



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Indigenous and Northern Affairs

EVIDENCE

NUMBER 092

Wednesday, December 13, 2023

Chair: Mr. John Aldag



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• (1635)

[English]

The Chair (Mr. John Aldag (Cloverdale—Langley City, Lib.)): Good afternoon, everyone. It's good to be back for meeting number 92. I call this meeting to order.

We are here today to do clause-by-clause on Bill C-53, an act respecting the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan, to give effect to treaties with those governments and to make consequential amendments to other acts.

Now that we're in session, I'd like to remind everybody that there are no screenshots and no photos allowed.

I'd like to give a big welcome to everybody who has come to see us today, all the members of the public who are here. Welcome.

As always, welcome back to our officials. We appreciate your being here again today.

(On clause 8)

The Chair: Colleagues, when we left off, we were on clause 8, and I had Mr. Schmale on top of the speaking list from the last meeting.

I'll turn it over to Mr. Schmale.

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC): Thank you very much, Chair.

I appreciate the opportunity to continue to work through clause 8 to see if we can come to a consensus here at the table. I want, first of all, to give a shout-out to my colleague Gary Vidal for his work on trying to get something together that we can propose to the committee for potential consideration and a subsequent vote. I do want to give compliments to the NDP and the Bloc as well for their feedback on this amendment. I was very impressed with the level of engagement that has taken place.

It seems that we are stuck on clause 8. As I said right from the beginning, the goal here was to take this piece of legislation and recognize some of the comments that were made by Métis groups, first nations groups and many others, and to try to work towards a solution that would ease the concerns of those groups but also support, encourage and really bring the spirit of this legislation to fruition through the adoption of it.

It's been a good go. We obviously don't have the resources the government and the team behind it have, but I think that through the work of Gary, Arnold, Bob, Marilène and Lori, we've come up with something that might be acceptable to people at the table. I'm

interested to hear what the partners will think as well. Hopefully, we can get consensus on this and move forward to start tackling some of the other clauses that are here, but it is very important that we get this one right.

For those who are just joining us, that's why it was tough to move past clause 8 and start with the other ones, because a lot of what clause 8 was about set the structure for much of what is in this piece of legislation. In order to really vote on the others, we have to know that there's a solid clause 8, which my friend Mr. Vidal will get to very shortly. I hope it will be acceptable to the governing side and maybe we can reach unanimous consent through that. It is a change that I hope recognizes the concerns and also supports and encourages the spirit of this bill.

I will probably wait to speak until after Mr. Vidal. I look forward to that debate.

• (1640)

The Chair: Thanks, Mr. Schmale.

Procedurally, I'd like to go through where we are. I have no more speakers on clause 8, which would then move us to a discussion on CPC-3.2. We do have an amendment that was put forward by Mr. Vidal. It has been distributed to all members, so it is in order. The challenge we have is that, because of the way they come in and where they fall within the bill, we need to deal with CPC-3.2 first. We have to find out if the member wants to move it, but if CPC-3.2 is moved, debated and then adopted, then Mr. Vidal's amendment—reference number 12796449—cannot be moved due to a line conflict. That's the context for the debate that's about to happen.

I'm going to call Mr. Viersen to see if he wants to move CPC-3.2.

Mr. Arnold Viersen (Peace River—Westlock, CPC): Well, Mr. Chair—

The Chair: There's a question. Is it a point of order, Ms. Idlout, or do you want Mr. Viersen to...?

Ms. Lori Idlout (Nunavut, NDP): I want to ask a quick question before he makes his motion.

The Chair: Is that okay, Arnold?

Okay, Ms. Idlout, the floor is yours.

Ms. Lori Idlout: Thank you so much.

First of all, I need to acknowledge that, as promised, the Conservatives and I did sincerely try to work together on something we could agree on. Unfortunately, because of 3:30 p.m. coming too quickly, we weren't able to agree on the amendment. I've been trying to work with my limited team to make sure that I submit an amendment that we can discuss.

I don't know if I've missed the deadline. I have two versions of an amendment that I'm still trying to pick from to send to the clerk to make sure that...because it's also related to clause 8, and I wonder what the procedural questions are.

The Chair: You are able to move an amendment at any point when you have the floor—not from a point of order, but when you have the floor—and it needs to be in writing. The only requirements are having the floor and having it in writing. Then the amendment would be accepted and we can look at where it needs to go.

The other comment is that once it's received in writing, I would need to take some time with my team here to review it to make sure it is in order and there is no line conflict. We look at those kinds of technical details.

Ms. Lori Idlout: Can we suspend for a few minutes?

The Chair: Is that what you're asking?

Ms. Lori Idlout: Yes.

The Chair: Okay, we've had a request to suspend for a few minutes.

Why don't we take five minutes? We'll suspend and I'll call the meeting back at 4:50.

Mr. Jamie Schmale: Before you suspend, Chair, we have a great gallery here, so if I could just get your leniency, I want to give a shout-out to a couple of constituents of mine back there, including Mike Perry. He's a lawyer—don't hold that against him—with the MNC. He ran against me in 2015. Clearly, the one with more charm won.

Anyway, I just wanted to give him a shout-out. There are other constituents of mine there, as well. I don't want to leave them out. I just wanted to say hello and thanks for being here.

• (1645)

The Chair: Thank you.

If anybody else has anybody they need to acknowledge, let me know after we come back from the suspension.

Okay, we're going to suspend for five minutes.

• (1645)

(Pause)

• (1656)

The Chair: Ms. Idlout, thank you for your amendment.

I'm going to lay out how we'll proceed, hopefully in a way that makes sense to everybody.

We're now on CPC-3.2, which is Mr. Viersen's amendment. If that amendment is adopted, line conflicts would exist for the new NDP amendment—I'll use the reference number, 12805860—which

was just distributed to members. If CPC-3.2 is adopted, there would also be a line conflict with the new CPC motion by Mr. Vidal, which is 12796449.

Because of the time they were received and the order of the legislation, we'll be dealing with CPC-3.2 first, which is Mr. Viersen's amendment. If that one is adopted, then there will be line conflicts. If it's not adopted, then we would move to the new NDP one, which is reference number 12805860. Then we can proceed to the new CPC amendment by Mr. Vidal, which is reference number 12796449. Then we would move to NDP-4.1, which was an original one that was submitted. That's the sequencing.

The first question will be for Mr. Viersen.

Would you like to move CPC-3.2?

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

This amendment is just around changing the word “collectivity” to “community”. I addressed this at length in a previous meeting. I think I'll get to make this argument multiple more times because I just sent in a draft to ask if we can change that word across the entire bill.

I don't want to cause a line conflict with Mr. Vidal's amendment, which is much more substantial, so at this point I will not be moving this amendment.

Thank you.

The Chair: Thank you.

We will go to the next one, which is the new NDP amendment that was just distributed. It's reference number 12805860.

I'll turn the floor over to Ms. Idlout to see if she would like to move that amendment.

Ms. Lori Idlout: First of all, I just want to reiterate that I really appreciate the effort that Gary and Jamie made in trying to work together on amending clause 8 so that we do respect the wishes of the Métis nations that would be recognized in the columns. We really did try very hard to come to an agreement. We weren't able to.

I also appreciate the whole committee for allowing me to submit this in writing a few minutes ago.

My proposed amendment adds clarity, hopefully, about whom this applies to. I also hope it helps to address the concerns that were brought by Mr. Vidal about the wording and how “Indigenous governing body” could be interpreted in different ways in different pieces of legislation or could be interpreted in the same way in different pieces of legislation.

What this amendment tries to do is make it clear that what we mean by “Indigenous governing body” is that it applies to this legislation.

Qujannamiik.

The Chair: Does anyone want to speak to Ms. Idlout's amendment?

Otherwise, we'll move to a vote.

Mr. Viersen.

• (1700)

Mr. Arnold Viersen: I want to confirm that this will not.... Mr. Vidal's amendment starts at line 16, so this will not cause a line conflict.

The Chair: That's correct. Ms. Idlout's amendment could be adopted, as could Mr. Vidal's.

Are we ready to vote?

Mr. Battiste.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Can we ask the officials what they think of the language in terms of what—

The Chair: You're able to put that question to the officials, absolutely.

Mr. Jaime Battiste: Can you give us a sense of what the language is like and what you think this may impact? Does it improve this? Does it make it clearer?

Ms. Julia Redmond (Legal Counsel, Department of Justice): We're receiving this as recently as you are, so we're giving you our preliminary thoughts.

Including the phrase “for the purposes of this act”, as has been suggested in this amendment, could in some ways be interpreted as a narrower version of the recognition than is set out otherwise. That's one possible interpretation of including that phrase. Clause 8 would still clearly set out the idea that a Métis government is authorized to act on behalf of a Métis collectivity. That remains true even with that phrase in there.

That is the one additional impact that might be worth considering at this point. That could have a potential narrowing effect, but the rest of the clause still remains.

I don't know if my colleagues have anything else to add.

Mr. Michael Schintz (Federal Negotiations Manager, Negotiations - Central, Treaties and Aboriginal Government, Department of Crown-Indigenous Relations and Northern Affairs): Having been one of the officials responsible for co-developing the text of this bill, I understand it to undermine some of the interests of our partners. I know for certain that they have an interest in being able to point to language recognizing that they're an indigenous governing body for the purposes of certain acts where they understand themselves to meet that test, an example being the child and family services legislation.

In a sense, this leads to an enduring uphill battle for our partners to make the point that they are indigenous governments that have been mandated and authorized to represent section 35 rights holders in instances and in the context of legislation where they should rightfully be respectfully dealt with as such.

I agree with Ms. Redmond's comments. I think it may well achieve some of the aims of the committee. I don't mean to speak to whether it does achieve the objectives of the committee, but I do think that, were our partners here today giving testimony in front of you, that's likely what you would hear.

• (1705)

The Chair: We have Mr. Battiste, and then Mr. Viersen and Ms. Idlout.

Mr. Jaime Battiste: I'll defer to them.

The Chair: Mr. Viersen.

Mr. Arnold Viersen: You mentioned the child and families portion of this. Is there any other legislation that might be affected by this? As soon as we put in “for the purposes of this act”, I recognize that we narrow it significantly. That was not an anticipated impact.

Is there anything else, any other pieces that you can point to that would be another example?

Mr. Michael Schintz: I referenced child and family services legislation, as it's specifically dealt with in the three agreements that were signed in February of this year. That was developed in collaboration with our colleagues at Indigenous Services Canada. It explicitly recognizes that, for the purposes of the child and family services legislation, these governments are indigenous governing bodies and they meet the threshold for that.

We purposely did not put in a generic provision suggesting that, for the purposes of any and all legislation.... Not to get into hypotheticals, but it's the simplest way to answer your question, Mr. Viersen. In the event of legislation dealing with Atlantic fisheries that used the term, I would think the terms of that legislation would not fit this context.

I understand that there is a balance the committee is intending to strike. I just want to make sure that the implications of the text are understood, as best as I can provide context, but our counsel's views are more important than my own.

Mr. Arnold Viersen: Ms. Redmond.

Ms. Julia Redmond: The clarification I would add here is that this doesn't necessarily have a direct impact on Bill C-92 as a piece of legislation. It also doesn't prevent any of the Métis governments addressed by this bill from meeting that test, that definition of “Indigenous governing body” for the purposes of that act. It's still possible that they would meet that test, but it would have to be shown.

One reading of what's in clause 8 is that this could still be shown from what is spelled out here. However, without that phrase in there, “for the purposes of this act”, it's not as automatic as it might be.

Mr. Arnold Viersen: I'm very familiar with Bill C-92. I was on this committee when that passed.

Are there other areas where “Indigenous governing body” is recognized by Canadian law that would suddenly be impacted by this?

I see now that that's what this is doing, and this would narrow it significantly. What would be the ramifications of that?

Ms. Julia Redmond: I don't have any other examples to give you off the top of my head, examples of other legislation that uses that term. In the sense of any bill that uses that defined term, a Métis government would have to show that it meets that test, if it wants to meet that requirement in that act.

Mr. Arnold Viersen: All right.

Thanks, Mr. Chair.

The Chair: Ms. Idlout, we'll go over to you.

Ms. Lori Idlout: My intention was not to narrow the scope. This is the problem with the limited time that we've had. We ended up with this very much at the last minute, a few minutes ago, when we were able to submit.

When I was talking with the lawyer, I was saying what Gary's concerns were. When you look at "Indigenous governing body" and the way it is generalized to be interpreted by other pieces of legislation, or other legislation using the term "Indigenous governing body".... I was trying to make sure that it is clear, because we're talking about Métis self-governing bodies, that it applies to them.

