saw Mr. Anandasangaree and then Monsieur Nantel.

Mr. Gary Anandasangaree: Madam Chair, I'd like to seek the advice of the department with respect to this amendment.

The Chair: Okay.

Ms. Hélène Laurendeau (Deputy Minister, Department of Canadian Heritage): I would say that Madame May has a point—that it doesn't specifically refer to the traditional hereditary government of unceded lands—but it does cover every form of government, including self-governing nations and other treaty holders. It also covers the band councils as they currently exist, where they exist, but it doesn't exclude the traditional hereditary government per se.

The reason it's silent is that how the traditional governments are represented is also a discussion that happens among indigenous people themselves. Sometimes they're included in the more formal government form, either through self-government or others, or they are included or consulted by band councils. The intent behind being silent is to leave the full spectrum open to indigenous people to make their choice around that. If we were to be specific, we would probably be interfering in how they are choosing to actually make the place for their hereditary chiefs or form of government. We wanted to be respectful of that by leaving it open to be determined internally by indigenous people themselves.

• (1635)

[*Translation*]

The Chair: You have the floor, Mr. Nantel.

Mr. Pierre Nantel: First, I would like to thank Ms. Laurendeau for having expressed her point of view.

We think the Green Party's motion is excellent and we support it.

[*English*]

The Chair: Ms. May.

Ms. Elizabeth May: The Conservative amendment is also very good in specifically referencing Métis, although I believe the Métis would be more likely to fall in this definition.

We've had recent actions by the federal government that suggest it doesn't believe hereditary chiefs on Witsuwit'en territory have any rights. The appearance of militarized RCMP to arrest hereditary chiefs protesting peacefully suggests a lack of respect for hereditary governments.

In particular because of those recent arrests, I find it unlikely that they would qualify under this legislation to negotiate for funding if we didn't specifically recognize the integrity and the authenticity of hereditary chiefs who are operating within a framework that falls outside the Indian Act.

The Chair: Seeing no further debate, we'll move to a vote on PV-1.

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

The Chair That brings us to CPC-1.

Mr. Yurdiga.

Mr. David Yurdiga (Fort McMurray—Cold Lake, CPC): Thank you, Madam Chair.

I have this amendment in here because there's confusion between Métis nation and settlements. Settlements are land-based and have their own governing body. They are unique and separate. The Métis nation is a society, and settlements are governing bodies. They are two different things.

We've had many officials come here. We've consulted with all indigenous groups, but it seems they are always excluded for some reason. It's important that we recognize them. We don't want to exclude anyone, so I think this is an important step towards ensuring that everyone is consulted. Sometimes we assume something that is not the case in reality.

My amendment is this:

That Bill C-91, in Clause 2, be amended by replacing line 19 on page 3 with the following:

"ment or other entity, including a Métis Settlement and the Métis Settlements General Council, that is authorized to act on behalf of"

It just achieves clarity, to place more emphasis on ensuring that settlements have a voice.

The Chair: Thank you.

Mr. Anandasangaree.

Mr. Gary Anandasangaree: Once again, Madam Chair, this is very much in line with the previous amendment. The definition is broad enough as is. It contemplates groups, including the settlements, so I think it's important to keep it as broad as possible and not to narrow the scope or limit it to just one or two additional groups. The broad definition allows for indigenous communities to be able to define the groups and organizations that can seek the funding.

The Chair: I have Mr. Hogg, and then Ms. Jolibois.

Mr. Gordie Hogg: Ms. Laurendeau, in listening to your previous explanation, I thought you were defining it as broadly as it could be

defined. If we started to list groups, then I'm assuming we would have to list everyone within it, but we're much broader without doing that. Am I interpreting what you said correctly?

Ms. Hélène Laurendeau: You are interpreting correctly. What I said about the hereditary construct applies here. If we start to list, we will exclude people by not having them on the list. The suggestion of the definition is to keep it as broad and as inclusive as possible.

• (1640)

The Chair: Ms. Jolibois.

Ms. Georgina Jolibois: With all due respect, the Métis people have had, and continue to have, this discussion because, if we go with what is being proposed, the broad definition being used actually creates further animosity and it will create further questions. My discussion, even with the Métis people, regarding the language and governing is different.

Governments only recognize.... I can be corrected, but my understanding is that only governing the settlements...would be only recognized as government. Mr. Yurdiga said.... And I support what he's saying, because the confusion comes from the society and the nations that are being struck at various levels. The selection of their leaders is not necessarily done by the residents. There are so many questions floating around with no answers, and looking to the government actually, again, provides more chaos than clarity on this very important thing.

The Métis people—the scholars, the youth, the elders and other leaders I speak to—want clarification. They want to be included with how important this legislation is for their ability to retain Michif, to retain the languages of their choice that they have—be they Cree, Saulteaux, Dene, Blackfoot—across Canada. When we speak about the Métis in provinces, they're often the responsibility of the provinces. We are speaking of the federal level, and this creates further animosity again. The Métis children who are attending provincially run schools won't necessarily have the option to apply for funding so that they can be taught or can continue to speak their languages.

From my perspective, the government isn't doing its part, being respectful of Métis people across Canada.

The Chair: Mr. Yurdiga.

Mr. David Yurdiga: Thank you, Madam Chair.

We were talking about having a broad definition, and I understand that, but it hasn't worked well for the Métis settlements. When the officials were here, we talked about Métis settlements, and all of a sudden we heard, "Oh, we contacted the Métis nation"; well, they're separate, so they were excluded. If we don't have a definition that separates a society from a governing body, and one is excluded, and we see time and time again that they're always excluded.... This is ensuring that the settlements are part of the discussion. They can participate. By having a broad definition, we see a lot of issues, and this is not right. Settlements are governing bodies, and I think they should be identified as such.

The Chair: Okay, seeing no further debate, I'll move to a vote on CPC-1.

(Amendment negatived)

The Chair: This brings us to the end of clause 2. There have been no amendments to clause 2.

(Clause 2 agreed to on division)

The Chair: There are no proposed amendments to clauses 3 and 4.

(Clauses 3 and 4 agreed to on division)

The Chair: That brings us to clause 5.

(On clause 5)

The first amendment we have is NDP-2. If NDP-2 is adopted, LIB-01 cannot be moved due to a line conflict.

[*Translation*]

Mr. Nantel, you have the floor.

Mr. Pierre Nantel: We move that Bill C-91, in clause 5, be amended by replacing line 19 on page 4, with the following:

“guages, regardless of how the users of those languages communicate;”

I want to say that given the number of amendments being proposed to clause 5, we aren't out of the woods. I think that ideally someone should take the trouble of putting the text and the potential amendments online—unfortunately we don't have access to the screens, if I understand correctly. This may take quite a long time and does affect the LIB-01 amendment. You read it and you mentioned that it had an impact on the Liberal amendment.

Thank you very much.

• (1645)

[*English*]

The Chair: Hearing no debate.... Is there debate?

Mr. Hogg.

Mr. Gordie Hogg: I have a subamendment.

The Chair: Is that a subamendment to NDP-2?

Mr. Gordie Hogg: Yes.

The Chair: Okay.

Mr. Gordie Hogg: I would like to see sign language included within the framework of this.

The Chair: How would you word that, if you may?

[*Translation*]

I'd like to know the specific wording of the subamendment so that we can begin to discuss it.

[*English*]

Yes, Mr. Hogg.

Mr. Gordie Hogg: It's replacing line 19 on page 4 with the following: “guages, including Indigenous sign languages”.

The Chair: You would remove all the words following “languages”, and replace them with....

Mr. Gordie Hogg: “Indigenous sign languages”....

The Chair: Okay.

Is there any debate on the subamendment?

Mr. Anandasangaree.

Mr. Gary Anandasangaree: I would like to seek clarification. If it's an add-on.... Maybe the legislative clerk could assist us with this. Amendment NDP-2 seeks to add “regardless of how the users of those languages communicate”, and then this would be in addition to that, if I'm not mistaken.

The Chair: Oh, in addition....

Mr. Gary Anandasangaree: It's in addition to it.

The Chair: Okay. That wasn't what I understood when I heard it, so I just want to clarify.

The motion is, then.... NDP-2 is “guages, regardless of how the users of those languages communicate”, and the subamendment would be to add after that “including Indigenous sign languages”.

Mr. Gordie Hogg: That's correct.

The Chair: Thank you. That makes it clearer.

Is there any discussion on this subamendment?

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

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

The Chair: LIB-01 is no longer needed, because that effectively is included in the subamendment.

We move to NDP-3.

Monsieur Nantel.

[*Translation*]

Mr. Pierre Nantel: We move that Bill C-91, in Clause 5, be amended by replacing line 19 on page 4 with the following:

“guages, regardless of how the users of those languages communicate;”

[*English*]

The Chair: Mr. Anandasangaree, and then Mrs. McLeod.

Mr. Gary Anandasangaree: Madam Chair, I'd like to seek some clarification with respect to both languages. If I'm not mistaken, the French version appears to be different from the stated English version in the current form.

I'm just wondering if Mr. Nantel's amendment would be redundant if the French version and the English version were consistent.

The Chair: All right.

Ms. Laurendeau.

Ms. Hélène Laurendeau: I think there seems to be a bit of a distinction between the two. The phrase “*la situation distincte des langues autochtones*” is actually not very clear; “status of Indigenous languages” may be a little clearer in the sense that it says in which state they are in currently.

What we don't have in either amendment is the status of how it's.... Is it about proficiency, or is it about how many people are using it or speaking it? In a way, the amendment in both languages is not really clear, but I think it's even less clear in French.

The Chair: Mrs. McLeod.

Mrs. Cathy McLeod: On top of 30-plus late or table-dropped amendments from the Liberals, we have here a piece of legislation that the government and the different organizations—at least the MNC and the AFN—took great pride in co-developing. However, we're making significant changes through these amendments. I wonder what that does to the whole issue of respecting a co-development process with intent in mind. We are making what I would suggest are significant changes, and it might perhaps not be a very respectful process.

• (1650)

The Chair: Thank you.

Is there any other discussion on NDP-3?

[Translation]

Mr. Nantel, you have the floor.

Mr. Pierre Nantel: Thank you, all of you. When we all work together on bills, we make fewer mistakes. I don't know why, but SNC-Lavalin comes to mind.

It says “assess the status of indigenous languages”, but in the French version, we could replace the word “*situation*” by “*statut*”, and “*distincte*” with “*distinct*”, and say “*évaluer le statut distinct des langues autochtones*”. That seems to me like an excellent translation of the English version. Please excuse the poor quality of the translation.

[English]

The Chair: Okay, sorry, I was just getting some clarification. In fact, you cannot subamend your own motion or your own amendment.

[Translation]

Mr. Pierre Nantel: Fine.

Let's not get caught up in the rules. If you like, I can withdraw it and reintroduce it once it has been amended. Let's not let details trip us up.

[English]

The Chair: I will go to the clerk and ask.

Mr. Anandasangaree.

Mr. Gary Anandasangaree: Madam Chair, I wonder if the deputy minister could give us a suggestion in terms of how that language should read.

Ms. Hélène Laurendeau: It may sound like wordsmithing, but it would actually be a little clearer if we could say in English “assess the status of distinct indigenous languages”.

[Translation]

The French would say « *évaluer le statut distinct des langues autochtones* », as was suggested.

[English]

It's going to be hard to know exactly what it means, but I think it would be clearer because it would actually single out each of the languages on its own and provide for the possibility of an assessment of that.

However, once again, that's the limit of what I can say on this amendment.

The Chair: Mr. Hogg.

Mr. Gordie Hogg: I move what she just said. That made eminent sense to me.

The Chair: Have you just moved a subamendment?

Mr. Gordie Hogg: It's been accepted as a friendly amendment.

The Chair: Well, it hasn't been accepted yet, because everyone has to vote, but I'm glad it's showing promise.

Let's make sure we have it properly—

[Translation]

Mr. Philippe Méla: I can read it if you like.

[English]

The Chair: We'll read the subamendment.

Mr. Philippe Méla: I'm just going to read what the final version would look like. In English, it would be “assess the status of distinct indigenous languages”.

[Translation]

The French would read: « *évaluer le statut distinct des langues autochtones* ».

[English]

The Chair: All right.

(Subamendment agreed to [See Minutes of Proceedings])

(Amendment as amended agreed to [See Minutes of Proceedings])

The Chair: That brings us to PV-2. I'm going to note that if PV-2 is adopted, NDP-5 and LIB-2 cannot be moved due to line conflicts.

Ms. May.

• (1655)

Ms. Elizabeth May: Thank you, Madam Chair.

This amendment covers quite a few spots within clause 5. They amend the bill to more accurately reflect some of the really excellent testimony from those involved in indigenous education—the First Peoples' Cultural Council and the evidence of Dr. Onowa McIvor from the University of Victoria.

I'll just try to summarize them by saying that in the first line, "by replacing line 24 on page 4", that's dealing with the evidence we have before us that the word "fluency" isn't as acceptable or as accurate in indigenous education, as it is evolving. Dr. McIvor did note that some people still use "fluency", but there is a shift in the field of indigenous language revitalization to use language like "proficiency" and "restoring", which is the effect of the first sub-part of my amendment.

The other part of my amendment would replace some of the language here that speaks to supporting learning and education, to be more accurately reflecting... "to create new speakers, including language nests, immersion programs, schools and mentor-apprentice programs".

Just to digress for just half a tick, I know that a lot of you around this table don't have the same experience in your own ridings, but it is so exciting for me that in our community on Tsartlip First Nation there is Sencoten immersion education. The kids are so turned on and so excited to be able to sing songs and play with each other exclusively speaking Sencoten. These kinds of things should be recognized as this important legislation goes forward.

Lastly, I've included, at the encouragement of Dr. McIvor's testimony, the implementation of the United Nations Declaration on the Rights of Indigenous Peoples by speaking specifically to articles 13 and 14. Although I can't move it myself, if anyone felt like helping me out here, I really should have included article 16, based on the evidence that article 16 of UNDRIP gives indigenous peoples the right to establish media in their own languages. I know I can't amend my own amendment.

That's the substance, in brief, of my second amendment.

[*Translation*]

The Chair: Mr. Nantel, you have the floor.

Mr. Pierre Nantel: We fully support Ms. May's proposal and the subamendment she wishes to make to her amendment.

[*English*]

The Chair: That means that we'd be debating the subamendment first, which is to add to "by replacing line 19 on page 5 with the following", and it would say "implement Articles 13, 14 and 16 of the". It's adding the number 16.

Is there any debate on the subamendment?

Mr. Anandasangaree.

Mr. Gary Anandasangaree: I'm sorry, Madam Chair, can I speak to all of the amendment, or does it have to be specifically—

The Chair: We're doing the subamendment first, the article 16 addition.

Mr. Gary Anandasangaree: Okay.

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

The Chair: That brings us to the amendment itself.

Mr. Hogg.

Mr. Gordie Hogg: Can I offer a subamendment as well?

Under clause 5, lines 35 and 36 on page 4, following "cultural activities", I'm proposing that it read "including language nest, mentorship and immersion programs—to increase the number of new speakers of Indigenous languages."

The Chair: The legislative clerk is going to read how the amendment reads with the subamendment, so everyone can have the proper wording.

Mr. Philippe Méla: It would be in paragraph (b) of amendment PV-2, replacing lines 35 and 36 on page 4 with the following: "tural activities—including language nest, mentorship and immersion programs—to increase the number of new speakers of indigenous languages, to create new speakers, including"—

Oh, it's already there.

• (1700)

Mr. Gordie Hogg: "Language nest" is already there, and it ends with "Indigenous languages".

The Chair: Just to clarify, does that mean that you're removing "schools and mentor-apprentice programs" in that subamendment?

Mr. Gordie Hogg: We're using "mentorship and immersion programs", which are included in the subamendment, as well as "to increase the number of new speakers of Indigenous languages".

Mr. Randy Boissonnault (Edmonton Centre, Lib.): So you're broadening the terms.

Mr. Gordie Hogg: We're just making broader terms to deal with it.

The Chair: I am clarifying one more time. I can read it as what the LIB-02 reads, which would be that at that line you would say, "tural activities—including language nest, mentorship and immersion programs—to increase the number of new speakers of Indigenous languages". Is that how that clause would read?

Mr. Gordie Hogg: Yes, that's it.

The Chair: We are also removing words, if that's the way it would read. I just want to be clear that that's the wording.

That is the subamendment we are debating right now, which is that in replacing lines 35 and 36, that would be changed to read, as I said, "tural activities—including language nest, mentorship and immersion programs—to increase the number of new speakers of Indigenous languages".

Ms. May.

Ms. Elizabeth May: I just want to say that, in terms of committee protocol, as a non-member of the committee, I can have no view on this, as my amendments are deemed to have been moved, but if I were a member, I'd find this a friendly amendment.

The Chair: Thank you.

On that, we have Ms. Jolibois.

Ms. Georgina Jolibois: With all due respect, I don't share the same mentality as my colleague to my left. In fact, I find this very offensive.

Are you guys listening on the other end? Because this is very important.

In my riding...indigenous people across Canada, first nations, Métis and Inuit...how we view our languages to thrive, to survive and become very strong is different from your view. I hear the grand chiefs. I hear the chiefs, and I hear the leaders from across the sectors speak about one very important thing, important to us as indigenous people across Canada. We were taught.... We lived it. I lived it. I grew up with this. My family and friends, and the indigenous people across Canada still practise it, but now we're not mentioning that here.

That's why it's not friendly. I don't see the words here. In fact, I find this a little more offensive than the first one, now that we're going to have a commissioner who is non-indigenous and who can lead and can revive languages, for languages to survive, to thrive and to do well. That's one offensive thing.

The second offensive thing.... This is really crucial to indigenous people across Canada—first nations, Métis and Inuit, from coast to coast. I hear consistently from everyone at these levels about the importance of land-based teachings, traditionally and historically. I don't even know what a language nest is. That is some terminology created by the government that is so out of touch with indigenous people. If this is very important—

The Chair: If I may, I just wanted to clarify that this is actually Ms. May's amendment—"language nest" is in Ms. May's amendment.

An hon. member: No, it's in the bill.

Ms. Georgina Jolibois: That's what I'm looking at, the bill. LIB-02E is what I'm looking at.

Again, speaking of mentorship, if we have a commissioner who is non-indigenous, who may not speak the language and who wants to be a mentor, who's going to mentor here? Is it going to be the elder mentoring the commissioner because he or she doesn't understand thoroughly the importance of the language? Immersion, the importance of immersion...but again, elders, young people, leaders, communities across Canada, and this is where the government fails again. There's no mention of land-based, no mention.

I'm not thinking cultural activities, because probably the interpretation from the government's perspective about cultural activities is attending a powwow or a jigging contest or playing music somewhere. I'm talking about the identity of people, of children, of youth, of our families that you speak to about first nations, Métis and Inuit, yet the approach that you are taking is colonialistic. Attending a cultural event is not the same thing as going to specific land-based initiatives or being in the classroom listening to the elders, or listening to the youth speak their languages.

This is so disheartening. This is really upsetting.

Thank you.

• (1705)

The Chair: We are now ready to vote on the—

Mr. Anandasangaree.

Mr. Gary Anandasangaree: Madam Chair, if I may just clarify, with respect to Ms. May's amendment, there are three different sections to it. Is it going to be voted on as one, or as separate units? Is it going to be (a), (b) and (c), or is it going to be...?

The Chair: It is voted on as one amendment, but we are still debating Mr. Hogg's subamendment to the amendment.

Mr. Gary Anandasangaree: Okay.

The Chair: When we get to the full amendment, it is going to be one amendment.

Ms. May.

Ms. Elizabeth May: I appreciate the tolerance of the chair in letting me have the floor again. I wanted to clarify some of the language around language nests and mentor-apprenticeship programs, just to remind the committee that this was language that came from the First Nations Summit. Of course, it was Chief Ed John who testified, but he testified here on this bill on behalf of the First Nations Summit, so there was quite a lot of indigenous—

With all due respect to my friend Georgina, I can't speak as an indigenous person, obviously—I'm a settler-culture Canadian—but in looking at this evidence, there certainly was a very substantial indigenous component to the language that Gordie has brought forward.

The Chair: We're voting on the subamendment brought by Mr. Hogg.

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

The Chair: We are now back to PV-2, the full amendment.

Mr. Anandasangaree.

Mr. Gary Anandasangaree: Madam Chair, would it be possible to have separate votes on the three components of it, or does it need to be one?

The Chair: The advice I have from the legislative clerk is that if there's something you don't like in the large amendment, you can bring a subamendment to remove it from the full amendment, and that's how we carry forward.

Ms. Elizabeth May: It wouldn't be friendly at all.

Some hon. members: Oh, oh!

Mr. Gary Anandasangaree: Madam Chair, I think there may have been a little bit of confusion. Mr. Hogg's amendment, if I'm not mistaken—

The Chair: It's a subamendment.

Mr. Gary Anandasangaree: The subamendment, essentially, is a separate amendment on its own, so in fact, it will be voted.... My understanding is that we vote on Ms. May's amendment, all three components, and then vote on Mr. Hogg's amendment.

The Chair: Mr. Boissonnault.

Mr. Randy Boissonnault: Clarification, Madam Chair. As it stands now, with the subamendment by Mr. Hogg, PV-2 has an (a), (b) and (c) components to it. Is that correct?

The Chair: Yes.

Mr. Randy Boissonnault: Okay. Thank you.

[*Translation*]

The Chair: Mr. Nantel, you have the floor.

Mr. Pierre Nantel: If I understand correctly, Mr. Hogg's subamendment is very similar to Liberal amendment LIB-02.

The Chair: That seems to be the case.

Mr. Pierre Nantel: This only concerns point (b).

• (1710)

The Chair: Yes.

Mr. Pierre Nantel: Okay, thank you.

[*English*]

The Chair: Mr. Shields.

Mr. Martin Shields (Bow River, CPC): Just for clarification, we have voted on the subamendment. Now, we will vote on or debate the motion that has been amended. That's what we're doing.

The Chair: Yes, we're discussing PV-2, as amended.

Mr. Martin Shields: It's not breaking it into three. We're voting on the motion that's been amended, period.

The Chair: Yes. What I said was that the only way not to vote on it as full is if someone brought a subamendment.

Mr. Martin Shields: Right. Thank you.

The Chair: That's it.

We are now voting on PV-2....

Mr. Boissonnault.

Mr. Randy Boissonnault: Thank you, Madam Chair.

I would like to move an amendment to PV-2 that would strike (a) and (c), leaving (b).

The Chair: It would be leaving (b), as amended by the subamendment.

Mr. Randy Boissonnault: That's correct.

The Chair: All right. Is there any debate on Mr. Boissonnault's subamendment to strike (a) and (c) in PV-2, leaving (b) as amended?

Ms. May.

Ms. Elizabeth May: I just want to understand the rationale. I think "proficiency" is better than "fluency", but not a great deal hangs on it in terms of how the bill operates. However, a great deal hangs on the recognition of articles 13 and 14 of the United Nations Declaration on the Rights of Indigenous Peoples.

Maybe Randy could give us some rationale for why (c) is unacceptable. I think (b) as amended still carries some good changes within it, but without articles 13 and 14 of United Nations Declara-

tion on the Rights of Indigenous Peoples, I think the whole amendment is very weakened.

Mr. Randy Boissonnault: Thank you for that, Madam Chair, and to my honourable colleague.

I think the reason we have concerns about (a) and (c) in PV-2 is that we heard clearly from the community that they want to decide how best to support their languages. They don't want top-down government direction. We heard that repeatedly. That needs to come back.

As you heard us say, we're supportive of (b). We just suggested some different wording there about increasing the number of speakers. Listing schools is very specific. Schools are important, but not directly connected to languages, and other things on the list are specific to a language focus.

Our entire point of doing this work is to respect not only the TRC but the principles of the United Nations Declaration on the Rights of Indigenous Peoples.

The Chair: Mr. Anandasangaree.

Mr. Gary Anandasangaree: Just to clarify, with respect to UNDRIP, I think specifying articles 13 and 14 is insufficient. The wording that we see in paragraph 5(g) in its current form is a little convoluted, but I think it's addressed later on. I don't know if we want to specify just the clauses relating to indigenous languages.

The wording as is reads "United Nations Declaration on the Rights of Indigenous Peoples as it relates to Indigenous languages", and it's broad enough to capture all the different components of UNDRIP that specifically deal with language. We don't want to specifically narrow down which parts of UNDRIP need to be adhered to here.

I think it's broad enough, Ms. May, so that it does allow for a much broader interpretation of what UNDRIP stands for with respect to languages.

The Chair: We're voting on the subamendment to strike (a) and (c).

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

The Chair: This brings us to PV-2 as a whole, which is (b) as amended.

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

The Chair: That brings us to NDP-4.