I don't know what the fix could be. I don't know if, maybe, we should suspend again so that I can get more accurate instructions about what I was meaning to do. If they are telling us...that's not what my intent was. However, because we had such a short amount of time to make a submission.... When it's explained in that way, that's not what my intent was.

• (1710)

The Chair: Are you requesting to suspend? If so, we'll have to have a vote.

Ms. Lori Idlout: I am requesting to suspend for a few minutes again so that I can get a better-worded amendment to submit.

The Chair: I'll take that to the members to see if there is support.

Are we good to suspend?

Some hon. members: Agreed.

The Chair: How long do you feel you need, Ms. Idlout?

Ms. Lori Idlout: I need 10 minutes.

The Chair: Okay, we will suspend until 5:20.

• (1710)

(Pause)

• (1740)

The Chair: We're now back in our meeting.

I understand there has been a lot of discussion among the parties.

We had left off at Ms. Idlout's amendment, reference number 12805860. I understand that Ms. Idlout wants to withdraw that. We can do that through unanimous consent.

Do we have agreement for Ms. Idlout to withdraw 12805860?

Some hon. members: Agreed.

(Amendment withdrawn)

The Chair: That one is now withdrawn. We have amazing co-operation happening here.

I understand there is a question on process. There's been an additional amendment submitted by Ms. Idlout. If that's not being put forward, then we will go to Mr. Vidal's, which has reference number 12796449.

Ms. Idlout, are you willing to go to Mr. Vidal's?

Okay, Mr. Vidal, I would ask if you'd like to move that amendment.

• (1745)

Mr. Gary Vidal (Desnethé—Mississippi—Churchill River, CPC): I would, Mr. Chair. Thank you.

It's been an interesting discussion. Yesterday, in response to my colleague Mr. Battiste about the collaboration of this committee.... I'd like to actually comment on that.

Over the last few days, as Ms. Idlout said, there's been a tremendous amount of emailing, conversations, and meeting in back rooms and whatever, trying to figure out a way forward on this. Maybe we didn't come to one that we all agreed on, but we have a number of ideas that we think will help solve some of the challenges and address some of the concerns that we've heard from people, both in the testimony that we heard at the table and in the hundreds of written submissions that we received from many people across the country.

Over the course of the hearings on this piece of legislation, I have continually commented on how critical it is that we try to get this right. I've consistently commented on the fact that how we do this is really important in finding our way forward in our relationship with Métis people across the country. It has been my sincere desire—and I know it was that of Ms. Idlout, Ms. Gill and different team members—to try to get there.

I do want to move this amendment. I do want to have some discussion around it. I know it's not perfect, and I know it may not be popular with everybody, but I think it really does address many of the concerns that we heard.

Mr. Chair, do I need to read this whole thing, or can I just move it?

The Chair: You can just submit it.

Mr. Gary Vidal: I move amendment 12796449.

Is that adequate for technical purposes? Thank you. That saves me about five minutes of reading.

I would like to address some of the elements of this amendment, and there are a couple of other things that I would like to read into the record.

This amendment addresses many of the concerns that we've heard. It uses language from the three self-government agreements back in February 2023 for the three Métis nations.

I want to take a moment and read from the Métis Nation-Saskatchewan agreement, chapter 5, paragraphs 5.02(c), 5.02(d) and 5.02(e) on page 14. It's from the "Recognition" chapter, which is exactly the section of this piece of legislation that we're talking about—the section on recognition. I get that I'm picking out a piece. I can read the whole thing if somebody wants me to. It's talking about some of the definitions here:

(c) the Métis Government is the democratic representative government of the Métis Nation within Saskatchewan and has the responsibility for providing responsible and accountable self-government for its Citizens and Métis collectivity throughout Saskatchewan;

(d) the Métis Government is the Indigenous Governing Body of the Métis Nation within Saskatchewan;

(e) the Métis Government is exclusively mandated to represent the Métis Nation within Saskatchewan based on the authorizations it receives from its Citizens and the Métis collectivity throughout Saskatchewan comprised of those Citizens, in respect of collectively held Métis Rights, interests, and claims, and in particular to:

i. implement and exercise the Métis Nation within Saskatchewan's inherent rights to self-determination, including the right of self-government

There are a number of other subparagraphs to the paragraph, or however you would technically frame that.

My purpose in presenting this amendment in this manner is this.

I'm going to be really frank with you. Since Saturday afternoon, I've lived and breathed this, trying to find the balance. I did that with two people on my side and some work with Ms. Idlout's team. We don't have tons of people to do this work. We went back and forth with the legislative clerk, who was fabulous, quite frankly. I think this is the fifth amendment that she's put together for me as we've tried to work through this. This is the one that we chose to use. She has been fabulous in working with us and giving us advice. We said, "Here's what we're trying to accomplish", and she was tremendous at providing us with the legal advice to put these words together. In all fairness, she's the one who came up with a bunch of the language in this. I want to give credit where credit is due.

I believe this amendment creates very clear, unambiguous language, and it leaves no doubt whatsoever as to who is included or not included in this legislation. We heard from so many people the concern about the clarity of who is and who isn't included in this whole relationship that we're creating with this very important legislation. We heard it over and over again.

My intent is to create clear, unambiguous language so that we're not dealing with this somewhere down the road in a way that's causing issues for anybody. I tried to make it a compromise. I tried to make it a fair balance of the concerns that we heard from so many sources.

The language in the amendment also goes on to define "citizens" in each of the three Métis nations, and those definitions are literally from each of the independent agreements of the Métis nations from February 2023. I think that some of them were from February 24, 2023, and some of them were from February 23, 2023. The language is coming right out of those agreements.

The last thing that I would like to add to the conversation is that, out of respect for the conversations I had yesterday with some of the stakeholders, I wanted to ensure that we actually left "Indigenous governing body" in here because it is important in the context of how that applies to Bill C-92. I didn't want to come to a place where I took that out.

● (1750)

Specifically, I was talking to some of the folks from the Métis Nation of Saskatchewan. They assured me that they were talking to the people from the other provinces. I wanted to leave that in there out of respect, because this is what triggered some of the concerns in the first place. Out of respect for the fact that this is critical in the context of child and family services under Bill C-92 and ensuring they have a place there, I wanted to put it back in. As was explained

to me, the assurance of putting it in there was to ensure they are included in that definition.

When you look at the end of the amendment, not only does it take the standard definition of "Indigenous governing body" that we talked about the other day in so many different places, but it adds and for greater certainty includes "a Métis government". Nobody is left to doubt whether a Métis government is included in this definition of "Indigenous governing body", especially as it would come back and refer to the approach on Bill C-92.

My intent, in fairness, was to find a balance, to find a compromise. My intent was to try to get it right. I look forward to the comments of the officials at the table, who would have some opinion on this, and to my colleagues' comments. Let's see where this goes. I'm happy to hear the comments of others.

The Chair: Mr. Battiste, it's over to you.

Mr. Jaime Battiste: I do appreciate the comments of Mr. Vidal. I do appreciate all the collaboration, the discussion and the hard work in trying to find the right balance on this. Being part of government, we do our best to work with the stakeholders. I know that the discussions have been ongoing through this committee meeting.

I think that if you seek it, Mr. Chair, you will see unanimous consent to suspend, to have those conversations with the stakeholders and to pick up tomorrow where we left off.

● (1755)

The Chair: Thank you.

Having seen this, and having had some conversations, I believe there is consent of the committee to suspend until tomorrow. I just want to check, though, before we go. There are a number of committees that are cancelled tomorrow, so there are resources available. We can ask for resources, but without the will of the committee, it doesn't do us any good to do that. The question is, are we good to resume...? I know that time is needed to have the discussions with stakeholders and perhaps between parties. I really do appreciate the efforts that are being made.

Do you want me to request additional resources for tomorrow or stay with the 3:30 to 5:30 time slot that we have?

Mr. Jamie Schmale: If I may comment, I feel that we have a taken a turn here on the path that I think we can get past clause 8. I think that with the developments that are coming through, we'll be able to get through many more clauses tomorrow.

I do know that for me personally, it's tight before. I'm fine after, however, but I drive. There are a number of my colleagues here who have flights booked already. That might be problematic, but to the government, I think we can get through enough to ensure the government is happy and our stakeholders are happy. We might not get through the whole thing.

With the existing frame, I think we've come to some kind of agreement, one way or the other, on clause 8.

The Chair: All right. Okay. I'm getting nods to that.

With the agreement of the committee, we will suspend, and then we'll resume tomorrow at 3:30 for our regular two-hour slot from 3:30 to 5:30. We'll see how far we get.

I have been told that we will be in room 415 tomorrow, back to our regular room. Today, we did go to a different room. I had been informed that there were members of the Métis nations coming to see us today, so we tried to get as big a room as possible, but tomorrow, unless I'm told otherwise, we will be back in our normal room at the other side of this building.

With that, colleagues, thank you so much.

We're now suspended.

[*The meeting was suspended at 5:56 p.m., Wednesday, December 13*]

[*The meeting resumed at 3:42 p.m., Thursday, December 14*]

• (3940)

The Chair: Good afternoon, everyone.

Welcome back to the continuation of meeting number 92. We're working on the clause-by-clause study of Bill C-53, an act respecting the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan.

Before we get into the meeting today with some of the procedural things we need to do, in the spirit of the season and with the goodwill we saw the other day, I have a little box of Merci chocolates that I'll pass around the table. Officials are welcome to join in. Staff, please make sure that they get to you.

For those who have joined us at the back, we'll make sure that you get some chocolates as well to celebrate the progress we have been making on this bill and that we will hopefully continue to make today.

It's a little token of gratitude from—

Mr. Jamie Schmale: I have a point of order, Chair.

The Chair: On a point of order, Mr. Schmale—oh man, here we go. Bring them back right now.

Voices: Oh, oh!

Mr. Jamie Schmale: On the point of order, I don't see the translated chocolates here. It's only in one official language.

The Chair: We'll send some to the interpreters to see if they can help us. Feel free to take them and pass them around.

(On clause 8)

The Chair: Colleagues, we are resuming debate on clause 8.

We were at CPC-3.3, which was moved by Mr. Vidal.

I understand that there's been some progress in the discussion since we suspended yesterday.

Mr. Vidal, I'll turn the floor over to you. I think you have a couple of things to put forward to us.

Mr. Gary Vidal: Thank you, Chair.

It has been a little bit of a blur today. I'm still trying to get through this. There was a lot of discussion about the amendment that I proposed yesterday.

As anybody who was here yesterday observed, there was a lot of conversation going on in the room and in some of the times that we were suspended. Even though it was a good attempt at a compromise to address all of the concerns, there were still a couple of concerns raised.

I had a number of meetings this morning, and I think we have a better option that I'd like to propose. From a process perspective, with the agreement of everybody at the table—

The Chair: Yes, you need unanimous consent.

Mr. Gary Vidal: —I would like to seek unanimous consent to pull my motion from yesterday, which was identified as CPC-3.2.

The Chair: It's CPC-3.3.

Mr. Gary Vidal: Yes, it's CPC-3.3.

Then I'm going to propose another amendment, which has now been numbered as CPC—

The Chair: It might be better to use the reference number.

Mr. Gary Vidal: Okay. Reference number 12808783 is my goal.

We need unanimous consent before I can do that, if I understand the process, sir.

• (3945)

The Chair: Yes. I will call first for unanimous consent for Mr. Vidal to withdraw his amendment, CPC-3.3.

Do we have consent?

Some hon. members: Agreed.

The Chair: Okay, we do. That is withdrawn.

Now the floor is yours, if you'd like to continue.

Mr. Gary Vidal: I would. Thank you, Mr. Chair.

As I was saying previously, in the discussions today, one of the concerns we were trying to address with the amendment we proposed yesterday was this idea of how to address the term “Indigenous governing body” and the terms “collectivities” or “collectivity”, which appear in the bill nine times. How do we define that? How do we understand who that is? There was some concern, combined with some confusion and some lack of ability to explain and define what that term actually means.

In the context of the conversations today, this amendment is actually a relatively simple amendment to the original clause 8. Line 16 on page 4 becomes.... It was funny. Yesterday people asked what I meant by “half of the Métis collectivity”. You have to read in the context of how it flows within the actual clause.

It would read, “on behalf of the Métis collectivity, including its citizens, set out in column 2 opposite”, and it would go on from there.

As we had it yesterday, we also include a definition of “Indigenous governing body” because that was a fairly important element for the Métis nations in the context of how it applies to Bill C-92 and their ability to provide the services under Bill C-92 for the kids in their jurisdictions. As well, on the end of that definition, relative to the one that started this whole conversation way back, I believe, on Monday morning, it adds “and, for greater certainty, includes a Métis government”, so there is an absolute assurance that an indigenous governing body includes a Métis government.

The point I would like to make in the context of the amendment to clause 8 on line 4—I guess it would probably roll over to line 5—is that the collectivity, including its citizens.... The thing that's really important to recognize—and this was something that was very important to the Métis nations—was this idea that a collectivity can be greater than just the sum of its citizens. There is an ability to recognize that and—I hope I'm not going to use the wrong word here—that they are able to advocate for people who could be part of their collectivity but may not have chosen to be part of their citizenship when it comes to things like hunting rights and some of those kinds of things.

I think I am satisfied that this explanation is reasonable and I'm satisfied that this is a good compromise that I think everybody at the table can get behind.

It's been an interesting week of getting here.

I'll leave my comments there. I'd love to hear the comments of our colleagues. I'd love to hear the comments of the officials, to make sure that we haven't overlooked something in this latest iteration of the inclusion of the definitions. Before we rush in to vote, I'd really like to hear the opinion of the officials and colleagues at the table who have been here through this process to make sure that I'm not the only guy who thinks we got here.

The Chair: Mr. Vidal, do you want to invite the officials who are here to answer the question?

I'm building a list, if anybody else wants to be on it.

Mr. Gary Vidal: I absolutely would like to invite the officials to answer the question first, but I really would encourage my colleagues and I would really like to hear from them as well.

Ms. Julia Redmond: In response to the text you've proposed, on an initial reading of it, a reference to “citizens” doesn't change the meaning of this recognition provision. It's still set out that the Métis government represents a Métis collectivity, those being set out in the schedule. As long as it's clear in the text that a collectivity is more than just the citizens themselves—it's something as a whole, and it's the holder of collective rights—I think it would be legally accurate.

On my reading, this reference to including its citizens doesn't change the meaning of the provision as it was drafted before.

• (3950)

Mr. Gary Vidal: Thanks.

I was waiting to see if anybody else at your table wanted to comment. That's why I was looking like a deer in the headlights. I'm sorry.

Is there nobody else?

Chair, is there a speaking list?

The Chair: I have Mr. Battiste next on the list.

Mr. Jaime Battiste: Thank you, Mr. Chair.

Hearing no opposition from our officials, and hearing support from our stakeholders for this amendment, I would like to say that we are confident that after 24 hours we've arrived at a very amicable way of moving forward. I think this is something we'll be able to support. I think it's an important thing.

I would like to thank the stakeholders for their diligent work over the last 24 hours, and the members of this committee, to ensure that we got to a place where they were happy with it.

The Chair: Thank you, Mr. Battiste.

Ms. Idlout, you're next.

Ms. Lori Idlout: Thank you.

I was getting worried that you were going to make a motion or something. I was like, “I have a question.”

Voices: Oh, oh!

Ms. Lori Idlout: Could you interpret for us what Gary's amendment does, when you read it? Can you explain to us how this now reads? Pretend you didn't see the original clause 8. Read clause 8 with Gary's amendment and explain it to us.

Ms. Julia Redmond: I will say that the text that's here, on reading it, I think could be considered redundant. It's true already that a collectivity is composed of citizens, and by representing a collectivity, a government represents the citizens of that collectivity as well. For it to say “collectivity, including its citizens” would be a true statement. It wouldn't be necessary to say, but it also wouldn't change the meaning that's there already.

Again, to repeat myself from before, I think the meaning of this provision—that a Métis government represents the Métis collectivity—remains the same.

Mr. Michael Schintz: I do understand that the proposed amendments are intended to add further clarity that when we're referring to the collectivity, that collectivity certainly includes those who have chosen to become citizens of that collectivity. When we're referring to the term “Indigenous governing body”, there has been a great deal of discussion around that term.

I don't have much to add beyond what Ms. Redmond said. I think the intention has really added clarity.

Ms. Lori Idlout: I had my staff do just a bit more research on “Indigenous governing body”. I asked them to do a search on where that term also exists.

The term exists in Bill C-35, the early learning and child care in Canada act; in Bill C-23, an act respecting places, persons and events of national historic significance or national interest, archaeological resources and cultural and natural heritage; the Corrections and Conditional Release Act; Bill C-91, an act respecting indigenous languages; Bill C-92, an act respecting first nations, Inuit and Métis children, youth and families; Bill C-68, an act to amend the Fisheries Act and other acts in consequence; Bill C-69, an act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other acts; and Bill C-97, an act to implement certain provisions of the budget tabled in Parliament on March 19, 2019.

I haven't looked at how these might differ from each other.

Having said that, have you been able to assess whether or not there are similarities or differences between what's in this act and what these other acts might be?

• (3955)

Ms. Julia Redmond: Do you mean in terms of this proposed definition?

Ms. Lori Idlout: Yes—"Indigenous governing body".

Ms. Julia Redmond: On my read of this, the version that's here is consistent with what appears in other statutes. I don't have in front of me all the statutes you referenced, of course, in order to compare right now, but this text appears to be the standard text that would be used to refer to, again, that broad list of potential indigenous governing bodies.

As I said previously to the committee, this is broader than it might need to be to refer to who's covered by this bill. We're only talking about Métis governments. This sets out a broader list of who might be considered an indigenous governing body. Some of those are just not going to be relevant here, but that doesn't necessarily affect anything else about the operation of the bill. It's just broader than it might need to be.

Ms. Lori Idlout: The other pieces of legislation...?

Ms. Julia Redmond: That's correct.

Ms. Lori Idlout: Okay.

When we read the original clause 8 and what I guess will be subclause 8(2), is that where you're seeing the redundancy?

Ms. Julia Redmond: In subclause 8(2) in this amendment, which I have in front of me, there's a definition for "Indigenous governing body". That definition sets out that it "means a council, government or other entity". Here, we're only talking about Métis governments. We're not talking about a council and we're not talking about another entity.

Again, referencing things that are not relevant doesn't necessarily change anything. It's just not needed for the function of that definition.

Ms. Lori Idlout: Okay.

The Chair: I have no others on my speaking list at this time.

Are we ready to call the vote on amendment 12808783?

Can we do a recorded vote, please?

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

Voices: Hear, hear!

The Chair: Well done.

We're going to now move on to NDP-4.1.

I'll ask whether the member would like to move NDP-4.1.

Ms. Lori Idlout: I'm sorry. I wasn't expecting to move so quickly.

The Chair: It's a Christmas miracle.

Ms. Lori Idlout: I'll make a motion to.... I keep forgetting the wording.

The Chair: It's to move NDP-4.1.

Ms. Lori Idlout: I'll make a motion to move NDP-4.1.

We've heard concerns about how Métis collectivities are authorized. This section talks about how Métis collectivities are authorized. This amendment would add a dispute resolution mechanism if the authorized collectivity is challenged.

That's why I move this motion.

The Chair: Mr. Viersen, I'll go to you.

I have a chair ruling on this, as well, that I can either share before or—

A voice: Please do.

The Chair: On the advice of my legislative clerks, I'd like to indicate that Bill C-53 provides for the recognition of certain Métis governments as defined in the bill. Moreover, clause 8 of the bill provides that "the Métis collectivity set out in column 2" of the schedule "holds the right to self-determination, including the inherent right of self-government recognized and affirmed by section 35 of the Constitution Act, 1982."

This amendment seeks to introduce the possibility of a dispute resolution process "If a Métis collectivity or an Indigenous governing body raises an issue in relation to the authority of a Métis government set out in column 1 of the schedule". As *House of Commons Procedure and Practice*, third edition, states on page 770, "An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill."

In the opinion of the chair, the introduction of a dispute resolution process between a Métis collectivity and an indigenous governing body is a new concept that is beyond the scope of the bill.

Therefore, I rule this amendment inadmissible.

• (4000)

Ms. Lori Idlout: Can I challenge your...?

The Chair: Yes. The floor is yours, Ms. Idlout. Then I'll go to Mr. Viersen.

Oh, I'm sorry. Was that a challenge?

Ms. Lori Idlout: Yes.

The Chair: I'm sorry. I wasn't sure.

There's a challenge to the chair's ruling as far as this being inadmissible goes, so we'll have a recorded vote.

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

The Chair: Amendment NDP-4.2 proposes a new clause, clause 8.1. After we close clause 8, we'll move to new clause 8.1.

Shall clause 8, as amended, carry?

We'll have a recorded vote.

(Clause 8 as amended agreed to: yeas 10; nays 1 [*See Minutes of Proceedings*])

Mr. Arnold Viersen: Mr. Chair—

The Chair: Go ahead, Mr. Viersen.

Mr. Arnold Viersen: This doesn't have to take very long, but I have a motion that I put on notice last week around the fact that two churches were burned down in my riding. These are the fourth and fifth church buildings that have burned down in my riding. I have a motion we can pass here quickly:

Given that on December 7, 2023, two churches in Barrhead, Alberta were fire-bombed according to the RCMP, that the committee report to the House that it condemns these hateful acts of arson and express solidarity with the community in face of this ongoing campaign of hate, and that it further condemns any attack against all places of worship.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Viersen.

The issue with this particular motion is that it does go beyond the scope of what this committee's mandate is, in the opinion of the chair. I know you've attempted in some of your discussion to link it, but my perspective is that the unfortunate burning of the additional two churches is beyond the scope. I am going to rule this motion as inadmissible. Of course, that is open for challenge.

You have the floor.

• (4005)

Mr. Arnold Viersen: Mr. Chair, this committee is called the Committee on Indigenous and Northern Affairs. We are dealing with northern Alberta. I think this is entirely in order. I will definitely be challenging the chair on that.

The Chair: We'll go to a vote on that, so we'll have a recorded vote.

Ms. Lori Idlout: Before you call the vote, can you summarize what just happened?

The Chair: Yes. Mr. Viersen moved his motion and it met the criteria for being discussed today. I have ruled that it's beyond the scope of this committee's mandate. Therefore, as chair, I'm deeming it inadmissible.

The chair's decision has been challenged, so we're going to vote on whether to sustain or not sustain the chair's decision on this particular motion.

We're into a vote now, so we have to end debate on it. We have the recorded votes now taking place.

Mr. Michael McLeod (Northwest Territories, Lib.): Mr. Chair, I find this very offensive, as an indigenous person, that a burning of a church where nobody has been charged and there are no witnesses would be brought to an indigenous committee. What is the member implying?

I sustain the ruling of the chair.

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

The Chair: We'll now return to Bill C-53 clause-by-clause.

We're moving to a new clause, 8.1, which has resulted in NDP-4.2.

(On clause 8.1)

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

I want to know whether this might set a precedent.

This is the committee of northern affairs, and my riding is located in northern Alberta. Does this mean that this is not the committee of northern affairs? What kind of precedent does this now set that you've made this ruling that my motion is out of order? That is a big question.

This committee is the committee for northern affairs as well as indigenous affairs. Things that happen in northern Canada, northern Alberta, are totally within the scope of this committee. We have now set a precedent, essentially, with that ruling you just made that we can't bring northern affairs to this committee.

I think you're going to have to find some more logic around that ruling. You can maybe bring that back at some point in the future.

The Chair: I would say that this gets into debate. I have made the ruling and it's been sustained.

You're absolutely right that we have a mandate that we're dealing with. In discussion with the clerk, I was advised that this is beyond the scope of the kind of material the committee has dealt with previously, so that is the ruling I made.

We have important legislation before us. I'm not precluding anything in the future. For future motions, I would say it helps to make a very clear connection to the mandate of the committee.

I'm ready to move on to clause 8.1.

I'm calling on whether the NDP wants to move that amendment, 4.2.

• (4010)

Ms. Lori Idlout: I am making a motion to move NDP-4.2.

The Chair: Yes, it is to move NDP-4.2.

Ms. Lori Idlout: The purpose of this amendment is to make a more specific non-derogation clause that more specifically seeks to protect Métis collectives not named in the act.

We're hoping that the language helps ease some of the concerns that we heard from the Métis Settlements General Council and others.

That is my motion.

The Chair: I saw Mr. Battiste first, and then Mr. Vidal.

Mr. Battiste.

Mr. Jaime Battiste: I'm wondering if we can amend the wording a bit to be more consistent with what's represented. There is a specific part in the proposed new clause 8.1 that says:

For greater certainty, nothing in this Act is to be construed as abrogating or derogating from the right to self-determination of Métis collectivities that are not represented by a Métis government

What I would suggest is that it should read, "the right to self-determination of Métis collectivities that have not authorized a Métis government". With that subamendment I think we would be prepared to support that amendment.