[*Translation*]

Mr. Pierre Nantel: I apologize, but this is going to be a bit complex, in both English and French, because our amendment corrects the wording in both languages, but in a different way.

In the English version of the current bill, line 25 says “maintaining fluency in Indigenous languages”. My colleagues and I would prefer to see: “maintaining fluency and proficiency in Indigenous languages”.

In line 21 of the French version of the bill, on the same page, it says “*se réappropriier les langues autochtones*”. We would like to remove the word “*autochtones*” and have the line say: “*se réappropriier les langues et la compétence danscelles-ci*”, which would be followed with the existing wording in line 22.

• (1715)

[English]

The Chair: Is there any discussion?

Mr. Anandasangaree.

Mr. Gary Anandasangaree: Madam Chair, I'm wondering if we can get a perspective from our deputy minister on this.

The Chair: Absolutely.

Ms. Hélène Laurendeau: On the issue of fluency and proficiency, in our discussion and consultation it's pretty clear that there are measurements for fluency and there is a body of work around that. In terms of the word “proficiency”, it doesn't add a lot, but there's not really any measurement that is known. The reason we maintain what we put there, “fluency” alone, is really that it captures things that are known. These are things that came through in our consultation.

I have to say that on the second amendment, because it's a different amendment, I am not clear. I don't think I understand it, so I don't think I can really speak to it. The amendment that is in French, I'm not sure I understand what it does, really. I'm being just very candid here. They are not the same thing. Maintaining fluency in indigenous languages and the second correlation to line 21 in French are different. I'm hard-pressed to understand what we're trying to achieve with that one. My apologies, Monsieur Nantel.

[Translation]

This isn't clear to me.

The Chair: Mr. Nantel, you have the floor.

Mr. Pierre Nantel: You are right, it doesn't say exactly the same thing. However, the topic is the same. Even though we are correcting two aspects of the same thing, this is the amendment we wanted to introduce. Also, we realize that the line numbers differ in the two versions, regarding the same topic.

Correct me if I am mistaken—you are certainly much more competent than I am—but the terms “proficiency” and “*compétence*” are somewhat equivalent. It is the word “fluency”, present in the English version, that is missing in the French version, as well as in the amendment we submitted. At line 21 of the French version, we added the word “*compétence*” to the word “*langues*”. However, we also need to add the closest French equivalent to the word “fluency”, and I propose « *courante* », « *vivante* » or « *usuelle* ». So you are right when you say that there is something missing in the French wording we are proposing. We would like to add a French equivalent to the word “fluency”.

[English]

Ms. Hélène Laurendeau: Madame Chair, if you'll allow me....

[Translation]

The concept of “fluency” is found a few lines below, in paragraph 5(b)(ii), where the French version refers to “*activités permettant de retrouver et de conserver la maîtrise*” of indigenous languages. The word “*maîtrise*” corresponds to the English word “fluency”. That is why I did not understand what you were trying to do with the French.

[English]

That's as I understand it.

[Translation]

Mr. Pierre Nantel: You are right.

Ms. Hélène Laurendeau: I'm trying to understand the relationship between the two.

The Chair: Mr. Boissonnault, you have the floor.

Mr. Randy Boissonnault: Mr. Nantel, I'm trying to understand the purpose of your adding the word “proficiency” to the English version. What are you trying to do? I'm not against this in principle, but the deputy minister said that the concept of “fluency” was measurable; is that the case with “proficiency”? What is your understanding of that term, for which I am looking for an equivalent French term? We can certainly find a French word to correspond to the concept of “fluency” but I will vote against this amendment if it contains the term “proficiency”.

The Chair: Mr. Nantel, you have the floor.

Mr. Pierre Nantel: Please do not vote against it.

The closest translation for the word “proficiency” would be the word “*compétence*”, if I am not mistaken.

You are correct, Ms. Laurendeau. We made a mistake in the French version of our amendment. In the English version we think it is relevant to add the word “proficiency”. However, the French version seems fine as is and we apologize for having tried to be too literal.

• (1720)

Ms. Hélène Laurendeau: No problem.

Mr. Pierre Nantel: To conclude, I would like to change my amendment NDP-4 by withdrawing the French part, but by keeping the addition of the word “proficiency” in the English version of the bill, which is rendered in French by the word “*compétence*”.

[English]

The Chair: It's the same rule about making subamendments to your amendments, but it's out there as a friendly if somebody feels like grabbing it and running with it as a subamendment. Otherwise, it stays.

Ms. Jolibois.

Ms. Georgina Jolibois: With all due respect, from the indigenous perspective, the wording is really important. I'm not saying anything other than what I'm going to say. The English language, from my understanding, the English interpretation.... I think I've heard witnesses talk about the fluency. For an indigenous person, the word "fluency" means something entirely different. I think what I'm hearing the government and others saying.... Again, the interpretation is not aligned with what I understand it to be. I've heard, not here but in other places, the word "proficient" and the importance of the French language.

It is an official language, so whatever language is being used will be used across Canada. I think, regardless of the English version and the French version, it will mean differently to indigenous people. I just want to clarify that. I just want to point that out because obviously, going line by line, indigenous people's interpretation of what we want in our language bill isn't exactly what is being proposed here, so I'm trying to understand this piece right here.

The Chair: Okay. We'll vote on NDP-4.

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

The Chair: LIB-02 and NDP-5 cannot proceed because of previous amendments, which brings us to IND-1.

Welcome, Mr. Tootoo.

I'm just going to make a comment, if I may, at the beginning, that this amendment is actually a consequential amendment to your later amendment, which is IND-2, so in fact what we need to do is to suspend IND-1 so that everyone can consider IND-2 properly before going back to deciding the consequential one, if that makes sense.

So I am suspending IND-1, if everyone will hop along with us to IND-2, which is on page 21.

Mr. Gordie Hogg: According to the order, shouldn't NDP-5 come before that one?

The Chair: No, NDP-5 cannot proceed because of PV-2.

Mr. Gordie Hogg: Okay.

The Chair: As I'm skipping along to IND-2, I am actually postponing clause 5 as a whole because we are now moving to proposed clause 9.1. It's a new clause.

(Clause 5 allowed to stand)

The Chair: Can I have everyone jump to page 21, please, and look at IND-2 to consider proposed clause 9.1? In the amendments submitted by Mr. Tootoo, there's IND-2 at page 21 of your amendments list.

Mr. Tootoo, would you like to speak to your amendment?

Hon. Hunter Tootoo (Nunavut, Ind.): Thank you, Madam Chair.

I hope nobody's indifferent to doing it this way.

Thank you, Madam Chair and members of this committee, for the opportunity to speak in support of the amendments I proposed to the draft indigenous languages act.

Before I continue, I just want to note that I'm Inuk. I think everyone here knows that, but I do not speak my language, the language of my forefathers and ancestors, due to the history of discriminatory government policies referred to in the preamble of Bill C-91.

I believe that this bill, as currently drafted, is incomplete. It fails to take into account the unique geographic and linguistic situation of Inuit. The Inuit languages and dialects that make up Inuktitut were spoken on this continent long before the arrival of French or English, whose languages are now recognized as Canada's two official languages.

This year Canada celebrates the 50th anniversary of the Official Languages Act and intends to review and modernize it. It is entirely fitting, in my view, that this committee take the very important step of acknowledging the irony of excluding Inuktitut—the majority language in the vast northern Inuit regions known as Inuit Nunangat, which is probably close to a quarter of this country—from enjoying enhanced legal status similar to that of the two majority languages in southern Canada. The amendment I am proposing in clause 9.1 would lay the groundwork to begin addressing this exclusion.

The intent of the amendment is to allow, but not commit, the minister to go beyond the matters referred to in clause 9, which are restricted to negotiating indigenous language programs and service delivery, subject to as yet unknown terms and conditions. Under my proposed clause 9.1, the minister would be able to enter into an arrangement or agreement with provincial or territorial governments, indigenous governments or other indigenous governing bodies that goes beyond program and service delivery.

Clause 9.1 would allow the minister to further the promotion and the use of indigenous languages in light of the distinctiveness, the aspirations and the circumstances of indigenous people in a designated region or territory. This would encompass a large territory like Nunavut, where 84% of the population speaks Inuktitut, or a large region like Inuit Nunangat. Clause 9.1 would make it possible for the minister to negotiate the status in Canadian law of an indigenous language in such a region or territory. It would also be possible for the minister to do so incrementally.

Importantly, if adopted, this amendment would allow the minister to keep the dialogue open with our national Inuit organization, ITK, whose current views about the shortcomings of Bill C-91 are quite clearly on the record for this committee. In fact, I understand that the government members have been told to vote against an amendment that is being brought forward by Mr. Nantel, which reflects changes that would make Bill C-91 amenable to ITK. I can't underline enough the importance of continuing dialogue with ITK on the matter of protecting our Inuit language.

It was mentioned that this was co-developed. I think ITK and NTI have made it very clear that this piece of legislation was in no way co-developed with Inuit. ITK said it was negotiated in bad faith. In developing my amendment, I tried to find a way to put an olive branch out there, or a sign of good faith, for ongoing negotiations, which I understand is where the government wants to go.

• (1725)

I think that all committee members are very capable, as we've heard over the last few weeks, of making their own decisions. I look forward to that. I would encourage you all to do the right thing—support Inuit, support this amendment. I think that would show that this government is serious about what they're saying.

I also urge all committee members to consider carefully what I'm proposing and the consequences of moving forward with a bill that excludes Canada's oldest languages.

With that, Madam Chair, I'm prepared to respond to any questions that any committee members may have.

Thank you for your time.

• (1730)

The Chair: Okay. I want to draw attention to the fact that it is 5:30. We had no end time for this meeting when it was posted, and we know that we have votes coming up much later, so no one is leaving here for a while in any event, so I do propose that we go through this. What I can do is see if there's a way to get food for people as part of it, and perhaps, after we consider this block, anyone who needs a short break can just run out of the room for a few minutes.

This is just so everyone has an idea of where we're at.

[*Translation*]

Mr. Nantel, do you have something to say about that?

Mr. Pierre Nantel: Yes, Madam Chair, and thank you for the very useful information about the extension of our meeting.

I'd like to thank Mr. Tootoo, because his exceptional contribution as an independent member brings a great deal to the scope and reach of this bill, aside from extending a hand to the entire community he speaks for here. I thank him very much, and we support this amendment.

[*English*]

The Chair: Mr. Tootoo, did you have something to say to that?

Hon. Hunter Tootoo: Thank you, Madam Chair, and thank you, Monsieur Nantel.

I think one point you made was on the scope of the bill. I understand going in and looking at developing an amendment. One of the concerns that the government had with the amendments that ITK put forward was that they didn't fall within the scope and mandate of the bill. I had some discussions with a lawyer to help me draft this, to try to put it forward in a way that fit within the scope and mandate of this bill. I believe that I've been able to do that with this amendment. I didn't want to cross a line with it, to come up to the line, and I think it's a good compromise as a potential win-win scenario. Neither side would be doing the happy dance, but it would put in place a mechanism in the legislation to allow both sides to get to where they want to go in the future.

Thank you.

The Chair: Mr. Anandasangaree.

Mr. Gary Anandasangaree: Thank you, Madam Chair.

I'd like to thank Mr. Tootoo for all the work that he's done on this.

I would like to get some clarity from our deputy minister, Madam Chair, with respect to the amendments as proposed.

Ms. Hélène Laurendeau: First of all, I also want to echo the efforts being made in trying to bring the perspective of the Inuit into this bill.

There is a concern with the amendment as drafted, particularly in the part that talks about providing something that could be done either through an agreement or an arrangement between the federal government and a provincial government, which is fine, or an indigenous government for some things that refer to "all institutions of the provincial government". I think we probably need to be careful in making sure that the federal legislation is not creating obligations on provinces directly.

That being said, I would also offer to the committee that many of the elements that are covered there are already covered in the current clause 8 and the current clause 9 of the bill, so I would urge the committee to think about not adding something that could actually create a bit of pressure within provincial or territorial institutions in a legislation that is purely federal.

Those would be my comments.

The Chair: Mr. Tootoo.

Hon. Hunter Tootoo: Thank you, Madam Chair.

I know that in Nunavut and the NWT, Inuktitut is an official language. The amendment I am proposing talks about a region or a territory, and I think that's one of the things ITK was looking at in what they're trying to achieve with the goal of it, so it's not imposing it on a whole territory but it would be within a region.

The wording I put forward to the person I had draft this was much simpler than the legalese that came out of it, and I think you can all appreciate that. This is just consistent language with the existing legislation, which is why that's in there. Also, she said many of these things are included in the other clauses, but not all of them.