I'm just hearing it on the fly, and I'd welcome the thoughts of the team we have here, who could speak to that a bit better.

The Chair: Sure. I will note that for it to be accepted, it will need to be submitted in writing to the clerk.

While we're waiting to see if that is—

Mr. Jaime Battiste: Let's hear from—

The Chair: Okay, we can have a discussion first.

Do you want to put that to the officials?

Mr. Gary Vidal: He hasn't moved it yet.

The Chair: Yes, that's fine.

Officials, are you fine with having the questions?

Mr. Battiste, can you just restate the question, so the officials know what's coming at them?

Mr. Jaime Battiste: Based on this motion that the NDP has put forward, are there any issues with the consistency with the current legislation as tabled, and how can we suggest ways in which it can be more amicably done, to be consistent with the legislation?

Ms. Julia Redmond: NDP-4.2, as you mentioned, uses the phrase "are not represented by a Métis government". The way the bill otherwise deals with the relationship between a Métis government and a Métis collectivity uses the concept of being "authorized to act on behalf of".

If that text were changed along the lines of "authorized to act on behalf of" as opposed to "represented by", that would be more consistent with the existing terms of the act. It would not change the meaning that's intended, if I understand the intention correctly of NDP-4.2.

Mr. Jaime Battiste: Based on that, I think I'd like to propose the subamendment that has just been given to the clerk for that little tweaking on an otherwise very well-thought-out amendment.

The Chair: What I'm going to suggest is that we suspend for five minutes so that we have it in writing. We'll get it distributed, so that everybody can look at it, and then we'll come back.

At this point, we'll suspend at 4:15 p.m. We'll come back at 4:20 p.m.

We'll make sure that everybody has that in their hands, and we can have a discussion.

The meeting is suspended.

• (1610)

(Pause)

• (1620)

The Chair: I'll ask everybody to take their seats.

Mr. Battiste, I'll go to you.

We have a subamendment before the committee now, if you're going to move it.

Mr. Jaime Battiste: I am moving this.

It's just taking out "represented" and replacing it with "authorized" to be consistent, so that's the small thing that I'm moving.

The Chair: Is there any further discussion?

Ms. Idlout, did you have anything?

Ms. Lori Idlout: I'm still looking for it. I'm sorry.

The Chair: We have paper copies coming, as well.

Mr. Jamie Schmale: After this, will we go back to the full amendment?

The Chair: Yes.

Mr. Jamie Schmale: Okay, because Gary wants to speak to the full thing.

Ms. Lori Idlout: Can we ask the lawyers to explain what the difference will be?

Ms. Julia Redmond: Sure. As the one lawyer at the table, I'm happy to do so.

As I was explaining before the break, that change of phrase would make the text of that more consistent with the way the bill describes these concepts already.

The relationship between a government and a collectivity is one of "authorized to act on behalf of", as opposed to "represented by". "Represented by" isn't used elsewhere in this bill, but that other concept of "authorized" is there, so we would know what it means.

Ms. Lori Idlout: Okay.

The Chair: I'm not seeing anyone else with their hand up to speak to this, so I'll call the vote on the subamendment to NDP-4.2 as put forward by Mr. Battiste.

(Subamendment agreed to: yeas 11; nays 0)

• (4025)

The Chair: Now we'll go back to the discussion on NDP-4.2 as amended.

I have, first of all, Mr. Vidal, who wanted to speak, and then I have Mr. Viersen next on my list.

Mr. Vidal, it's over to you.

Mr. Gary Vidal: Can I just clarify, Mr. Chair, that we have paper copies of that coming, so that we actually have the whole thing in front of us? Is that correct?

The Clerk of the Committee (Ms. Vanessa Davies): Do you want the whole thing, as amended?

Mr. Gary Vidal: Yes, the amended one. The other ones were handed around before.

Are we getting a paper copy?

The Chair: You should have the subamendment.

Mr. Gary Vidal: That's fine. I was trying to read the whole thing together, but that's fine.

I think my comments, as they relate to Ms. Idlout's original amendment 4.2 and the fact that I don't think the subamendment changes the content of that substantially.... It's a language clean-up that I think is appropriate, and I'm fine with that.

I just want to speak to the fact that adding this new clause 8.1 is working in conjunction with what was in clause 8, based on our discussion earlier and the discussion with the partners.

It's imperative to alleviate the concerns of some of the people we heard from, both at committee when they appeared and in a number of the submissions. The ability to ensure that those people who felt that they may be getting caught up in something they weren't choosing to be caught up in is exactly why I moved the amendment the other day to clarify it as "citizens only", to free those who were concerned that they were being caught in something that they didn't choose.

From the conversations today around the amendment we made earlier to clause 8, with this addition of Ms. Idlout's amendment 4.2, I think there's very curt language in there that says.... I'm trying to put this together without the whole thing, but I believe it says that those who have not authorized a Métis government set out in column 1 of the schedule on their behalf.... The use of "for greater certainty" at the beginning of that ensures that those people have the assurance that they have the right to be represented by somebody else if they choose not to be represented by the three Métis governments in this legislation, even though they might be a Métis rights-holding person within one of those provinces.

I think the combination of the two actually works in this case to.... Maybe it's not perfect, but it provides some level of assurance to the people who were expressing those concerns to us. For that reason, I think supporting Ms. Idlout's motion would be in order for us.

The Chair: Thank you.

Mr. Viersen, you're next.

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

This goes back to what we originally started out with. The challenge we have is that there will be some Métis individuals who are not represented by a Métis collective that's recognized as a Métis collective.

This is heading in the right direction, I think.

I'll ask the lawyer here.

Does the self-determination of Métis collectives include the individuals who could still pursue their harvesting rights even though they don't have a collective that's basically bargaining on their behalf? They identify as Métis, but they aren't happy with the MNA and also don't necessarily have a group where they live that they are pursuing....

This is kind of currently happening, but as we solidify what a Métis government is, how does that preclude them? That was the crux of our original discussion as well.

We were talking about the concepts of Métis individual, Métis people, Métis community and Métis collective.

Do you understand what I'm trying to get at?

• (4030)

Ms. Julia Redmond: I think I follow.

To start, I will say this bill wouldn't affect individuals' ability to do anything, essentially. It deals with Métis collectives and Métis governments.

In terms of your question about whether this particular amendment changes anything about Métis individuals, it doesn't. It wouldn't.

Beyond that, the rights you're referring to—things like self-determination and self-government—are collective rights. Those rights are held by a collective. Sometimes there are certain expressions of those rights or subsets of aboriginal rights that are collective but have a component of individual exercise. Harvesting, as you mentioned, is one such example.

It's kind of complicated to untangle that the rights are held by a collective but sometimes exercised by an individual. The underpinning of all this is that nothing in this bill would affect any of that. This amendment wouldn't affect that either.

Mr. Arnold Viersen: What's fascinating about this is that section 35 uses the term "Métis peoples". The self-determination of Métis people would—

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

It's on relevance and repetition. We heard this same line of questioning three meetings ago. It seems like his counterparts in the Conservative Party have said that these read well together.

I don't get why we're going back to something that was already raised three meetings ago. We're having that line of questioning all over again.

The Chair: Mr. Viersen, can you get the clarification you need from the officials?

As was mentioned, we have revisited this a few times, but we want to make sure that you have certainty.

Could you get to your point, so we can continue on?

Mr. Arnold Viersen: Mr. Chair, I will be asked to vote on this amended piece of legislation here in a minute, and I just want to get on the record once again that we're dealing with something here that I'm not necessarily convinced....

As well, I have a whole series of amendments that change the term Métis “collective” to “community”, because I thought that was a better amendment. I just want to get on the record once again at this stage that I’m concerned about this “Métis collectives” term that we’re using here when dealing with this.

I think this amendment gets us going in a better direction. I’m not completely satisfied with it. I think I will be supportive of this amendment regardless, but I do want to get my concerns on the record.

The Chair: Ms. Idlout, you’re next on my list.

Ms. Lori Idlout: Maybe the question that Mr. Viersen is trying to get clarification on is how the terms “collective” and “community” are different from each other.

Is that what you’re trying to ask, Mr. Viersen?

Mr. Arnold Viersen: I beg your pardon?

Ms. Lori Idlout: What did I say?

The Chair: Was it related to the difference or the nuance between “collectives” and “community”?

Ms. Lori Idlout: On the difference between “community” and “collectivity”, are they used interchangeably, or do they have different meanings at different times?

Ms. Julia Redmond: A “collective” is generally how we refer to the group that holds collective aboriginal rights. The communities together make up that collective, but often when we talk about communities, that has more of a geographic component to it. It doesn’t necessarily have to, but the standard term when we’re talking about the holders of a collective right would be a collective.

The Chair: I don’t have anyone else on my list, so I’m ready to call the question on NDP-4.2, as amended.

We’ll do a recorded vote. It is as amended. We’ll call the question.

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

• (4035)

The Chair: On the next two clauses, clauses 9 and 10, we have no amendments.

What’s your question?

Mr. Jamie Schmale: After we amended it, do we not have to vote on the final version before we move on?

The Chair: We voted on the subamendment, and then we voted on the clause as amended. That takes care of amendment 8.1.

Go ahead, Mr. Viersen.

Mr. Arnold Viersen: I’m trying to get on the speaking list for clause 9.

(On clause 9)

The Chair: Let’s go to clause 9.

Does anyone want to speak to it?

We’ll put Mr. Viersen first.

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

I’m getting to clause 9, “a party to a treaty has jurisdiction...in the treaty, including the [ability] to make laws”. I guess the reason for this piece is around the making of laws. Could you confirm that this is the point of this section?

Ms. Julia Redmond: Yes.

Mr. Arnold Viersen: What kinds of laws are anticipated around that?

Ms. Julia Redmond: Some of the jurisdictions that would be covered, as we’ve discussed throughout this process, are contemplated in the agreements that were signed in February 2023. Those are matters relating to self-government and to things like citizenship, elections and internal matters.

Mr. Arnold Viersen: Okay.

I imagine that this piece, much like a bunch of the other pieces in this bill, is giving clarity to that. This would be precluded regardless of if there were a treaty signed and if it were allowed for these kinds of things. That would be allowed anyway, but are we just giving clarity to that fact with this?

Ms. Julia Redmond: If I understand your question correctly, it’s very standard for the jurisdictions that would be covered in a treaty to be acknowledged in this way, in an implementing statute for those treaties.

Mr. Arnold Viersen: Okay, but it’s assumed as well. If this weren’t there, would that still continue?

Ms. Julia Redmond: The treaties themselves will also spell this out, yes.

Mr. Arnold Viersen: Thank you.

The Chair: Ms. Idlout, we will go over to you.

Ms. Lori Idlout: That line of questioning just confused me a little bit, because this is talking about a treaty, but your response was in relation to the agreements that were assigned, which I understand are not treaties.

Ms. Julia Redmond: That’s correct. Within the text of those agreements, it contemplates that they will be replaced by treaties. It’s essentially saying, “Here is what we will negotiate in the treaties”.

Ms. Lori Idlout: Okay.

The Chair: So there—

Carry on.

Ms. Lori Idlout: I’m sorry.

Could you remind us again about at least some of the bigger-picture information that was in those agreements? It’s important to understand that when we’re thinking of clause 9.

Mr. Michael Schintz: I’m happy to do that.

The agreements are contracts. Those contracts commit us to negotiate treaties. The treaties will be implemented through these agreements. Those treaties will deal with certain law-making powers. The specific law-making powers that we commit to be negotiating in those treaties include the determination of citizenship, elections or leadership selection, internal administration and operations of the government, and the adjudication of violations of those specific law-making powers.

There's a process for amendment as well.

• (4040)

Ms. Lori Idlout: There's nothing related to land, resources or territories?

Mr. Michael Schintz: No land-related or resource-related jurisdictions are contemplated in those treaties.

Ms. Lori Idlout: Okay. Thank you.

The Chair: Mr. Viersen, go ahead.

Mr. Arnold Viersen: What's interesting about these agreements that are signed is that they're mentioned only in the preamble. I guess it's an awkward thing. Is there no way to reference those agreements here? Is there a need to do that?

It's just interesting. Why are these agreements the basis for this, and yet this legislation is required as the basis on which to implement the agreements? There's a chicken-and-egg thing happening.

Ms. Julia Redmond: The treaties will supersede the agreements. That's the intention.