The main thing is that it does not take into account the unique geographic and linguistic situation of Inuit, or the distinctiveness and the aspirations of indigenous people, especially Inuit. I say Inuit, but the way I worded it, again, wasn't singling out any indigenous group. It was mentioned earlier that if we just put one in there it's going to exclude others. I was very careful to put it forward in a way that was inclusive and broad, which wouldn't exclude any possible group.

Thank you, Madam Chair.

• (1735)

The Chair: We have Mr. Boissonnault, and then Mr. Shields.

[*Translation*]

Mr. Randy Boissonnault: Thank you very much, Madam Chair.

[English]

Mr. Tootoo, thank you very much for your presentation on the new clause 9.1. I have to say, personally, that I do follow the logic of the department in that 9.1 would be redundant to clauses 8 and 9, and those powers would exist there, but I do notice that you talk about “an Indigenous language and the rights and privileges as to its use—in a province or a region”. I’m curious as to the intent of the rights that you’re talking about. Is it your hope that Inuktitut would have federal official language status in Nunavut?

Hon. Hunter Tootoo: I think the intent of this and the intent of what ITK was looking at, and also in discussions with the minister, was to find a way, in a region where it is the majority language spoken, that it could be considered an official language, but only within that region. Again, that is something yet to be negotiated.

The Chair: I’ll go to Mr. Shields, and then Mr. Boissonnault.

Mr. Martin Shields: Thank you, Madam Chair.

Mr. Tootoo, you referred to “a region or a territory”, but you haven’t used the word “province”. I was wondering if that had been changed, but I think Mr. Boissonnault clarified that it was “in a province or a region”.

You haven’t used the word “province”, so I was just making sure that I was dealing with the same piece here.

Mr. Randy Boissonnault: I’m not so sure, Mr. Shields, which is why I’ll ask another question of Mr. Tootoo.

I didn’t hear you say that, yes, the intent of the rights piece of this is to ensure that Inuktitut would have federal official language status in a region or subregion of a province where the majority speaks that language. By extension, if official language status would apply to Inuktitut in Nunavut, it would also apply in northern Quebec, and then we’d be looking at federal official language status in northern Quebec for people who speak the language there. That’s what this would allow the minister to do.

Is that what you are seeking to have happen?

Hon. Hunter Tootoo: It would allow the minister to negotiate with a group with its.... If ITK said they want it to be recognized in Nunavut, where 85% of it is, then they could negotiate or come to an agreement to allow that to happen. It doesn’t necessarily mean that it’s going to be everywhere else, either. It would be up to that region to come to the table to negotiate with the minister if that’s something they chose to do. It doesn’t necessarily mandate that it has to be.

[Translation]

Mr. Randy Boissonnault: Thank you, Mr. Tootoo.

[English]

Hon. Hunter Tootoo: I’m sorry—

The Chair: Yes, Mr. Tootoo?

Hon. Hunter Tootoo: I know everybody’s getting hung up, and the deputy minister, on the word “province”. That was something the lawyers put in there. They said it had to be like that. It doesn’t mean that it’s going to force it on all of them. My understanding from what the lawyers tell me is that it was just for consistency

with the existing legislation. Again, the intent is within a region or territory, like Nunavut.

Thank you, Madam Chair.

The Chair: Okay.

[Translation]

Mr. Nantel, you have the floor.

Mr. Pierre Nantel: I’d like to put a question to Mr. Tootoo with regard to the verbs that were chosen. In English, the amendment says “the minister may”. In French, the text says “*le ministre peut conclure*”. Would those verbs not suffice to reassure Mr. Boissonnault?

• (1740)

[English]

Hon. Hunter Tootoo: I’ve been looking at and developing legislation for over 20 years now. Usually there are two words in there; it’s either “shall” or “may”. When you use the word “shall”, it means you have to. When you use the word “may”, you don’t have to. That’s where I was making my point. One concern coming from the government was that it would be binding on them to do it, but if you put “may” in there, it’s non-binding. They can do it if they want to. If everyone agrees that’s where they want to go, then they can do that. It just allows a mechanism, in there, to get there.

The Chair: All right.

This is on IND-2, which would create a new clause 9.1.

[Translation]

Mr. Pierre Nantel: Madam Chair, in light of the spirit of this amendment, I think it would be important that we have a recorded vote.

[English]

The Chair: Okay. We can do that, but I also just want to point out that because IND-1 and IND-3 are consequential to this one, your vote on this one would apply to IND-1 and IND-3 as well because they all go together.

Yes, Mr. Boissonnault.

[Translation]

Mr. Randy Boissonnault: Before we vote, may I put another question to Mr. Tootoo, or is it too late?

[English]

The Chair: Well, I had called the vote.

Mr. Randy Boissonnault: Okay, fine.

The Chair: We’re going to go with a recorded vote.

Hon. Hunter Tootoo: You may get a different answer depending on how you vote.

The Chair: I’m going to turn to the clerk for the vote, then.

(Amendment negatived: nays 8; yeas 1 [*See Minutes of Proceedings*])

The Chair: That means IND-1 and IND-3 also do not carry, which brings us back to clause 5. Thank you for jumping ahead, but we are back to clause 5.

Thank you, Mr. Tootoo, for your submissions.

Hon. Hunter Tootoo: Thank you, Madam Chair.

Thank you, committee members, at least some of you, for listening and not just going along with what you're told.

The Chair: Thank you.

Would everybody want to take a five-minute break now? We do not have food here yet. We're carrying on, so is everybody good to continue for a bit, or do you want to take a quick five-minute break now?

Mr. Anandasangaree.

Mr. Gary Anandasangaree: Can we just finish clause 5, Madam Chair?

The Chair: We can finish clause 5. I was doing a check-in.

(On clause 5)

The Chair: We are now on LIB-1. A vote on LIB-1 applies to LIB-3, LIB-4, LIB-5, LIB-9 and LIB-11, which are adding territories.

Mr. Gordie Hogg: It's LIB-3, isn't it?

The Chair: In the booklet we're on page 10, and it's marked LIB-1. We've had LIB-01 and LIB-02, but we're at LIB-1. I'll continue my long speech about LIB-1.

Mrs. Cathy McLeod: I thought that was about sign language.

The Chair: No. If you look at page 10 of the amendments package on clause 5, it deals with line 11 on page 5, the first one, (a). I just wanted to clarify that the vote on LIB-1 applies to LIB-3, LIB-4, LIB-5, LIB-9, LIB-11. Also, if LIB-1 is adopted, PV-3 cannot be moved due to a line conflict.

All right. Mr. Anandasangaree.

• (1745)

Mr. Gary Anandasangaree: Can we maybe suspend for a couple of minutes, just to clarify the numbering? I just want to get some clarity on the numbering.

The Chair: All right, and I can go around and show everybody my LIB-1 if anyone needs it.

Mr. Gordie Hogg: We believe you.

Mrs. Cathy McLeod: It's one of your second set versus your first set.

Mr. Gordie Hogg: I think so, yes.

Mrs. Cathy McLeod: It's one of the late amendments.

The Chair: LIB-1, set one, page 10.

We're going to suspend briefly.

• (1745)

(Pause)

• (1750)

The Chair: We're going to start again.

We were on LIB-1, which is at page 10. We are looking at an amendment to clause 5.

Mr. Hogg.

Mr. Gordie Hogg: This process is so incredibly joyous.

We suggest that clause 5 be amended by replacing line 11 on page 5 with the following:

(e) facilitate cooperation with provincial and territorial govern[ments]

and line 19 on page 5 with:

(g) contribute to the implementation of the

These are based on comments by Grand Chief Ed John with respect to tying it to UNDRIP as well.

The Chair: As a clarification, according to our legislative clerk, rather than doing the full list, this vote will apply to LIB-1. I will advise you on the future ones if they are essentially the same, and hopefully that will make it easier for people as we go through.

Mr. Gordie Hogg: Yes. The intent is that clause 5 be amended after line 16 on page 5 with the following:

facilitate meaningful opportunities for Indigenous governments and other Indigenous governing bodies and Indigenous organizations to collaborate in policy development related to the implementation of this Act;

The Chair: The LIB-1.1 amendment that I have is basically just a change that adds "and territories" to lines 14 to 16 on page 5. All in favour?

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

The Chair: We are now at LIB-1.2, Mr. Hogg. That's the one you just read to us.

• (1755)

Mr. Gordie Hogg: That's exactly it.

The Chair: Is there any discussion on LIB-1.2?

Ms. McLeod.

Mrs. Cathy McLeod: I'm going to reiterate, because it's been a while and I don't want people to think we're impractical, that on principle we will not be supporting anything that was table-dropped today, unless it's very straightforward. Sometimes things have ramifications you don't understand.

The Chair: With that note taken into account, we will vote on LIB-1.2.

(Amendment agreed to)

The Chair: We can now withdraw LIB-1.3, because that wording has already been taken, which is very exciting because I can now get to the part where I can ask, shall clause 5 carry as amended?

(Clause 5 as amended agreed to on division)

(On clause 6)

The Chair: We are moving to clause 6, and that brings us to NDP-6.

I have a note here that if NDP-6 is adopted, CPC-1.1 cannot be moved due to a line conflict.

Monsieur Nantel.

[*Translation*]

Mr. Pierre Nantel: Thank you.

Here is the amendment:

That Bill C-91, in clause 6, be amended by replacing line 22 on page 5, with the following:

6 The Government of Canada affirms that the rights

In English it's quite simple:

[*English*]

The Government of Canada affirms that the rights.

You may want to see “confirms” instead of “affirms”, but I think the essence is the same.

The Chair: Is there any discussion?

Mr. Anandasangaree.

Mr. Gary Anandasangaree: Essentially, Madam Chair, it doesn't necessarily add anything to the bill as it is right now. It essentially says “affirms” twice, so we're affirming an affirmation of the section 35 right. It appears to be redundant.

The Chair: Is there any other discussion?

Monsieur Nantel.

Mr. Pierre Nantel: Yes, just for fun.

We are at page 5 and approximately line 21, “Recognition by Government of Canada”. It reads as follows:

The Government of Canada recognizes that the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982 include rights related to Indigenous languages.

Having the words “recognized and affirmed” twice is not a drama by any means, but Romeo and I understand your point, and we'll let it go.

The Chair: Mr. Nantel, we have bells.

We are downstairs. Does anybody want to finish NDP-6 before we go up? I don't know how much time we have.

[*Translation*]

Mr. Randy Boissonnault: There are 27 minutes left.

The Chair: Very well.

[*English*]

Do you want to go and come back?

All right. We do not have unanimous consent, so we will be back after the vote.

• (1755)

(Pause)

• (1945)

The Chair: We're going to start again. Welcome back.

We had started talking about NDP-6, which is an amendment to clause 6, line 27, page 5 in French and line 22, page 5 in English.

Was there anybody who wanted to discuss NDP-6?

[*Translation*]

We had begun to discuss it, but then the bells began to ring.

[*English*]

Mr. Pierre Nantel: NDP-6? If I'm not mistaken, we are still on clause 5.

The Chair: No, clause 5 carried on division.

Mr. Pierre Nantel: Oh, yes, so we went back. Sorry.

[*Translation*]

The Chair: You had begun describing why...

[*English*]

Mr. Pierre Nantel: And then we stopped. You're right.

[*Translation*]

The Chair: You made comments about this amendment. I want to know if anyone else has anything to say about it.

[*English*]

Mr. Pierre Nantel: Okay, thank you.

[*Translation*]

The Chair: Since no one else wishes to speak, we will now vote on amendment NDP-6.

(Amendment negatived)

[*English*]

The Chair: We'll continue with CPC-1.1. Who's moving this one?

Ms. McLeod.

• (1950)

Mrs. Cathy McLeod: Thank you.

From one of our witnesses and also from the requests we put in for some legal analysis, we heard, first of all, that it's highly unusual to reaffirm a right embedded in a legislation. An amendment that you will see later will move it to the preamble.

There was also some discussion about whether it was legal and appropriate in terms of the jurisdictional issues with the provinces, the indigenous peoples and Canada. When we proposed legislation in the former government, I know that the Liberals were always concerned not to overstep constitutional boundaries. There were enough red flags and there was no comfortable response, so I think we would be best to acknowledge section 35 rights, but certainly to talk about, language rights in the preamble.

The Chair: All right. Seeing no further discussion, all in favour of CPC-1.1?

Mrs. Cathy McLeod: May I have a recorded vote on this?

The Chair: Sure.

(Amendment negated: nays 9; yeas 3 [See *Minutes of Proceedings*])

The Chair: That brings us to NDP-7.

Monsieur Nantel.

[*Translation*]

Mr. Pierre Nantel: The purpose of this amendment is to amend clause 6 by adding after line 25 on page 5, the following:

- (2) for greater certainty the rights referred to in subsection (1) include the following rights of indigenous peoples:
- (a) the right to reclaim, revitalize, use, develop, strengthen and transmit to present and future generations their histories, languages, oral traditions, philosophies, writing systems and literatures;
 - (b) the right to designate and retain their own names for communities, places and persons;
 - (c) the right to establish their own media in their own languages;
 - (d) the right not to be subjected to forced assimilation or destruction of their culture; and
 - (e) the right to enter into agreements with the Government of Canada or with provincial governments, including agreements to further the purposes of this act.

Those are, essentially, the changes we wanted to make.

Are there any questions?

The Chair: Since there are no further comments, I call the vote on amendment NDP-7.

(Amendment negated)

[*English*]

The Chair: (Clause 6 agreed to on division)

[*Translation*]

The Chair: We are now at new clause 6.1.

Mr. Nantel, you may present amendment NDP-8 on this clause.

Mr. Pierre Nantel: I can read it, but you may also look at page 13 of the document.

That bill C-91 be amended by adding after line 25, on page 5, the following new clauses:

Additional Specific Rights Related to Inuktitut

6.1 (1) The following definitions apply in this section and in sections 6.2 to 6.5.

Inuit regions means Nunavik, Nunatsiavut, the Nunavut Settlement Area as defined in section 2 of the *Nunavut Land Claims Agreement Act* and the Inuvialuit Settlement Region referred to in the definition *Agreement* in section 2 of the *Western Arctic (Inuvialuit) Claims Settlement Act*. (*régions inuites*)

Inuktitut means the Indigenous language spoken by Inuit in Canada and includes *Inuinnaqtun*, *Inuktitut*, *Inuttut* and *Inuvialuktun*, as well as related dialects and subdialects. (*Inuktitut*)

(2) This section and sections 6.2 to 6.5 are to be interpreted in accordance with the following principles:

(a) Inuit Nunangat, being the Inuit homeland in Canada, is a distinct cultural, political, and geographical area composed of the Inuit regions;

(b) Inuktitut is an original language of Canada, the original language of Inuit Nunangat and the first language spoken by the majority of Inuit Nunangat residents;

(c) effective public administration in Inuit Nunangat is best achieved through the delivery of programs and services in the first language of the recipients of those programs and services; and

(d) speakers of Inuktitut are entitled to programs and services in Inuktitut the quality and accessibility of which are comparable to programs and services offered to Canadians living in parts or regions of Canada where English or French predominates.

6.2 (1) The Government of Canada is committed to ensuring that—in close collaboration with Inuit governing bodies and in a manner consistent with the powers and jurisdictions of the provinces—the necessary measures are taken to sustain and support the status of Inuktitut as an original language of Canada, including by ensuring that federal programs and services are delivered in Inuktitut in Inuit Nunangat, to the extent that demand requires and capacity allows, and, outside Inuit Nunangat, where the numbers of speakers of Inuktitut warrant its use.

Shall I continue?

● (1955)

The Chair: It's your decision, but since everyone has it in writing, everyone can read it. If you have anything else to add—

Mr. Pierre Nantel: I'd like to read it, but everyone also has it in writing.

The Chair: I'd be happy to listen to you, if you really want to read the whole thing.

Mr. Pierre Nantel: Thank you. That warms my heart.

The Chair: Otherwise, it may be better to start discussing it.

Mr. Pierre Nantel: I agree.

The Chair: Are there any comments on NDP-8? Apparently not.

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

(Clause 7)

The Chair: We'll now move on to clause 7.

We'll start with NDP-9.

Mr. Pierre Nantel: Do you want to read it or should I read it?

The Chair: If you have anything to add, you can read it.

Mr. Pierre Nantel: No, that's fine.

[*English*]

The Chair: I must add that if NDP-9 is adopted, LIB-2 and LIB-2.1 cannot be moved due to a line conflict.

Seeing no debate, all in favour of NDP-9?

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

The Chair: I understand there is now LIB-2.1

Mr. Pierre Nantel: [*Inaudible—Editor*] the original act.

The Chair: There are LIB-2 and LIB-2.1. Which is being moved?

Mr. Hogg.

Mr. Gordie Hogg: It's LIB-2.1.

The Chair: Do you have any commentary about LIB-2.1?

Mr. Gordie Hogg: Yes. Given the input from Mr. Shields, who made the point quite clearly on “diverse” being a strange word, with respect to this, clause 7 would read:

The Minister must consult with a variety of Indigenous governments and other Indigenous governing bodies and a variety of Indigenous organizations

It's replacing the word “diverse” with “variety”.

The Chair: Is there any discussion? Seeing none, all in favour of LIB-2.1? It looks unanimous to me.

(Amendment agreed to)

(Clause 7 as amended agreed to on division)

(On clause 8)

The Chair: Clause 8 begins with PV-3.

Does Ms. May have to be here to move it?

● (2000)

Mr. Philippe Méla: No. It's deemed to be moved.

The Chair: Okay. If PV-3 is adopted, LIB-3 and LIB-3.1 cannot be moved because of a line conflict.

Mr. Anandasangaree.

Mr. Gary Anandasangaree: With respect to Ms. May's amendment PV-3, we believe that this seeks to give power to the minister to co-operate with Indigenous Services, but it's not just Indigenous Services that needs to be a part of it. There are multiplicities of different departments that need to be part of it, so we don't want to specify just Indigenous Services. We want to have a broader, open-ended level of consultation.

The Chair: Okay. Is there any other discussion on PV-3? All in favour?

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

The Chair: That puts us at LIB-3 and LIB-3.1, which I believe cover the same lines.

Mr. Hogg, are you moving LIB-3 or LIB-3.1?

Mr. Gordie Hogg: I am moving LIB-3.1 at clause 8—that “The Minister” must “cooperate with provincial” and “territorial” governments—by replacing line 8 on page 6 with the following:

powers and jurisdictions of the provinces and territories of Indigenous governing and replacing line 1 on page 6 with “The Minister may cooperate with provincial and territorial governments”.

The Chair: You're basically adding “territories”.

Mr. Gordie Hogg: That's correct.

The Chair: Or “territorial”.

Mr. Gordie Hogg: Yes. It's “territories” or “territorial”.

The Chair: Okay. Got it.

Is there any discussion? All in favour?

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

(Clause 8 as amended agreed to on division)

(On clause 9)

The Chair: At clause 9, we have LIB-3.2

If LIB-3.2 is adopted, LIB-4 cannot be moved because of a line conflict.

Mr. Hogg.

Mr. Gordie Hogg: I move that clause 9 be amended by—

The Chair: I'm sorry. Which one are you moving?

Mr. Gordie Hogg: It's LIB-3.2. I move that clause 9 be amended by replacing lines 14 to 17 on page 6 with the following:

in a manner consistent with the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982 and the powers and jurisdictions of Indigenous governing bodies and of the provinces and territories, the Minister

and also replacing line 20 on page 6 with the following: “with a provincial or territorial” agreement.

The Chair: Is there any discussion? I believe the changes are adding “and territories” or “territorial”.

Seeing no debate, all in favour?

(Amendment agreed to)

The Chair: That means LIB-4 cannot be moved. Shall clause 9 as amended carry?

(Clause 9 as amended agreed to on division)

(On clause 10)

The Chair: We've already dealt with clause 9.1, which takes us to clause 10. The first amendment listed there was IND-3, which was consequential, so it's not going ahead. We now have LIB-5.

Mr. Gordie Hogg: It's LIB-5.1.

The Chair: If that is your preference. I've been told they're identical.

If you want LIB-5.1, that's fine. You can move LIB-5.1.

● (2005)

Mr. Gordie Hogg: It's that clause 10 be amended by replacing line 33 on page 6 with the following:

[Government of Canada or the government of a province or territory

The Chair: All right. All in favour?

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

The Chair: I know that a bunch of them have this “territorial” change. As a short form, would it be acceptable to everyone that when it's one of those that just adds “territories” or “territorial” that he just says “territories” or “territorial” and that's it? Okay? Thanks.

(Clause 10 as amended agreed to on division)

The Chair: There are no proposed amendments to clause 11 that I've seen, so shall clause 11 carry?

(Clause 11 agreed to on division)

The Chair: On clause 12, there are no amendments standing because NDP-10 was consequential to NDP-1, and that has been defeated. That means we can go straight to a vote.

(Clause 12 agreed to on division)

(On clause 13)

The Chair: We now have LIB-6. If LIB-6 is adopted, LIB-6.1 cannot be moved due to a line conflict.

Mr. Hogg.

Mr. Gordie Hogg: This is again using the word “variety”. I move that clause 13 be amended by replacing, in the English version, lines 15 to 17 on page 7 with the following: “the Minister has consulted with a variety of Indigenous governments...and a variety of Indigenous organizations”.

The Chair: All in favour?

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

The Chair: NDP-11 was consequential to NDP-1, so that doesn't go forward. Shall clause 13 as amended carry?

(Clause 13 as amended agreed to on division)

The Chair: We have a new clause 13.1 and amendment LIB-6.2.

Mr. Hogg.

Mr. Gordie Hogg: Yes. It's that line 21 on page 7 be amended by adding the following:

The Minister may establish a committee to provide the Minister with advice on the appointment of the Commissioner.

This is to deal with the issue we discussed earlier with respect to ensuring that the commissioner does have authority to receive advice and therefore our expectation that it would be an indigenous person.

The Chair: Is there any discussion on LIB-6.2? Seeing none, shall it carry?

(Amendment agreed to)

The Chair: There are no amendments to clause 14 that I have seen, so shall clause 14 carry?

(Clause 14 agreed to on division)

(On clause 15)

The Chair: We are now at clause 15. We have LIB-7 and LIB-7.1. If LIB-7 is adopted, LIB-7.1 cannot be moved due to a line conflict.

Mr. Hogg.

Mr. Gordie Hogg: This is simply the same change of the word “diverse” to “variety”.

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

(Clause 15 as amended agreed to on division)

(On clause 16)

The Chair: That brings us to clause 16 and LIB-8. If it's adopted, LIB-8.1 cannot be moved due to a line conflict.

Mr. Hogg.

Mr. Gordie Hogg: I'm moving LIB-8.1, which asks that this be amended by replacing lines 2 to 4 on page 8 with the following: “the Minister has consulted with a variety of Indigenous governments and...Indigenous...bodies and a variety of Indigenous organizations...”.

• (2010)

The Chair: Is there any discussion? Seeing none, all in favour?

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

The Chair: LIB-8.2 is next, Mr. Hogg.

Mr. Gordie Hogg: It's that clause 16 be amended by adding after line 6 on page 8 the following:

Before making recommendations under subsection (1), the Minister must seek comments in order to ensure that the Governor in Council appoints persons who have the ability to represent the interests of First Nations, the Inuit, and the Métis.

Again, it's reinforcing the statement made earlier.

The Chair: Seeing no discussion, all in favour?

(Amendment agreed to)

(Clause 16 as amended agreed to on division)

The Chair: I see no amendments proposed for clause 17. Shall clause 17 carry?

(Clause 17 agreed to on division)

(On clause 18)

The Chair: On clause 18, we have NDP-12.

Monsieur Nantel.

[*Translation*]

Mr. Pierre Nantel: We're proposing the following amendment on page 8, lines 9 to 11:

18 The Commissioner and directors are to be appointed to hold office on a full-time basis.

[*English*]

The Chair: Mr. Anandasangaree.

Mr. Gary Anandasangaree: As read, Madam Chair, this really does allow for the flexibility of doing it part time or full time. We believe the flexibility is important. At this point in the process at this stage of the bill, we believe that flexibility is important in order to get the expertise, to get someone who may be engaged in something else concurrently, and we may not be able to get the most qualified person to fill that role. Therefore, essentially, I think the flexibility is what's contemplated in the bill.

[*Translation*]

The Chair: Mr. Nantel, you have the floor.

Mr. Pierre Nantel: Mr. Anandasangaree, we keep hearing about the urgency of the situation with regard to many languages. This urgent situation certainly warrants putting a number of people to work. Designating a full-time position would reassure the entire community.

I understand that you're looking for flexibility. However, people are afraid that we're moving too fast and that it will become a watered down version of what was wanted. A full-time position isn't much to ask for. It would be very surprising if, before the end of the renewal exercise for this legislation, we don't need someone on a full-time basis.