Given that the bill is addressing the coming into force of those treaties, referencing both an agreement that will be spent once it's replaced as well as the agreement that replaces it would cause confusion down the line. We're dealing just with the treaties here. The agreements are a step on the way to those treaties.

Mr. Arnold Viersen: Okay. Thanks.

The Chair: I have no one else on the speaking list.

We'll call the vote on clause 9.

(Clause 9 agreed to: yeas 11; nays 0)

(On clause 10)

The Chair: We'll move now to clause 10. At this point we have no amendments to clause 10.

Mr. Viersen, you're first on my list.

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

This one's kind of an interesting one.

Mrs. Jenica Atwin (Fredericton, Lib.): I don't really have a dinner plan.

Mr. Arnold Viersen: All right. I'm sorry, but I cannot join you for dinner. I am catching an airplane this evening.

Mrs. Jenica Atwin: They're coming. They're descending. I'm being surrounded by hungry people. I'm sorry.

Voices: Oh, oh!

Mr. Arnold Viersen: It sounds as though you now have dinner plans.

Nonetheless, this Métis government is not a federal board, commission or tribunal. Presumably, though, a Métis government could set up tribunals and a justice system. The function of government is the function of judgments.

Ms. Julia Redmond: That's entirely separate from what this provision is dealing with. This is a very standard provision that clarifies which court would handle disputes related to these bodies. This

doesn't speak to jurisdictions about setting up a court or an administration of justice—not at all. It's a very standard provision for this type of statute.

Mr. Arnold Viersen: What are we telling the world when we write this here?

Ms. Julia Redmond: Essentially, it would be getting at how, if there were court disputes related to this, then those would not necessarily, or by default, be assumed to go to the federal courts as opposed to a provincial court, for example. It's really just a technical matter relating to potential disputes around this, but not to the internal matters of a Métis government.

Mr. Arnold Viersen: You're going to have to explain this a little better for me, because the way I read it is that it basically says that if there is a dispute, you have to take it to a federal court, not to a Métis government.

That's how I read it when I read it originally. It's basically saying that if I have a dispute with a Métis government in Canada, I take that to a Canadian court; I don't take it to the Métis government. If I have a dispute with a collective that's governing here in Canada, I don't take that dispute to the Métis government; I take it to a federal court.

Am I way out to lunch here?

• (4045)

Ms. Julia Redmond: I think this deals with a much narrower point than I think you may have in mind.

I don't have the Federal Courts Act in front of me right now, but it deals with this list in subsection 2(1), on institutions that are federal boards, commissions or other tribunals. Decisions of those federal boards, commissions or other tribunals are reviewable by the Federal Court.

Mr. Arnold Viersen: Yes.

Ms. Julia Redmond: This is essentially saying that the Métis government is not in that category, implying that decisions of a Métis government would not be reviewable by the Federal Court. That's all it's saying.

Mr. Arnold Viersen: Okay. Thank you.

The Chair: With no one else on my speaking list, I'll call the question on clause 10.

Mr. Arnold Viersen: I'd like a recorded vote.

(Clause 10 agreed to: yeas 11; nays 0)

The Chair: We'll move now to new clause 10.1. This arises from CPC-4, which is Mr. Schmale's amendment.

Mr. Schmale, would you like to move this amendment?

Mr. Jamie Schmale: Yes, I would, Chair. Thank you for the opportunity to do so.

I'm going to quickly speak to that, if I could. Basically, I think this was something that was raised throughout the testimony we heard. It basically ensures that this committee has the opportunity to have oversight on any supplementary agreement that may or may not happen with the self-government agreements.

I think it's important, as we've seen through the process, to have this process work and talk through it, and thankfully we have. We were able to hopefully improve this bill.

I think, for the most part, this gives us the opportunity to provide any recommendations on anything new that might come forward and hopefully have the same collaboration that we've had on this bill.

If Ms. Gainey needs to look after other people, I'm happy to suspend for a bit.

Ms. Anna Gainey (Notre-Dame-de-Grâce—Westmount, Lib.): That's good.

Mr. Jamie Schmale: That's an example of Conservatives working across party lines.

I'm done, Mr. Chair.

Ms. Anna Gainey: Thank you.

The Chair: Thank you.

Go ahead, Mr. Viersen.

Mr. Arnold Viersen: This, again, is one of those motions that we've been putting in to try to ensure the supremacy of Parliament.

Once again, I want to point out that I think the government has failed with this piece of legislation, in that it came as a surprise to a number of people. We heard from a whole host of witnesses who were concerned about the impacts of this piece of legislation, and I think that there may have been more support for the bill if it had been split up into the individual provinces.

It will be interesting to see how the Manitoba Métis Federation fits into all of this as well. It's interesting to me that Manitoba is left out of this piece of legislation, so it kind of proves the point that we could have had....They got their own deal.

That is the challenge, for sure, around making sure that this stuff gets tabled in Parliament. The point is that we should have a national conversation about these things rather than a negotiation that nobody knows is going on until the legislation is dropped in Parliament.

That's what this bill is having us do in having this agreement brought to this committee. Maybe we're thinking we're a little too self-important on that, but I think that this committee is capable of handling that, and I think that would be good.

Again, we are referencing the Constitution here as well. I think it's a great amendment, and it looks like Mr. Battiste agrees with me for a change.

• (4050)

The Chair: Thank you.

Ms. Idlout, you're next on my list.

Ms. Lori Idlout: Thank you.

If I could just ask the officials what the impacts of the amendment could mean, because while I agree that it can't just be the Governor in Council, this amendment seems to add lots of other things. I wonder if you could describe what the impacts of these amendments will be if they are passed.

Ms. Julia Redmond: Are you meaning amendments in advance of the supplementary agreements, or are you meaning this amendment itself, CPC-4?

Ms. Lori Idlout: It's the amendment itself.

Ms. Julia Redmond: Okay.

It's setting out the same process that this committee considered in a previous amendment. As opposed to being for the treaties, it's for the supplementary self-government agreements. It's the same process that was set out before. The impact is that the previously contemplated process of these coming into force by order in council would require that they be tabled in Parliament before that order comes into force.

Ms. Lori Idlout: That's right.

What would happen if a copy of the agreement in any of the first 10 days doesn't happen?

I guess I'm just asking what the implications are of this amendment. If it's past 10 days, what will the actions have to be?

I'm asking for more details. You'll have to forgive me if I don't remember what the previous similar amendments were. We've been in this for a while. I need better descriptions than what you're saying to me.

Ms. Julia Redmond: I'm saying here that this sets out a requirement for tabling in Parliament. That requirement is so that the order can come into force. If that requirement isn't met, that could mean that the order in council, which in this case would give force and effect to a supplementary self-government agreement, may not be able to come into force. It could be as simple as a new tabling or a new order. There would be procedural ways to resolve not meeting that requirement. However, that requirement would need to be met at some stage for that relevant order to come into force. That's what this is saying.

Ms. Lori Idlout: Thank you.

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

Mr. Jamie Schmale: Chair, I had the same question that Ms. Idlout did. I forgot to ask the officials, and she did.

The Chair: Okay.

I have nobody else on my speaking list. We're going to call the question on CPC-4.

Shall CPC-4 carry?

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

(On clause 11)

The Chair: We'll now move to clause 11.

Mr. Schmale, this is your amendment. Would you like to move CPC-5?

Mr. Jamie Schmale: I would, and thank you, Chair.

This is from the testimony I think we've heard from both Métis and first nations leaders who came to the committee to testify. This added a bit more clarity to the piece of legislation, especially around the treaty process.

I do agree with what Mr. Battiste said—I can't remember how many meetings ago—which was that indigenous peoples will find their own path and work towards a treaty. I think that is fantastic.

This just gives a little oversight at the end rather than an order in council, which can be done by cabinet regardless of which government is in power. I think it is essential, especially in our parliamentary democracy, to have that parliamentary oversight and to ensure that parliamentarians of all parties have the ability to look this over.

This amendment gives the 30-day period when parliamentarians will be able to look at this legislation to potentially scrutinize it or even broadly support it. It's that extra oversight that I think, in our parliamentary democracy, needs to be there. That's why I move this motion, in accordance with the testimony we heard from leaders from across the country.

Just quickly to the officials at the table, is that all good?

• (4055)

Mr. Michael Schintz: I think it's an effective way to accomplish the objectives that I understand the committee is trying to accomplish.

The Chair: I don't have any other speakers for CPC-5, so we're ready to call the question on CPC-5.

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

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

The Chair: Thank you.

Colleagues, for clauses 12 through 19, we have no amendments.

Are there any clauses that anyone would like to speak to regarding clauses 12 to 19, or would we have unanimous consent to group them together for one vote?

Some hon. members: Agreed.

Some hon. members: No.

(On clause 12)

The Chair: Go ahead, Ms. Idlout.

Ms. Lori Idlout: I feel that I am the wrong person to ask this, but can we just ask the lawyers to explain the impact of each of these clauses to us, just so that we're sure what we're going to be agreeing to? I don't want to ask them if—

The Chair: Could we have our officials speak to clause 12?

Ms. Julia Redmond: Clause 12 gives legal force, in effect, to supplementary self-government agreements. It is as simple as it sounds. It corresponds to a previous clause in the bill, which deals with giving legal force and effect to treaties.

Ms. Lori Idlout: I don't know if they want to go clause by clause to do this.

The Chair: It's probably easiest if we just do an explanation for a clause, and then vote, and then go to the next one for an explanation and vote.

I have no one to speak further on clause 12, so I'll call the question on clause 12.

(Clause 12 agreed to: yeas 11; nays 0)

(On clause 13)

The Chair: We'll turn first to the officials, if they'd like to offer an explanation on clause 13.

• (4100)

Mr. Michael Schintz: Clause 13 is with respect to the tax treatment of the Métis governments.

It specifies that there will be a tax treatment that's negotiated with each of the Métis governments. Those negotiations are led by Finance Canada. They have to do with the tax exemptions of a government and giving these Métis governments the same exemptions that are available to other governments in Canada under general tax laws.

It's specifically to do with the income tax treatment of the Métis governments and any of their subsidiaries under the Income Tax Act. It has to do with a refund on GST paid by the Métis governments in respect of goods and services acquired for the purposes of carrying out governmental responsibilities. It's a limited area of tax treatment.

The Chair: Is there any further discussion?

Go ahead, Mr. Viersen.

Mr. Arnold Viersen: I guess I get that. It's just that clause 13 doesn't say anything about the GST or the excise tax. Is there a separate agreement that this references?

Mr. Michael Schintz: This is a side agreement to the treaty.

Mr. Arnold Viersen: Does it already exist?

Mr. Michael Schintz: It does not yet exist. It will be negotiated with Finance Canada as the treaties are negotiated.

Mr. Arnold Viersen: You're expecting a GST exemption. I don't read a GST exemption in this.

Mr. Michael Schintz: You're correct. It simply says that this is the mechanism through which the tax treatment agreements are given effect.

Mr. Arnold Viersen: In essence, whatever the relationship between the Government of Alberta and the federal Government of Canada, the Government of Alberta would have the same tax treatment as this.

Mr. Michael Schintz: I think that's an accurate statement, Mr. Viersen, if I follow your question.

Mr. Arnold Viersen: The income that Alberta gets isn't subject to income tax in the same way.

Mr. Michael Schintz: The intention is that the Métis governments would be given similar tax exemptions as those of, for example, the Government of Alberta.

Mr. Arnold Viersen: That's a good thing.

I'm hopeful that these governments run surpluses, unlike the federal government here, which seems to be running deficits. It's definitely running deficits.

An hon. member: They're doing it with gusto.

Mr. Arnold Viersen: I stand in awe of the shamelessness here. I'm not talking about revelations; we knew this already. This something else.

The Chair: Hold on for just one moment, Mr. Viersen. We have a point of order.

Mr. Arnold Viersen: It's a point of levity. I think this is more a point of levity.

Mrs. Jenica Atwin: It's once again on relevance to the specific clause. I would say that this argument is not helpful. It's irrelevant.

The Chair: Are you finished with your intervention, Mr. Viersen?

Mr. Arnold Viersen: No, I don't think so.

This is a thing on tax treatment agreements. I think the deficit spending was entirely in line. I'm pointing out that I'm hopeful the Métis governments can run a surplus and not have to pay taxes. I'm happy about that.

I would just point out that I hope the federal government can start to run surpluses, though I'm glad that the government doesn't have to pay taxes either.

Yes, that totally makes sense. I think I can support this portion. Thanks.

The Chair: Next on my list is Mr. Vidal.

Mr. Gary Vidal: Thank you, Chair.

I think it was Mr. Schintz who said this, but I'm not sure which of you said it now, to be honest with you. Did I hear, and am I understanding, that in approving this clause in this piece of legislation—if passed—we're providing agreement for something that is going to be negotiated in the future, but we don't know exactly what that something is yet?

I just want to understand it. If we're approving something, are we giving somebody a blank slate? Are we taking the Etch A Sketch, giving it a shake, saying "Do whatever you want", and we're already approving it?

That's what I heard. I might be wrong.

Mr. Michael Schintz: I understand. I'll do my best to clarify, Mr. Vidal.

Mr. Gary Vidal: Thank you.

Mr. Michael Schintz: One point I would make about tax treatment agreements is that they're time-limited agreements.

I will reiterate that they're negotiated by Finance Canada.

• (4105)

Mr. Gary Vidal: Fair enough.

Mr. Michael Schintz: These are time-limited agreements, and they deal specifically.... The intention is to give these governments

the same tax exemptions we provide to other governments in Canada.

Mr. Gary Vidal: Okay.

Mr. Michael Schintz: As you'll see, the intention behind 14, the next clause, is to clarify that those tax treatment agreements are not protected by the Constitution. They are simple side agreements to deal with the basic tax exemptions that we provide to other governments in this country. That is the scope of what these clauses consider.

It's true that there aren't added constraints on this section. There is a history of these kinds of negotiations. The Minister of Finance has a mandate to negotiate these, and there's a scope to that mandate. These really are specific to the tax exemptions of the government and the tax treatment of these governments.

Mr. Gary Vidal: I don't see anything nefarious in this, but it seems odd to me that we're approving something that's going to happen in the future without ever.... It's a little bit like my colleague's request for the treaty to come back for some oversight. Is it common in all kinds of agreements that there's no mechanism for it to come back for any kind of perusal or approval and that the approval is done in the negotiation between Finance Canada and the government? Is that simply the end of the story?

Mr. Michael Schintz: The intention is that this is the mechanism to give that tax agreement effect. That's why it's included in the legislation.

Mr. Gary Vidal: Okay.

Mr. Michael Schintz: I don't know personally whether.... Perhaps some of my colleagues at the table know whether, when implementing legislation comes forward, those tax treatment agreements come forward as well with the final agreements. I don't know offhand, Mr. Vidal.

Mr. Gary Vidal: Okay.

It just struck me as a bit of a.... I don't mean that it's a blank cheque. That's not what I mean at all. It just struck me as perhaps a clean slate as we're approving something that's going to happen in the future without knowing what it is. That was my concern.

Mr. Michael Schintz: I don't mean to poke too much fun at my colleagues at the Department of Finance either, but I was hoping it would add some comfort.

Mr. Gary Vidal: I think I'm okay. I think it's a fair question. I'm not sure how we're going to get that answered.

The Chair: I have Ms. Idlout next on my list.

Ms. Lori Idlout: In the context of what can happen in the future, I'm going to be circling back to my question.

For example, does the Métis Settlements General Council have a tax exemption on things that they have to pay?

Mr. Michael Schintz: I don't personally know at this time.

Ms. Lori Idlout: You mentioned earlier that the agreements that were signed in February are a step towards self-government, and those steps would include decision-making about citizenship. Is that correct?

Mr. Michael Schintz: Yes.

Ms. Lori Idlout: Okay. If the Métis Settlements General Council doesn't share the same kind of treatment as what we see in clause 13....

The work that they do is impacted by the cost of things, and if they don't have the same kind of tax treatment, that drives up the cost of their governance. Having that drive up the cost of their governance might impact Métis' decision to be members of the Métis Settlements General Council or the Métis Nation of Alberta.

I'm circling back because I'm remembering that there had been conversations about dual citizenship. If there are other Métis settlements that don't have the same tax treatment, do you see a potential impact on MNA increasing its membership because of how that might impact their cost of governing, for example?

• (4110)

Mr. Michael Schintz: I'm not an expert on tax, so please let me know if you don't feel this sufficiently answers the question.

I would say that certainly the concept of the tax treatment agreement captured here is not in any way intended to capture individuals' taxation. It's purely the taxation of the governing entity. The treaty, once negotiated, will include a few different pieces, one of which is this tax treatment agreement. Another is the funding arrangement between the Government of Canada and the Métis partners, the Métis governments. A third piece is an implementation plan for the ongoing implementation of the agreements.

I think this tax treatment agreement is a companion piece to the funding arrangement, in a way, to ensure that these Métis governments get the same tax treatment as other governments under general tax laws. However, MP Idlout, I'm not personally familiar with the tax terms around the Métis settlements.

Ms. Lori Idlout: Based on that answer, I'm not feeling informed enough to vote on clause 13. I think we need to get information on Métis settlements and their tax treatments. I wonder if we could ask for that information to be shared with us so that we could make a more informed decision about this clause.

The Chair: We can ask for that information. I guess, to keep things moving, we could, perhaps through unanimous consent as the first step, see about standing clause 13 until we can get that information. Then we could come back to it.

I'll put the request out there. Are we willing to stand clause 13?

Ms. Lori Idlout: Can you remind us of what happens when we stand a clause?

The Chair: It will get inserted at the end, before clause 2, in the order that we go through. Clause 13 would be inserted ahead of clause 2 when we get to that point in the order of the clause-by-clause review.

In the meantime, we could put out a request to the Department of Finance. I think they would be the appropriate department on the question of how the Métis settlements are treated. By the time we got to that, we would have that information for a discussion.

Ms. Lori Idlout: Depending on that response, would we still be able to recommend amendments?

A voice: Yes.

Ms. Lori Idlout: Okay. Thank you.

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

Mr. Arnold Viersen: Maybe we're on a point of order here right now. I'm not sure.

It's around getting the Department of Finance officials to come and speak to us about clause 13. It might be interesting to also get the Privacy Commissioner, the Information Commissioner of Canada and somebody from Yale First Nation as well. I know that several clauses that are coming up later on in the bill affect those folks, and when we first heard testimony, we did not hear witnesses speak to any of those issues.

If we're going to bring Department of Finance officials here to deal with that clause, it would be great to have some folks who can speak to some of these other clauses further down towards the end of the bill. I don't think we heard anything in testimony around the Yale First Nation piece. It would be good to have some representatives from that community, or department officials who know what's going on with that particular agreement.

I don't know if I have to make a motion for that to happen or if we can use the chair's prerogative for that, but I think that would be a useful thing to do.

The Chair: Mr. Viersen, we're going to interrupt for a second to go to a point of order.

Mr. Jaime Battiste: I have a point of order about the relevance. We're going line by line right now. It sounds like people are asking for additional testimony. We've gone through this legislation quite a bit. We've arrived at clause-by-clause study. To stall that after tabling it in the summer, to review every single one of these lines, to ask questions—that would be a lot of time waiting, and I believe the Métis have waited long enough.

I would like to acknowledge my Métis friend Marc Dalton over here, joining us at committee. We have a lot of Métis in the room. I kind of want to give my colleagues a sense of their Métis elders who have been waiting a long time for this. We won't get through this today. We might get to it in February. I'm wondering how many Métis elders we're going to lose over the next two months who would have loved to see this get to where we need it to go.

To go through every single line, line by line, and recall evidence to me just seems out of order.

• (4115)

The Chair: Could I speak to that point?

We're into clause-by-clause consideration. We've had our study and we've had witnesses and we've gathered our testimony. We have officials before us now to answer questions. We are able to have other officials invited to the table. If you want to have an official or officials from the finance department come so you can ask some questions as far as these points are concerned, you can, but it's not to reopen the study; it would be to help us to understand what the clause is that we're on so that we can then make an informed decision as we vote on it. That's, procedurally, what we're allowed to do.

I did put the question as to whether we want to stand clause 13 or we want to vote on it. The question now is whether we want to stand clause 13.

Mr. Schmale, go ahead.

Mr. Jamie Schmale: Thank you.

Maybe we can get the best of both worlds. We could stand it for now and then, as per Arnold's request, bring in an official from the finance department, or whoever else needs to be here to answer a couple of questions, and just hold on for now and then move on.

The Chair: I require unanimous consent to do that, so do we have unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

The Chair: I'm not seeing unanimous consent, which means, then, that we will...

I need to consult on something, so we're going to suspend just so I can get some technical advice.

• (1715) _____ (Pause) _____

• (1725)

The Chair: I call the meeting back to order.

There's been some good discussion on clause 13. Mr. Schmale, I think you or Ms. Idlout wanted to make a statement.

I'll turn the floor to Mr. Schmale.

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

I can try, and if I miss anything, maybe Ms. Idlout can pick it up where I left off or pick up on what I failed to address.

Because we are running short on time, through you and your team, Chair, when we return in February—or whenever we come back for our first meeting—could we potentially have some officials from the finance department? Specifically, could we have officials who have expertise in the area of taxation on Métis settlements, for example?

Could we have them at committee? It's not for testimony. Please don't misunderstand what I'm trying to do here. It's just to answer a few questions about the taxation piece, which we didn't really touch on.

Mr. Viersen reminded me that there is a piece in this legislation at the end—it was explained to me off-line by officials—about the

Yale First Nation Final Agreement Act. It probably wouldn't be a bad idea to get additional clarification on that. We could have officials ready for us when we get back in February.

Does that make sense? Hopefully, I addressed what Ms. Idlout was getting at as well.

The Chair: Thank you for that.

Next on my list, I have Mr. Battiste.

Mr. Jaime Battiste: I want to start off by apologizing to my colleagues and saying I didn't mean to make you feel like we were pressuring you or rushing this when I talked about the Métis elders we might lose. I know we're all trying to get this done.

I think our team, the people we have here, are prepared to answer the questions sufficiently. If asked about both this tax agreement and the Yale agreement, they could give the answers. I'll ask them at this time if they're prepared to answer some of these questions that are out there.

The Chair: If the officials are willing to speak to those two issues, please do.

Mr. Michael Schintz: We want to make sure we make the point that for many of the coordinating amendments, the team here is certainly able to answer questions about the effect, intent and substance. The Yale First Nation amendment is an example of that. If it's helpful, I'll turn to Ms. Redmond in a moment, who can provide an overview of what that provision is and does.

We are coordinating with our colleagues at Finance Canada. While we can speak to the tax treatment agreement provision and what that means for the governments this legislation will ultimately recognize, we are not experts on the tax treatment of the Métis settlements, so we will coordinate with our officials at Finance Canada and be in touch with the clerk.

Having said that, I'm happy to turn it over to Ms. Redmond, who can speak at the very least to the Yale First Nation coordinating amendment. Similarly, I think it's fair to say—and Ms. Redmond will correct me if I'm wrong—that we believe we're more than prepared to speak to a number of the coordinating amendments in the Privacy Act and other provisions, which are quite standard.

We didn't want to give the impression that there's a need to line up a host of experts who aren't here today. That was the point we wanted to make.

The Chair: Ms. Redmond, I'll invite you to weigh in on this.

Ms. Julia Redmond: Sure.

As I've said, we're happy to answer questions about all the of the stuff that appears in general provisions and coordinating amendments.

The point I want to make clear about the coordinating amendments, including for the Yale First Nation, the Access to Information Act and the Privacy Act, is that these are all very simple technical amendments, and it's a matter of adding the Métis governments to a list. There are explanatory notes that come with the text of the bill as well, and they have the headings of those provisions that these lists are in.

It basically includes these Métis governments as an “aboriginal government”. You'll see within that list, if you pull up one of those acts, a list of existing aboriginal governments. This simply says that these Métis governments are aboriginal governments for the purposes of those acts, including those related to the Yale First Nation.

That is simply a technical matter of sequencing. That is not in force. It's just a matter of ensuring that they're not missed as the Métis governments get added. It has no impact on the Yale First Nation or anyone else. All of these are simply technical amendments that add the Métis governments to a list.

• (4130)

The Chair: Thank you.

Colleagues, looking at the time, I see we are at the end of our meeting.

I know we have put in a lot of effort on this so far. What I heard our officials say is that between now and when we resume, throughout the month of January, if there are other discussions they need to have, they will be able to speak to questions that are relevant to clauses 13 and 14 and beyond, as they have been doing in getting us to this point.

We're not going to be able to go any further given that we're out of time.

Before we end the meeting today, I want to bring to everyone's attention that this will be the last meeting we'll have with Vanessa Davies, our clerk. She's moving on to another assignment. I'd like to give her a big thank you for her commitment to our committee.

Some hon. members: Hear, hear!

The Clerk (Ms. Vanessa Davies): Thank you. I'm going to the table research branch.