[*English*]

The Chair: Is there further debate?

Mr. Hogg.

Mr. Gordie Hogg: I concur with the argument just made by Mr. Nantel, despite there being a wonderful argument to the contrary put forward here. I believe that it is worth having it full time and being able to establish that type of consistency in the program.

The Chair: Ms. McLeod.

Mrs. Cathy McLeod: Here I agree with Mr. Anandasangaree in terms of the flexibility. You might have the perfect candidate who says they can only do 30 hours a week or that they need to have some time off. It's not precluding full-time work, and certainly the goal would be full-time work, but I would hate to see an ideal candidate disqualified because of the legislation if they could work only 32 hours a week and not 37. I think that would be very foolish of us.

The Chair: Seeing no further debate, all in favour of NDP-12?

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

The Chair: Shall clause 18 as amended carry?

(Clause 18 as amended agreed to on division)

The Chair: Now, this is a very exciting part, because there are no amendments proposed to clauses 19 to 22. If you are okay with my grouping them, I would ask if clauses 19 to 22 should carry.

(Clauses 19 to 22 inclusive agreed to on division)

(On clause 23)

• (2015)

The Chair: This brings us to amendment PV-4.

We are joined by Ms. May once again.

Ms. Elizabeth May: Thank you. I apologize for the absence. I was also doing adjournment proceedings this evening. The fun never stops, Madam Chair.

This amendment is derived from the evidence of Wanda Wilson, President of the Saskatchewan Indigenous Cultural Centre. What I'm attempting to do with the amendment to clause 23, line 3 on page 9, is to replace the language that we currently find in order to strengthen the notion of reclaiming and revitalizing, and also so that the office of the commissioner will include such efforts through research and assessments. That's why there's an addition to subclause 23(b) to:

support the efforts of Indigenous peoples, including in their research and assessments, to re-

Then the clause would continue as it did before.

The Chair: Is there any discussion?

Monsieur Nantel.

[*Translation*]

Mr. Pierre Nantel: We want to say that we support the amendment introduced by Ms. May.

Ms. Elizabeth May: Thank you.

The Chair: Okay.

[*English*]

Mr. Anandasangaree.

Mr. Gary Anandasangaree: Madam Chair, we believe we have an amendment in clause 24 that would capture this. Therefore, we won't be supporting this amendment.

The Chair: Seeing no further debate, all in favour of PV-4?

(Amendment negated)

The Chair: We are on NDP-13.

[*Translation*]

Mr. Nantel, you have the floor.

Mr. Pierre Nantel: At the bottom of page 9, paragraph (e) of clause 23, at lines 29 to 31, states "in Indigenous language education and revitalization."

We want to replace the wording with "support Indigenous language education and revitalization."

[*English*]

The Chair: Ms. McLeod.

Mrs. Cathy McLeod: Thank you, Madam Chair.

I found this a very puzzling amendment. Absolutely we support education, but sometimes innovation is not synonymous with education. I'd like to understand what he found concerning about innovation and new technologies. I thought those were very strong pieces in the bill.

[*Translation*]

The Chair: Mr. Nantel, you have the floor.

Mr. Pierre Nantel: It just seems more in line with the testimonies and concerns that we've heard regarding teaching. It's up for debate.

[*English*]

The Chair: Seeing no further debate, all in favour of NDP-13?

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

The Chair: We move to LIB-9 and to Mr. Hogg.

Mr. Gordie Hogg: It proposes that clause 23 be amended by replacing line 29 on page 9 with, yet again, the following:

provincial and territorial governments.

The Chair: All in favour of LIB-9?

(Amendment agreed to)

The Chair: Shall clause 23 as amended carry?

(Clause 23 as amended agreed to on division)

(On clause 24)

The Chair: We are on PV-5.

Ms. May.

Ms. Elizabeth May: Thank you very much.

This is similar to amendments I brought forward some time ago in terms of replacing the word “fluency” with the notions of building proficiency, restoring and maintaining. These occur in clause 24 at line 3. Rather than saying “maintain fluency”, my amendment would say the following:

those languages or identifying measures to build proficiency and restore and

The Chair: Is there any discussion?

Mrs. Cathy McLeod: I think that's a reasonable and supportable amendment.

Thank you.

(Amendment negated)

The Chair: That amendment does not carry.

[*Translation*]

This bring us to NDP-14.

Mr. Nantel, you have the floor.

● (2020)

Mr. Pierre Nantel: Unless I'm mistaken, we just studied a Green Party amendment that addressed the same issues. Haven't we already discussed “fluency and proficiency” and “*compétence*”? Didn't the previous vote already settle this matter? It's pointless to resume this debate, because the amendment addresses exactly the same thing.

[*English*]

The Chair: This is line four on page 10. That was line three on page 10.

[*Translation*]

I don't know why.

Mr. Randy Boissonnault: It's the same concept, but in another clause of the bill. We'll vote against it.

The Chair: Okay.

It's the same idea, but it amends another line.

[*English*]

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

The Chair: On PV-6, Ms. May.

Ms. Elizabeth May: Thank you.

I'd urge my friends across the way in the Liberal Party to look at this one and consider whether you couldn't let it pass.

We have the evidence from Jennifer Wickham from Witsuwit'en territories that what we see happening, in her words, when we talk about research and community studies, is, “The concern is that our communities have been researched and researched, and we don't have access to that information.”

It currently says “community assessments” in subclause 24(2):

The research or studies referred to in paragraph (1)(b) may take into account, among other things, community assessments.

My amendment proposes that the office of the commissioner, when conducting research:

may take into account a community assessment, with the consent of the Indigenous community in respect of which the assessment was undertaken, as well as other things.

I then insert a new subclause (2.1) that says:

The Office must keep the Indigenous community informed of the progress of any research or studies that it undertakes under subsection (1), must recognize the community's contributions in its final report and must provide it with a copy.

This is completely non-controversial. One would hope that in 2019, as a recognition of the disrespect of the decades and decades of studies about indigenous peoples but not with indigenous peoples, not for indigenous peoples, that this would correct that gap quite substantially.

The Chair: Ms. McLeod.

Mrs. Cathy McLeod: I'd like to ask the officials if they have any comments in terms of this creating challenges in the bill.

Ms. Hélène Laurendeau: In the past there has been a preoccupation with respect to research and study and access to the results. That said, the intent behind the amendment is one that has a purpose. However, I would say—and I wouldn't want to move into other amendments that will come later—that there might be another way to address similar things without necessarily creating a burden that would be a little convoluted by maybe making obligations that would exclude other possibilities.

Sorry, I'm not expressing myself very well. What I mean is that it may be a little too procedural to talk about informing every step of the way about progress. That said, finding a way to provide access to the results is something that would probably be desirable.

The Chair: Mr. Boissonnault.

Mr. Randy Boissonnault: Thanks, Madam Chair.

If you seek it, I think you would find general support on this side with some amendments.

In part, what Madame Laurendeau just said was exactly our thinking on this. We think we have covered proposed subsection (2.1) elsewhere. We don't want it to be overly burdensome.

I think one of the principles we heard clearly from witnesses is to get as much money to the communities as possible. Let's not overly bureaucratize this piece. We think we might be more precise in subsection (2.1) elsewhere in the amendments.

We take your point on paragraph (1)(b). As long as we could strike "as well as other things" and take out proposed subsection (2.1), we would make that subamendment.

I think you'd see that sort of a compromise on your amendment, Ms. May.

The Chair: It's Mr. Shields, and then Ms. May, unless....

Actually, sorry, you proposed a subamendment. I'll turn to the subamendment, in which case it's Ms. May.

• (2025)

Ms. Elizabeth May: Just to remind members of the committee, I'm here with no powers whatsoever. I'm not a member of the committee. My amendments are deemed to have been made. I can say nothing about it, pro or con.

I'd prefer the entire amendment to be carried. But I'm in the weirdest position in the history of the Parliament of Canada, with a special motion passed in every committee that essentially applies only to me. That's my problem.

The Chair: I believe we have heard that.

Ms. Elizabeth May: But thank you for asking me, Randy. It was very charitable.

The Chair: Ms. McLeod.

Mrs. Cathy McLeod: Could we...? Oh, sorry.

The Chair: He wasn't on the subamendment.

Mr. Randy Boissonnault: Go ahead.

Mrs. Cathy McLeod: Could we hear the wording of the line, please?

The Chair: Yes.

Mr. Boissonnault.

Mr. Randy Boissonnault: That Bill C-91, in clause 24, be amended by replacing lines 6 and 7 on page 10 with the following:

(1)(b) may take into account a community assessment, with the consent of the Indigenous community in respect of which the assessment was undertaken

Mrs. Cathy McLeod: It's still better.

The Chair: Is there any other discussion about the subamendment?

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

The Chair: This brings us to PV-6, which has been subamended.

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

The Chair: This brings us to CPC-2. I will say that if CPC-2 is adopted, LIB-10 and LIB-10.1 cannot be moved. If CPC-2 is defeated, so is LIB-10, as they are identical.

Ms. McLeod.

Mrs. Cathy McLeod: Thank you, Madam Chair.

It's taking me a minute to get through my pages. What page are we at for this one?

The Chair: It's page 36.

Mrs. Cathy McLeod: Thank you.

What we were trying to accomplish.... Again, I would go to the officials, as we heard fear from many witnesses around the Statistics Canada.... Even with the word "may", there was still that fear expressed by many.

Is that the right one?

Mr. Randy Boissonnault: We're with you—Stats Canada and Library and Archives. We agree.

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

The Chair: LIB-10 is identical, so that's gone.

[*Translation*]

This brings us to LIB-10.1.

[*English*]

LIB-10.1, because of CPC-2, cannot be moved because of the fact it covered the same lines. I read that out when I went through the consequential. I'm just trying to discuss—because it's two whole paragraphs sitting here—whether there is something to be done. This addresses, in fact, I believe.... The reason I'm flagging it is that Ms. May, when she raised her issues, had actually flagged these issues that are in LIB-10.1.

Mr. Gordie Hogg: Can we get consent to address these? Or do we require consent? Can we get that?

• (2030)

The Chair: If there were a desire to revisit the 10.1 question—I'm just putting it out there for everyone, as I don't know if you've seen LIB-10.1—the only way to do that would be to have unanimous consent to reverse the decision on CPC-2 and then do 10.1.

I'm going to let everyone look at it so that you see what it's doing, because it's not reversing that part you talked about, Ms. McLeod.

Mrs. Cathy McLeod: Madam Chair, I think on principle we indicated that anything that came to the table today we wouldn't support revisiting, so....

Mr. Gary Anandasangaree: Ms. McLeod, with respect, I think in the spirit of moving this along.... While you indicated that at the beginning and I think you're disappointed and you're correct on that at that time, I think that given where we are, we are trying to improve the bill. I think there's a genuine effort to do so. I think the language itself is somewhat plain. It does really speak to an amendment that you brought forward and we supported. I would really encourage you to look at this and maybe give your opinion. Just don't base it on principle, as you indicated earlier.

The Chair: Mr. Shields.

Mr. Martin Shields: Can you give us three minutes, please?

The Chair: Let's suspend for three minutes so that you can all look at it and see what has happened.

• (2030) _____ (Pause) _____

• (2035)

Mrs. Cathy McLeod: Or just come back to it.

The Chair: Ms. McLeod.

Mrs. Cathy McLeod: Madam Chair, I would recommend we skip that and continue through the bill. I know that your colleagues on the other side are diligently working on a solution to what is a big issue with what they wanted to do.

The Chair: We can stand down clause 24.

Monsieur Nantel.

Mr. Pierre Nantel: Are we voting on clause 24 now?

The Chair: No.

Mr. Pierre Nantel: Are we skipping it?

The Chair: We're going to stand down clause 24, if that's okay.

Mr. Pierre Nantel: Okay.

The Chair: We're going to hold it and continue, and then the clerks here will help to remind me to bring it back.

(Amendment allowed to stand)

(Clause 24 allowed to stand)

(On clause 25)

The Chair: On clause 25, we have LIB-10.2.

Mr. Hogg.

Mr. Gordie Hogg: It's that clause 25 be amended by replacing line 25 on page 10 with the following:

(c) conduct research and studies and community assessments in respect of the

The Chair: Is there any discussion on LIB-10.2? Seeing none, all in favour?

(Amendment agreed to)

The Chair: Now, on PV-7, we have Ms. May.

• (2040)

Ms. Elizabeth May: Thank you very much, Madam Chair.

This is again related to evidence that we heard from two of the witnesses, Wanda Wilson from the Saskatchewan Indigenous Cul-

tural Centre, and Jennifer Wickham from Witsuwit'en. Clause 25 currently refers to "Support offered by Office", and what this amendment does is specify a bit more, stating that:

(c.1) promote and assist research and scholarship, collect, store and update data, archive collections, and facilitate knowledge sharing among Indigenous groups in respect of the language;

There's just a bit more specificity about the functions and keeping them as close as possible to the first nations communities involved.

The Chair: All in favour?

(Amendment negated)

The Chair: That brings us to LIB-11, Mr. Hogg.

Mr. Gordie Hogg: It states that clause 25 be amended by replacing line 31 on page 10 with the following:

cial or territorial governments to establish culturally appropriate

Again, it's adding "territorial".

The Chair: All in favour of LIB-11?

(Amendment agreed to)

The Chair: On PV-8, Ms. May.

Ms. Elizabeth May: Thank you.

The Chair: Wait one second, please. I believe there's an issue that was flagged to me by the legislative clerk. Before you begin discussion, I'm just going to flag that it was flagged for me that paragraph 2(a), in reference to the Trade-marks Act, may be out of the scope of this legislation. That was raised by the legislative clerk.

Ms. Elizabeth May: Thank you, Madam Chair. I was also made aware that this was a possibility, but this provision to protect intellectual property for research, technologies and certification standards did come up in evidence. Intellectual property rights are certainly within the frame of the United Nations Declaration on the Rights of Indigenous Peoples and are very clearly connected with the work that we're doing in this bill towards expanding, restoring and preserving indigenous languages. There will be innovations that come along with that, and intellectual property protections will certainly make sense, particularly around the registering of their own trademarks within indigenous communities.

I won't go into the full amendment in all its detail because, as you mentioned, there might be one part that was a problem, but we don't want to prevent indigenous communities from licensing and otherwise making available property that is their own intellectual property. That's the key concern: that we not inadvertently deprive indigenous communities of something that they would otherwise have.

The Chair: Is there any debate? Seeing none, all in favour of PV-8?

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

(Clause 25 as amended agreed to on division)

(Clause 26 agreed to on division)

(On clause 27)

The Chair: Clause 27 has amendment NDP-15.

Monsieur Nantel.

[*Translation*]

Mr. Pierre Nantel: The purpose of this amendment is to avoid limiting to certain people the opportunity to report a fact or situation related to the treatment of Indigenous languages. For example, if a constituent from one of these communities wants to ask us, as members of Parliament, to comment on the issue, the current wording of the bill would prevent us from doing so. We're proposing here to expand the wording to include "any individual or organization, respecting any matter referred."

The Chair: Are there any comments?

Mr. Boissonnault, you have the floor.

Mr. Randy Boissonnault: I'll ask the department to comment on this matter. I find that the wording of the amendment is much too broad in scope and could cause issues if anyone were able to file a complaint with regard to Indigenous peoples.

[*English*]

The Chair: Madame Laurendeau.

[*Translation*]

Ms. Hélène Laurendeau: The purpose of the current wording of subclause 27(1) is to give Indigenous representatives the full authority to decide whether to deal with a complaint. By expanding the definition of the complainant as proposed and therefore the type of complaints that may be filed, we may not be complying with our 12 guiding principles, which seek to limit the commissioner's mandate in order to reduce costs. It could also somewhat undermine the power of Indigenous people to file complaints. This is about the balance between a very broad definition and a very specific definition guided by the intentions of the Indigenous representatives.

• (2045)

[*English*]

The Chair: All those in favour of NDP-15? All those opposed?

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

(Clause 27 agreed to on division)

The Chair: If you will allow me, there are no amendments to clauses 28 to 42.

(Clauses 28 to 42 inclusive agreed to on division)

(On clause 43)

The Chair: We have Lib 11.1.

Mr. Hogg.

Mr. Gordie Hogg: That clause 43 be amended by adding, after line 21 on page 16, the following:

a list of the research and studies undertaken under subsection 24(1);

The Chair: Is there any discussion?

Ms. May.

Ms. Elizabeth May: As this amendment is very similar to my next one, I'm just wondering if it's seen as a line conflict or whether we'll proceed to my amendment in any event.

The Chair: Wait one second.

Mr. Philippe Méla: It's the same thing.

The Chair: You do the same thing, but LIB-11.1 is on line 21, and yours, PV-9—

Ms. Elizabeth May: —is on line 23.

The Chair: It's on line 23.

Ms. Elizabeth May: Sorry. Thank you.

The Chair: But you are right that you end up doing the same thing, so we probably don't need it.

Ms. Elizabeth May: It's just as well that it's going ahead.

The Chair: So, all those in favour—

Mr. Gordie Hogg: Is it easier if I withdraw that?

The Chair: No, I think that you all end up in the same place, right? If Ms. May is okay with LIB-11.1...?

Ms. Elizabeth May: Yes. My views are, as I mentioned, not material, but, yes, I thought it might make it easier to say.... But I can't remove my own amendment just to save you time, because I don't have the power to do that.

But it does the same thing.

Mr. Gordie Hogg: Don't worry, we can.

The Chair: All those in favour or LIB-11.1? All those opposed?

(Amendment agreed to)

The Chair: Next is PV-9, Ms. May. It does the same thing as LIB 11.1, so are we good with not moving that? Yes.

(Clause 43 as amended agreed to on division)

(Clause 44 agreed to on division)

(On clause 45)

The Chair: We have LIB-12. I'm going to point out that if LIB-12 is adopted, LIB 12.1 cannot be moved due to a line conflict.

Mr. Gordie Hogg: That clause 45 be amended by replacing, in the English version, lines 2 and 3 on page 17 with the following:

a variety of Indigenous governments and other Indigenous governing bodies and a variety of indigenous organizations

That is consistent with Mr. Shields' requests and insight.

Mr. Gary Anandasangaree: Why didn't Mr. Shields move any of this?

The Chair: That's amendment 12.1.

Mrs. Cathy McLeod: I'm not fixing your mistakes.

Some hon. members: Oh, oh!

Mr. Gordie Hogg: He's given us guidance for them.

Mr. Gary Anandasangaree: That's never stopped him before.

(Amendment agreed to)

The Chair: We'll move to amendment LIB-12.2.

Mr. Hogg.

Mr. Gordie Hogg: That clause 45 be amended by adding, after line 18 on page 17, the following:

respecting procedures for consultations required under this Act as well as for the negotiation of agreements or arrangements under sections 8 and 9;

The Chair: All in favour? All opposed?

(Amendment agreed to)

(Clause 45 agreed to on division)

The Chair: Now we have LIB-12.3. It's a new clause, clause 45.1.

Mr. Hogg.

• (2050)

Mr. Gordie Hogg: That it be amended by adding, after line 23 on page 17, the following:

The Minister must ensure that Indigenous governments and other Indigenous governing bodies and Indigenous organizations are afforded a meaningful opportunity to collaborate in policy development leading to the making of regulations under section 45.

The Chair: All in favour? All opposed?

(Amendment agreed to)

(Clauses 46 to 48 inclusive agreed to on division)

(On clause 49)

The Chair: We have LIB-12.4.

Mr. Hogg.

Mr. Gordie Hogg: That it be amended by adding, after line 17 on page 18, the following:

Before submitting the report to the Minister, the person or body that conducts the review must consult with a variety of Indigenous governments and other Indigenous governing bodies and a variety of Indigenous organizations concerning the conclusions and recommendations that should be included in the report.

The Chair: All in favour? All opposed?

(Amendment agreed to)

(Clause 49 as amended agreed to on division)

The Chair: We move to new clause 49.1, LIB-12.5.

Mr. Hogg.

Mr. Gordie Hogg: That it be amended by adding, after line 25 on page 18, the following:

As soon as feasible after the fifth anniversary of the day on which this section comes into force and after each subsequent fifth anniversary, a review of this Act and of its administration and operation is to be commenced by a committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established for that purpose.

The Chair: All in favour? All opposed?

(Amendment agreed to)

(On clause 50)

(Clause 50 agreed to on division)

The Chair: That brings us back, I believe, to the clause that we held down.

(On clause 24)

Mrs. Cathy McLeod: Can we discuss this without agreeing to reopen it? Is there any way to do that, or do we have to unanimously agree?

Mr. Gary Anandasangaree: Let's discuss it, if that's okay.

Mrs. Cathy McLeod: I'm asking the clerk.

The Chair: To have the conversation on the proposed amendment?

I like conversation, so Mr. Anandasangaree, I'm still trying to figure out if we can have a conversation.

Mr. Gary Anandasangaree: Can we suggest a recess and then an open discussion here?

Mr. Pierre Nantel: If you look at your amendment 10.1, I stole that text completely and made a new amendment, 24.1.

The Chair: That is beautiful.

Mr. Pierre Nantel: It's not my idea. It's this guy's here.

An hon. member: You'll need a job soon, though.

Some hon. members: Oh, oh!

Mr. Pierre Nantel: It's very simple. Do you see what I mean? If you agree to this....

Mrs. Cathy McLeod: You have every right to table a new amendment.

The Chair: I guess we can discuss that. It might help your discussion.

Mr. Pierre Nantel: We can refer to this text as my text.

Voices: Oh, oh!

The Chair: Does that work for you, Ms. McLeod, in being able to have a discussion about the topic?

Mrs. Cathy McLeod: I think it's more up to the clerk to advise us.

[Translation]

The Chair: Mr. Méla, you have the floor.

Mr. Philippe Méla: If you want to propose amendment 10.1, it would become the new clause 24.1.

Mr. Pierre Nantel: Exactly.

• (2055)

The Chair: Okay.

[*English*]

Mr. Pierre Nantel: You can send him a few twenty-dollar bills.

Voices: Oh, oh!

The Chair: All right. This is the way it will have to happen. We will have to pass through clause 24 first before we can do clause 24.1. There's a leap of everyone at this table understanding where it's going, because we'll have to carry clause 24—

Mrs. Cathy McLeod: You need to have unanimous consent to...

The Chair: No, I don't need unanimous consent to carry clause 24 as amended, if it was amended—

Mrs. Cathy McLeod: As amended: okay. Thank you.

The Chair: That would carry through. Then we would continue the discussion, knowing that we're going to have an amendment for clause 24.1, a new clause. All right?

Shall clause 24 as amended carry?

(Clause 24 as amended agreed to on division)

The Chair: Monsieur Nantel, I understand you have a motion for us.

Mr. Pierre Nantel: Yes. It's very well written, actually. We put a lot of time into this.

Voices: Oh, oh!

[*Translation*]

You're fully aware of this.

[*English*]

On page 1, LIB-10.1, which refers to what we can now call clause 24.1, is a very good, very well-spirited resolution.

Mr. Randy Boissonnault: So we can debate it.

The Chair: Is there any debate?

Ms. Cathy McLeod: [*Inaudible—Editor*] pass any addition to it?

Mr. Pierre Nantel: No, no. It came out like this.

The Chair: Mr. Long.

Mr. Wayne Long (Saint John—Rothesay, Lib.): Madam Chair, I would like to change “The Office may” to “The Office must” in both paragraphs.

Ms. Elizabeth May: Just as a suggestion to my friend Wayne, most legal language would use “shall” instead of “must”. It has the same effect, but I would suggest that it would probably read more typically as “shall”.

The Chair: The lawyer in me has flagged this, except the word “must” was used throughout this legislation and earlier in the same paragraph, so you would have a conflict in wording. But I respect that; I'm old school, and I like my “shalls” and “mays”.

Right now we're on the subamendment to change the “mays” to “musts” in both paragraphs.

All in favour?

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

The Chair: Now we are back to the motion on clause 24.1.

Ms. McLeod.

Mrs. Cathy McLeod: My concern was about not doing legislation just on the fly and having things tabled. We know we have many clauses that we're challenging to get right. My bigger issue, which I've expressed, is that you could have work being done with multi-parties. Let's say you have five different language communities asking to have research as a one-research study, and they're using different techniques and doing comparative analysis. One group can ask for the results and have the results for all. It might not necessarily be something the others want to share.

I think when we do something on the fly, we're heading down dangerous territory here. I don't for one minute doubt that the Senate will make other changes to this bill and it will be coming back to the House. I think it needs to be done with due diligence and with some testimony about what happens if there are different language groups and comparatives and you don't want to share, you don't want to be compared, or you don't want your program to be compared.

We've headed into a dangerous area with this. It happens when you do it on the fly. We absolutely are adamantly concerned about this clause as it stands.

• (2100)

The Chair: Mr. Boissonnault.