The Chair: She's going onward and upward.

We've been very fortunate to have Ms. Davies with us.

I'd also like to take the opportunity to wish everyone a very merry Christmas and happy holidays. Best wishes for 2024.

We don't know what our time slot will be for the new year. As soon as we get that, we will be returning.

The intention is to suspend. We'll be carrying forward the meeting until we conclude the deliberations on Bill C-53. When we suspend versus adjourn, it means that we won't be sending out new notices with rooms and all of those good things. You'll get an email letting you know where we'll be, so watch for that. I will do my best to touch base with everybody before we come back to make sure you know where we are on what day. Also, talk to your whips.

For now, thank you so much for the work. We're getting there. There's more work to do in the new year.

Safe travels.

We are suspended.

[The meeting was suspended at 5:32 p.m., Thursday, December 14, 2023]

[The meeting resumed at 11:06 a.m., Monday, January 29, 2024]

The Chair: Good morning, everyone. Welcome back. I call our meeting to order.

This is meeting number 92 of the House of Commons Standing Committee on Indigenous and Northern Affairs.

We recognize that we're meeting on the unceded territory of the Algonquin Anishinabe peoples.

Pursuant to the House order of reference adopted on June 21, 2023, and pursuant to the motion adopted by the committee on Thursday, October 26, 2023, the committee is meeting to proceed with the clause-by-clause consideration of Bill C-53, an act respecting the recognition of certain Métis governments in Alberta, Ontario and Saskatchewan.

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders. We have only members online today. They know how to run things remotely, so I'm going to skip over the rest of that part.

I would like to welcome some substitutes today. We have Monsieur Lemire from the Bloc, and Heath MacDonald and Jenica Atwin for the Liberals. Welcome.

I'd also like to welcome back our officials from the Department of Crown-Indigenous Relations and Northern Affairs. We have Michael Schintz, federal negotiations manager of negotiations—central for treaties and aboriginal government, and Blake McLaughlin, director general of negotiations—central for treaties and aboriginal government.

From the Department of Justice, we have Julia Redmond, legal counsel.

It's good to see that everybody's back here with us after Christmas and the holidays. Welcome back.

(On clause 13)

The Chair: We'll now go through the continuation of Bill C-53. We're in clause-by-clause, and we left off with a discussion on clause 13.

I don't have anybody else on the speaking list. Does anybody want to speak to clause 13 before we move on?

Ms. Idlout, we'll go to you first.

Ms. Lori Idlout: *Qujannamiik.*

First of all, happy new year to everyone. Welcome back.

When we were discussing clause 13, I requested information, and we were told we would receive witnesses from a different department regarding the questions I had on clause 13.

The Chair: Thanks for that reminder, Ms. Idlout.

We had the discussion, and the officials indicated they would have the discussions with Finance over our time away and be prepared to discuss anything that was needed. I think the agreement was that we had the content experts here.

Perhaps we can resume with the officials. A bit of a discussion was going to happen with Finance. We could pick up with that and then move on to further debate on clause 13.

Mr. Michael Schintz: I'm happy to speak to that. We've been coordinating with our Finance Canada colleagues.

In the question, as I recall it, MP Idlout, what you were getting at was whether there was going to be a beneficial tax regime for the MNA in comparison to the Métis settlements as a result of the tax treatment agreement portion of the bill. We've had discussions with Finance Canada and the summary of those discussions is that the Métis settlements currently benefit from tax exemptions that the MNA does not. They are recognized as a government whereas... The governments we're dealing with in this bill were established under not-for-profit legislation.

The two key ones are income tax exemptions and GST refunds, so the Métis settlements are already benefiting from that tax exemption regime. The MNA would be able to benefit from the same regime that the Métis settlements benefit from currently.

Ms. Lori Idlout: Thank you for that clarification.

Do I understand correctly, then, that if the Métis settlements in Alberta are already receiving this type of exemption, it is because of the recognition of the governance they have for their nation?

Mr. Michael Schintz: My understanding is that an application is made, in this case by the Métis settlements, to the CRA and/or Finance Canada to recognize them as a government and to give them those exemptions. Once you make that application, as my Finance colleagues have told me, those exemptions continue. You don't need to continue to apply for those exemptions. The settlements have been recognized as governments.

Of course, the settlements, somewhat uniquely, have land holdings, so there is some complexity to some of the tax exemptions. At the end of the day, the process is that they've applied for these exemptions, they've been granted these exemptions and they will continue to be granted these exemptions.

The Chair: Mr. Viersen, I have you next.

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

My question was just answered a bit. It's about the fact that the Métis settlements are land-based. I think that's an important key to note.

On these taxation agreements, are they just government-to-government taxation agreements, or do they go right down to the individual level? What is envisioned by these agreements? Why are they in the legislation? It's interesting to me that we've been trying to get land exemptions into this legislation and it's been said we

don't need them, but then we see taxation agreement exemptions in the bill.

Could you address those two points?

Mr. Michael Schintz: Thank you, Mr. Viersen.

I'll start. Our counsel may have some comments to make.

The tax treatment agreement section of this bill is very much standard for the types of bills that implement final agreements or treaties. To your first question, this does not get down to the individual level. This is not about Métis individuals' taxation. This is about the government. This is about the principle that governments should not have to pay GST, for example. There is a GST refund. There are certain income tax exemptions under the Income Tax Act. The reason it's in the bill is that it's given force through the statute.

I don't know if Julia wants to make any comments with respect to that.

Ms. Julia Redmond: I would just add that this is a very common provision to have in this kind of legislation. You would have seen, for example, that in the Whitecap self-government act, which this committee would have seen a few months ago, the same provision was included. This is very standard for this type of implementing legislation to give the tax treatment agreements effect.

Mr. Arnold Viersen: This is standard, but the big concern everybody has is around the land. How come we can't put a land exemption in this bill, saying that this bill is not...? This is a tax agreement, and the next piece is.... We can talk about the next section later.

The Chair: Do you have anything further, Mr. Viersen?

Mr. Arnold Viersen: No. I think I'm good.

The Chair: All right.

I don't have any other speakers on my list for clause 13. I'm ready to call the clause as presented.

All in favour of clause 13?

Mr. Arnold Viersen: On division.

(Clause 13 agreed to on division)

The Chair: Before we go to clause 14, I have two items that I need to deal with.

One is a correction that we need to make from an earlier clause. Essentially, an error was noticed in the identified line number of the French version of amendment CPC-5. It should have been line 3 of page 5. It was just an error in the reference to the line number in the French version.

I would like to ask for unanimous consent for the legislative clerk to make this correction.

Some hon. members: Agreed.

The Chair: Thank you.

Before we go to clause 14, Mr. Zimmer has asked for the floor.

Mr. Zimmer, the floor is yours.

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): Thank you, Mr. Chair. Welcome back.

I would like to move my motion that I sent out Friday.

First of all, I would like to quote from the recently elected Premier of the Northwest Territories, R.J. Simpson, who has asked for a complete exemption from the carbon tax for the Northwest Territories. This is from the premier in an interview from October: “I mean, ideally, a complete exemption for the territory is what we would hope for. The costs are already high—higher costs are not the solution up here.”

With respect to the premier's request, I move:

That, given that the Premier of the Northwest Territories has requested a complete exemption from the Carbon Tax for his jurisdiction, the Committee invite the Premier of the Northwest Territories, R.J. Simpson, to appear on this request for Carbon Tax exemption and the challenges Northwest Territories faces with the cost of living, and that the committee report to the House that it calls on the government to immediately carve out Northwest Territories from the Carbon Tax.

Thank you, Mr. Chair.

The Chair: Thank you, Mr. Zimmer.

I do have a speaking list on this. First I have Mr. Battiste, followed by Mr. Viersen and Ms. Atwin.

Mr. Jaime Battiste: First off, happy new year, everyone. I'm glad to be back.

I'm hoping to make progress on the clause-by-clause we're doing. We don't have the member from the Northwest Territories here, who's part of this committee. I would love to hear from him at some point on this.

I move to adjourn debate.

The Chair: All right. We'll call the vote to adjourn debate on the motion. We'll have a recorded vote.

(Motion agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

The Chair: We'll suspend that and continue with our clause-by-clause.

(On clause 14)

The Chair: Next up is clause 14, and there are no amendments to it.

Does anyone want to speak to clause 14?

Go ahead, Mr. Viersen.

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

To go back to my point, I note that this tax treatment agreement is not part of a treaty. It's not a treaty or land claim agreement. Again, this is probably a standard thing that's part of the taxation thing. We've been trying to get clear land exemptions in this bill, saying that nothing in this treaty will affect land.

I'm wondering if we could get an opinion from some of our officials here on why we have this and not a specific section on land.

Mr. Michael Schintz: I'm happy to start, Mr. Viersen.

My understanding is that this is a fairly standard provision. I know you know that's not an answer in and of itself. My understanding of the reason for this provision is that the tax exemptions these tax treatment agreements deal with are not constitutionally protected. They are side agreements, and they don't have the same constitutional status that treaties or land claim agreements are given.

Having said that, I'll ask whether our counsel has anything to add.

The Chair: Is there any follow-up, Mr. Viersen?

Mr. Arnold Viersen: Yes.

This is one of the areas where it specifically mentions land claims. A concern that many stakeholders have with this bill is that entering into a treaty is going to come with land. They are looking for a clear signal from this piece of legislation that says they're going to move into self-government but self-government does not come with land.

Here we are talking about land agreements, so can the officials assure us once again that this bill does not affect land?

The Chair: We'll go to our officials first, and then Ms. Idlout is next on my list.

Ms. Julia Redmond: I just have a point of clarification here.

The reference to “land claims agreement” is in here because it's a reference made in sections 25 and 35 of the Constitution. No meaning is changed by adding that. It's for consistency with the Constitution.

Mr. Michael Schintz: I'll add as well that it specifically says, “is not a treaty or a land claims agreement”, which I think is the response to your concern, Mr. Viersen.

The Chair: Thank you.

Go ahead, Mr. Viersen.

Mr. Arnold Viersen: As to “it is not” in terms of tax, we're just saying that any taxation agreement is not a treaty or a land claim agreement. That makes total sense. I just wonder why this bill... We clearly state that taxation is not part of these things. Is there not the ability to, again, say that this bill will not affect land across the country, that it is a self-government thing only?

I'm asking you for a recommendation on an amendment. Perhaps I have to move that amendment. We've been dancing around this with a bunch of different amendments, but here is a clear point where we put in a “this is not” clause. Could we not do that with the land piece as well?

Go ahead, Mr. Schintz.

Mr. Michael Schintz: I don't understand it to be my place to comment at the moment about potential amendments. I am happy to answer any questions about the provisions that we're discussing.

Mr. Arnold Viersen: All right.

Thank you, Mr. Chair.

The Chair: I have two others on my list, and maybe some other clarification will come from those discussions.

First up is Ms. Idlout.

Ms. Lori Idlout: I think my question is for the chair, not for the officials.

I thank Mr. Viersen for his line of questioning because it reminds me of an amendment that I had, NDP-4.02, that was ruled out of order. It was ruled out of scope. I wanted to make an amendment regarding treaty rights and title, and I had requested that we make it specifically clear, yet now we have section 14 talking about treaty or land claims.

I wonder if you could give more information as to why you ruled my amendment out of order when it seems to be in the same vein that we're talking about with treaties and land claims.

The Chair: Ms. Idlout, give me a moment to consult with the clerks.

We have a point of clarification, so we're going to suspend for a minute. We'll be back as soon as we get clarification.

• (1125) _____ (Pause) _____

• (1130)

The Chair: Thank you. I think I have the clarification.

Ms. Idlout, the first point I'll make is that we're not going to go back to NDP-4.02. What I understand is that you may have seen a connection between what NDP-4.02 in clause 7 was trying to deal with and clause 14. I'll simply say that in your amendment NDP-4.02, what was beyond the scope of the legislation was the new concept of indigenous right or title. That is why it was deemed inadmissible. That wasn't challenged, so that ruling stands for NDP-4.02.

I don't know if you see a link to clause 14, which is what we're on, but the idea was that it was going larger than what this legislation referenced, specifically treaties in the provisions of this act and any other regulations and so on. I'm not seeing a direct connection, and if you'd like to help me connect that, please do. However, that's why it was ruled out of order. Any amendments you had that added in that content were deemed out of order because they were beyond the scope of the legislation that was originally put forward by the government.

Ms. Lori Idlout: Thank you, Mr. Chair.