Mr. Randy Boissonnault: Madam Chair, I would like the department to maybe give us some insights into how we arrived at this clause.

Ms. Hélène Laurendeau: The underpinning behind it is that when there is collaborative research, the methodology is agreed at the outset, just like any other collaborative work, which would include end to end, from the moment that information is gathered to the moment where the information is released or used for comparative purposes.

It leaves the possibility of not participating, or striking an agreement with the commissioner to have research with one community specifically. It doesn't preclude that. The idea behind this is to provide for the possibility of having comparative research, but not forcing comparative research. Once people participate, they participate from the beginning to the end and it's pre-agreed to; it's not forced on anybody.

The Chair: Ms. McLeod and then Mr. Shields.

Mrs. Cathy McLeod: Madam Chair, again, respectfully, we just had this tabled-dropped on us tonight, but I interpret this as someone agreeing to research and getting their own results—ensuring that they have the right to their own results. I don't see the whole issue around collaborative research being particularly well addressed. People might want to have collaborative research efforts and they don't share results with their other partners; they want it for their own self-improvement.

As I say, I think it's fine if it's either defeated or given more thought when the Senate looks at it. We can flag it to the Senate as an issue that might need more witnesses, some more thought. But we're heading down a dangerous path and we're doing legislation on the fly, and I am really uncomfortable.

The Chair: Okay. Is there any further debate?

Mr. Shields.

Mr. Martin Shields: Yes. This is a different kind of research that we're talking about and different kinds of communities, and it's a bit like my colleague mentioned. This is not like going out and saying to 10 municipal communities, we're going to do research and get back to you on the research and collaborate with you.

We're talking about independent nations here. This is different. I think you're pushing the boundaries with this one when you're talking “collaboratively” and independent nations versus a number of municipal communities, like groups, different things, which might sign off and give you permission.

You have to be careful with what you're suggesting here. I think the caution is wise. You have to be careful.

[*Translation*]

The Chair: Mr. Nantel, you have the floor.

Mr. Pierre Nantel: You may tell me that it's a little late to do so, but I want to thank my colleagues for raising this issue. Mr. Saganash told me that one solution here could be to add a provision for the funding of this type of work.

[*English*]

See, if we put the money toward doing these studies, you can actually add that clause. You want to make sure that this issue is addressed, so there is still space for you to be comfortable potentially when the money is [*Inaudible—Editor*].

[*Translation*]

The Chair: Mr. Boissonnault, you have the floor.

[*English*]

Mr. Randy Boissonnault: If I'm correct, I think Ms. May's section addresses the fact that there is consent before research, so that does head that off at the pass maybe a bit.

I'm comfortable, in having heard this discussion and what's written here, that we have addressed the concerns.

To Ms. McLeod's point, if we get it wrong, the Senate will tell us.

The Chair: All right.

Seeing no further discussion, is everyone in favour of the NDP amendment as amended to create clause 24.1?

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

The Chair: This brings us to the preamble.

We are in the home stretch, so I'm going to ask if everybody can bear through it. We don't have many other amendments, and in fact some of what I might say next is going to shorten it.

Shall the short title carry?

Some hon. members: Agreed.

The Chair: Thank you.

With regard to the preamble, it has been flagged for me by the legislative clerk that the preamble amendments, save PV-10, are procedurally inadmissible. The legislative clerk can help with that. If anybody has any questions, he can explain CPC-3, for example, on the preamble. There is a special reason why.

I'll ask the clerk to explain why he says it is inadmissible.

● (2105)

Mrs. Cathy McLeod: We understand.

The Chair: So are you withdrawing CPC-3?

Mrs. Cathy McLeod: Yes.

The Chair: Perfect.

Mrs. Cathy McLeod: We had to get the change in clause 6 for that.

The Chair: PV-10 is admissible.

Ms. May.

Ms. Elizabeth May: It's very simple. Everybody around the table is familiar with it. The current draft speaks of the languages spoken. That could preclude other forms of language, such as sign language, so my amendment would change “spoken” to “used”.

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

The Chair: That brings us to NDP-16, which I have been told is inadmissible. We'd like unanimous consent to make it admissible.

I've been told by the legislative clerk that it's inadmissible, so I'm ruling it inadmissible. The proper way to do this is for someone to appeal my decision, and you can have a vote on that.

Go for it.

Mr. Pierre Nantel: Can I appeal your decision, because according to me

[Translation]

it's quite clear. During the study, I often told you how surprised I was to see us confronted with the emotions and experiences of First Nations, Innu and Métis people. I never imagined that a language bill would lead us to such a profound place. That's why we want to replace line 3 on page 2 with the following:

[English]

forced assimilation, forced relocation

—which is already in the text—

during the Sixties Scoop and residential

[Translation]

I think that it's important to specify this. I believe that the legislator originally wanted a connection with the Truth and Reconciliation Commission.

[English]

The Chair: Right now you're actually just appealing me.

Mr. Pierre Nantel: I'm so appealing.

The Chair: I put that to a vote as to who agrees with him that my decision should be appealed.

Should the decision of the chair be sustained?

(Ruling of the chair overturned)

The Chair: Now we can go on, and thank you for putting in your reasons. I do want to flag that if NDP-16 is adopted, LIB-12.6 cannot be moved due to a line conflict.

[Translation]

Mr. Nantel explained why NDP-16 is important.

[English]

LIB-12.6 cannot be moved if NDP-16 carries.

Mr. Gordie Hogg: Can I make a subamendment—

Mr. Randy Boissonnault: To Mr. Nantel's motion.

Mr. Gordie Hogg: —to Mr. Nantel's motion?

The Chair: Mr. Hogg, yes.

Mr. Gordie Hogg: That the preamble be amended by replacing line 3 on page 2 with the following: “assimilation, forced relocation, the Sixties Scoop and residential”.

The Chair: We're discussing that subamendment made by Mr. Hogg to NDP-16.

(Subamendment agreed to [See Minutes of Proceedings])

The Chair: That brings us to NDP-16 as a whole. All in favour of NDP-16, as amended?

• (2110)

Mr. Randy Boissonnault: Is it the understanding of the committee that in the subamendment to Mr. Nantel's NDP-16, the subamendment ends things at paragraph (a), and there's no paragraph (b)?

The Chair: No. That was not clear.

Mr. Randy Boissonnault: But that's the amendment. The amendment did not say paragraph (b); it ended, full stop, at “residential”. That needs to be clear for the record.

[Translation]

The Chair: Mr. Nantel, you have the floor.

Mr. Pierre Nantel: You're right, Mr. Boissonnault. It's a useful clarification. In the English version, we want to replace line 6 on page 2 with the following:

[English]

languages and the destruction of Indigenous culture;

[Translation]

Once again, these are the things that we've heard. I think that everyone here makes many concessions to move things forward. A number of people, including me, have wanted to pull the plug. However, we're ultimately making efforts to move things forward. Anything that can be done to ensure a better response to the bill is welcome.

I remember being told that “you just need to help us rebuild what you destroyed.” I think that the words “the erosion of those languages and the destruction of Indigenous culture” must be included in the preamble. This makes it even more likely to meet the objective of the Truth and Reconciliation Commission.

[English]

The Chair: Okay. Seeing no further debate, all in favour of NDP-16 as amended?

Mr. Randy Boissonnault: Can we suspend, Madam Chair?

The Chair: We're suspending for two minutes.

• (2110)

(Pause)

• (2110)

The Chair: Mr. Boissonnault.

Mr. Randy Boissonnault: To clarify the amendment to NDP-16, it should read as follows: that Bill C-91, in the preamble, be amended

(a) by replacing line 3 on page 2 with the following:

assimilation, forced relocation, the Sixties Scoop and residential

[Translation]

Period.

[English]

Mr. Gordie Hogg: Yes, and delete the rest.

Mr. Randy Boissonnault: Delete the rest.

The Chair: Okay. I just want to be clear, though. The subamendment that was actually passed did not delete paragraph (b). I've just checked with our legislative clerk to double-check. What was voted upon was an amendment to paragraph (a) as a subamendment. The subamendment did not erase paragraph (b). That is open to be moved, but I just want it to be clear that this was not what was voted upon.

Mr. Randy Boissonnault: I will move that now.

The Chair: All right. What you're moving now is—

Mr. Randy Boissonnault: What I just read into the record. There's no paragraph (b).

The Chair: Can you do that? I don't think you can do that, because you already did the first part of it. I think all you can do now is either vote against it or subamend to remove paragraph (b). You can't deal with the part that you've already subamended.

Mr. Randy Boissonnault: I think we're agreeing violently, Madam Chair, so however the clerk advises us to proceed, we will do so.

The Chair: I just want to be clear, because that's what my job is here. Your subamendment is to remove paragraph (b) from amendment NDP-16.

• (2115)

Mr. Randy Boissonnault: Yes.

The Chair: Now there's a new subamendment removing paragraph (b).

Monsieur Nantel.

Mr. Pierre Nantel: Can I discuss this?

The Chair: This subamendment? Yes.

[*Translation*]

Mr. Pierre Nantel: The commission's report uses words that are more worse than these words. It talks about cultural genocide. I don't understand why we've suddenly become a little fussy and why don't want to go through with it. I think that it's very relevant to talk about the erosion and destruction of Indigenous culture. Of course, we'll all be going to bed in an hour and we'll all be quite happy.

I don't see why there's an objection to this. In reality, this all comes from a report where much more serious words are used. I can't understand this caution.

[*English*]

The Chair: Mr. Anandasangaree.

Mr. Gary Anandasangaree: Thank you, Monsieur Nantel.

In the TRC, however, there are a number of different calls to action, and this particular bill doesn't address all of that. It addresses only the languages component. The addition that you have really goes outside the scope in that respect. I think there are other ways and other avenues for us to be able to address that.

The Chair: Okay. Seeing no further debate, all in favour of the subamendment?

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

The Chair: Now we have NDP-16 as amended. All in favour?

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

The Chair: Amendment LIB-12.6 cannot be moved.

NDP-17, I've been told, is inadmissible. You know the process when I say that it's inadmissible.

Mr. Pierre Nantel: I appeal the decision.

The Chair: Monsieur Nantel appeals my decision.

Shall the decision of the chair be sustained? All in favour?

(Ruling of the chair sustained)

The Chair: It is sustained, so NDP-17 cannot move forward.

NDP-18 has been deemed inadmissible as well, so we'll move ahead. As NDP-18 is inadmissible, shall the preamble carry as amended?

Mr. Randy Boissonnault: Yes.

Some hon. members: Agreed.

An hon. member: On division.

(Preamble as amended carried on division [*See Minutes of Proceedings*])

The Chair: Shall the title carry?

Mrs. Cathy McLeod: Madam Chair, can we speak to these?

The Chair: Which ones?

Mrs. Cathy McLeod: Shall the title carry? Can we speak to any of the following motions?

The Chair: Yes.

Mrs. Cathy McLeod: In summary, I think parliamentarians do their due diligence when they come to clause-by-clause. We get our amendments in a timely way. I always like to have my packages of amendments. It is busy and it's complicated. Typically you like to have a system.

When you have this many amendments being table-dropped... I've been in committees when we've had one or two get table-dropped, which you can deal with. But, to be frank, I think this was incredibly unprofessional. It was disruptive. It really created some challenges. I think it put us at greater risk of making and leaving some serious flaws in this bill.

I just want to make sure that this is on the record, because I have never ever seen it before. It certainly felt very disruptive to me, disruptive of my having a system and knowing what I was doing and where we were going, to have multiple more documents submitted that we all of a sudden were essentially seeing for the first time.

The Chair: Thank you.

Mr. Pierre Nantel: I understand.

The Chair: We carried the preamble.

Shall the title carry?

Some hon. members: Agreed.

Mr. Martin Shields: On division.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

Mr. Martin Shields: On division.

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: I believe, Mr. Anandasangaree, you had something to say.

● (2120)

Mr. Gary Anandasangaree: I just want one minute after you say what you have to say.

The Chair: I was going to adjourn.

Some hon. members: Oh, oh!

Mr. Gary Anandasangaree: Before you do, Ms. McLeod, I addressed your concern at the outset, and I will reiterate our apologies for that.

To both the Conservatives and the NDP, we do appreciate the manner in which we've been able to bring the bill to this stage. We definitely look forward to your support in getting it through the House as well as the Senate.

I know there are a lot of our staff here, interpreters, clerks and our counsel. I want to thank everyone for their diligence, their support and their hard work today to get this done.

Thank you.

The Chair: Thank you very much.

This meeting is adjourned.

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