The way that I read clause 14, I understand that it's directly relating to a tax treatment agreement and how a tax treatment agreement does not form part of a treaty. When Mr. Viersen was asking his questions, it helped me remember that I wanted to make amendments regarding how treaties are viewed and how title and rights are viewed.

Because this clause talks about what's in the meaning of sections 25 and 35 of the Constitution, I thought my amendment NDP-4.02 was helping to highlight that to help make it specifically clear. We

heard from witnesses that this will not impact first nations rights and will not impact lands, territories and resources. What I was trying to do with my amendment was to make that specifically clear, and for it to have been ruled out of scope made it confusing. It seems to be an indication that if we're going to be talking about treaty-making with Métis in Ontario, Alberta and Saskatchewan, we need to be able to assure the first nations and the Métis in Alberta, for example, that their treaties won't be impacted. That's what I thought I was trying to do with NDP-4.02, which was ruled out of scope.

The Chair: Yes, I understand what you were trying to do. The point is that it has been ruled out of scope and that ruling was supported because it goes beyond the scope of what was in the legislation. That's where we're at—it is out of scope. Therefore, we have the wording in clause 14 that references “treaty”. It's under “Taxation” and “Tax treatment agreements”. Specifically in clause 14 we're talking about a tax treatment agreement not being part of a treaty and it's not a treaty or a land claims agreement within the sections. Those are very much the parameters around this clause.

Ms. Lori Idlout: In terms of the potential interpretation of this bill—and I know that's going into a grey area—what I tried to do with my amendment is make sure that we're not creating a grey area. It just seems that with clause 14, if it's going to be talking about how it doesn't form a treaty or a land claim, there is a meaning already identified in sections 25 and 35 of the Constitution Act. Why could we not explicitly state that this will not impact first nations or Métis in Alberta's lands, territories and resources?

The Chair: I'm going to turn to our officials to see whether they would like to offer comment on the last point that Ms. Idlout made.

Ms. Julia Redmond: The kind of provision that could ensure some comfort that this bill wouldn't impact the rights of others is the kind of amendment this committee discussed, and then voted in favour of, before we wrapped up in December. The types of non-derogation provisions that were tabled already would achieve what you are describing.

The Chair: Lori, did you want to explore that any further? I have others on my speaking list. I can go to the others and then come back to you, if you'd like.

Ms. Lori Idlout: I don't know that I'll get the information I need to be able to vote in favour of this clause. I think we're at an impasse. I don't know whether we'll be able to get past this if we're rushing through it.

The Chair: Well, I'm allowing time for a discussion, so if you have other questions for clarification, I'm happy to provide that.

I'll leave you for now and go to Monsieur Lemire, who's next, and then Mr. Battiste. Then we can come back to you, Ms. Idlout, if you'd like.

[Translation]

Mr. Sébastien Lemire (Abitibi—Témiscamingue, BQ): *Meegwetch.*

Thank you for the warm welcome. I think that this committee will be particularly interesting. You can count on my support to advance the rights and causes of the first nations in Quebec and Canada.

I have no objection to what has just been said. However, I wonder whether it would be appropriate to amend the preamble to include this information. I'd like to add this to our discussion.

I raised my hand to speak simply to ask for clarification, which can be in writing. I have many questions. I'm the member of Parliament for Abitibi—Témiscamingue. We're located on the border between Quebec and Ontario. The Anishinabe communities cover an area shared by Quebec and Ontario. This has an impact, of course. A number of Anishinabe communities in our area have shared their opposition to this bill, given the potential impact on their land claims and their ability to represent their land independently.

Could you provide a written outline of the mechanisms that will be implemented to discuss arrangements and issues relating to land recognition? For the Métis, historically, it has been more difficult to identify their own land and the associated general rights under section 35 of the Constitution Act, 1982.

A few questions come to mind.

What happens when these arrangements conflict with the treaties and inherent rights of first nations, the United Nations Declaration on the Rights of Indigenous Peoples Act, self-government agreements and outstanding land claims?

What happens if an indigenous nation opposes development agreements that directly affect first nations' communities, land or jurisdictions?

It seems that we're opening doors that could remain open for decades. In a mining area such as my region, communities often reach agreements. Of course, federal legislation requires that we reach agreements with the first nations. However, this factor is also significant for the mining industry. The industry must consult the first nations concerned to reach a land-sharing agreement and perhaps then even grant a form of land compensation.

The bill could create a particularly worrying gap in a border area such as my region. It would have an impact as soon as the border is crossed. My colleague, who sat on the Standing Committee on Indigenous and Northern Affairs before me, asked the minister a question about this matter. The minister acknowledged that it could ultimately affect Quebec, even if Quebec weren't identified.

Hence the importance of clarifying, in writing if possible, the mechanisms that will be implemented.

[English]

The Chair: I don't know whether the officials would like to offer any comment on that.

We've had a request for some clarification in writing. If you would like to speak on that, I'm happy to allow that. Otherwise, I'll go to my next speaker.

Mr. Michael Schintz: Mr. Chair, I'm thinking that, because you specifically requested something in writing, I don't know that it's helpful for me to offer any comments. That's my immediate thought.

The Chair: Perfect. We'll move on. It's noted.

I have Mr. Battiste on my list next.

Mr. Jaime Battiste: Thank you, Mr. Chair.

I think it's important to reflect. I know it's been a while. We've been away from the witness testimony. However, it's very important that, when we're talking about this legislation, we're talking about the internal governance of the Métis of three provinces. This is citizenship. This is governance. This is ratification. This is not lands. This is not resources. In fact, the minister, when he was here, said those things were "not contemplated in the legislation." What we want to do is figure out a way to protect...so people understand this is not going to impact their rights, whether it be lands, resources, fishing or hunting.

That's why we put in a non-derogation clause. In fact, Lori, it was your NDP-2, which we all voted in favour of. I can read the exact words:

For greater certainty, nothing in this Act is to be construed as abrogating or derogating from the protection provided for the rights of the Indigenous peoples of Canada by the recognition and affirmation of those rights in section 35 of the Constitution Act, 1982.

When I'm looking at clause 14 on this, it is also very consistent with that language, saying this is not a treaty of lands. My understanding is that pulling in lands, resources, hunting and fishing is not in contemplation of what's in the scope of this legislation. If we start adding things that were never discussed or part of the intention of this legislation, it makes it out of scope.

I would almost venture to say that, if I started bringing up Métis in other provinces, outside of Ontario, Alberta and Saskatchewan, that, too, would be out of scope for this legislation, because the intention of this legislation is to cover just these three provinces and speak to the internal governance of these areas.

Moving forward, I think clause 14, which we're currently on, is consistent with what we've already said and all agreed to in NDP-2. Without any amendments, I think it's ready to go.

The Chair: Thank you, Mr. Battiste.

Next, I have Mr. Viersen.

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

My comments are not so much on this clause, other than the fact that perhaps Ms. Idlout and myself should get an amendment sorted out. I think we could add another clause between clause 14 and clause 15, one that would just say "lands", just to be clear that this treaty that's going to be entered into does not include lands or speculation about land claims.

I would love to hear Ms. Idlout on that. Perhaps we could do something like that, make a separate section with a big title called "lands". I think that would be a tidy way to manage this.

Thanks.

The Chair: I have Ms. Idlout next on my list.

Would you like to comment?

Ms. Lori Idlout: Thank you.

I still feel like I'm a brand new MP, although I know it has been a couple of years. I was quite surprised by what we heard. In my initial meetings with the presidents of the three Métis nations, I was told there would not be any opposition to this bill because it was something that had been a long time coming, something we needed to acknowledge, and I completely agree that the Métis have a right to self-government. What I'm shocked by is how much opposition we heard from first nations and even other Métis.

Having heard those kinds of things was why I ended up submitting NDP-4.02, which would help alleviate those concerns.

To make it specifically clear, in addition to the two amendments that I'm very thankful the whole committee agreed to about the non-derogation clauses, what I had hoped for with NDP-4.02 was to make it explicitly clear. The reason I bring it to this discussion of clause 14 is that it does talk about treaties and land claims. The part where I'm still new to this is that I don't understand how rulings work—the ruling behind my amendment being out of scope without a real explanation as to why is what confuses me.

Getting that kind of clarification would be very helpful, because I feel like NDP-4.02 and clause 14 are connected in such a way that we are, yes, respecting treaty rights, that we are not talking about land claims and that we're not talking about implications to first nations or to other Métis where they already have land in Alberta, for example.

I just want to clarify that. It seems, if you're just going to sustain your decision about NDP-4.02, then that's, I guess, what we have to be left with.

The Chair: I just want to clarify what specifically your question is. I'm trying to understand if it's procedural or if it's content. Could you specifically give me what you're looking for?

Ms. Lori Idlout: I guess, even if I worked with Mr. Viersen on his suggestion to make an amendment, the fact is that it might end up being too similar to NDP-4.02, and it will probably be ruled out of scope. I am willing at this point to agree to working with him to make an amendment to that effect.

Thank you.

The Chair: What I'm hearing, Ms. Idlout—correct me if I'm wrong—is that you're looking at making an amendment. Is it to clause 14? I also heard Mr. Viersen say something about doing something between clauses 14 and 15.

I don't know if you're asking us to suspend. If you want a new clause, you could develop it and come back. It would be a new amendment, I believe. We could then stand clause 14, if you are looking at an amendment, and carry on with clause 15, if that's what you're asking for, to buy some time. Otherwise, without anything before me, I would normally just call clause 14 and have the vote on it. If it carries, it carries. Then we would move on to clause 15.

I'm not trying to put words in your mouth here, but help me understand if you want to amend clause 14. I'm just trying to understand what you'd like to do, to help us find a path forward.

Ms. Lori Idlout: Maybe we should suspend, because I do want to work with Mr. Viersen on making an amendment before getting to clause 15.

The Chair: I'm just looking to see if clause 15 has the same issue. Could we stand clauses 14 and 15 and move on to clause 16, instead of simply suspending?

We have another hour in the meeting today. If the committee would agree to stand clauses 14 and 15, we can consider an amendment to be brought back to you. It would have to be within scope. You could give it to us, and then we'll rule whether it's in scope or not. I'd hate to lose another hour if we can move beyond clauses 14 and 15, which seem to be where there's some contention at this moment.

Mr. Schmale, you're next on my list.

Mr. Jamie Schmale: It's just something to maybe add to the conversation or just to hear myself talk.

Once Bill C-53 passes, it then puts into effect, in essence, the agreements that were signed between the three organizations and the government.

Right at the beginning of chapter 12, on page 31, it reads, “The Parties are committed to negotiations with a view to reaching a self-government Treaty within two years after the Effective Date”.

I think it's important to realize that Ms. Idlout and Mr. Viersen kind of opened the door to.... There are some legal ramifications after Bill C-53 happens that, through the treaty process, may or may not include that. I'm not saying it does, but if it does, if I get the conversation, I think what they're looking at is to maybe put some barriers in that allow those who have opposing views on this legislation to have some comfort, if you will—if that's the right choice of words.

The Chair: I'll turn to our officials to see if they'd like to offer comment on Mr. Schmale's interpretation.

Mr. Michael Schintz: I genuinely didn't hear a question, Mr. Schmale.

Mr. Jamie Schmale: It was just more to add some context. I think what they're talking about is the legally binding agreement that comes into effect once Bill C-53 passes.

Mr. Michael Schintz: I think it's important to clarify. The agreements that you're referring to are not given effect through this legislation.

The concept is that the legislation would be a framework to give effect to those future self-government treaties that we've committed to negotiate. The agreements that were signed in February 2023 are binding as contracts.

Mr. Jamie Schmale: While you're saying that, it's actually referenced in the preamble of Bill C-53. It's the “recognition and implementation agreements”.

Mr. Michael Schintz: The only reference to those agreements in this legislation is in the preamble.

Mr. Jamie Schmale: That's right, but it's referencing the fact that the implementation of the agreements comes into effect.... It's right here.

Mr. Michael Schintz: I assume you mean this:

Whereas the Métis Nation of Alberta, Métis Nation of Ontario and Métis Nation - Saskatchewan have signed self-government recognition and implementation agreements with the Government of Canada on February 23 and 24, 2023, and those agreements contemplate the parties negotiating self-government treaties;

Is that the provision you're referring to?

Mr. Jamie Schmale: Yes, that's the one. Basically, if I'm reading it correctly, we're talking about the implementation of everything.

I'm sorry. To summarize, I think what the NDP and Mr. Viersen are trying to do is just address the point that a treaty could potentially involve land. They're trying to address the concerns that we heard through testimony. That's what I'm trying to say. I think this might be a legitimate point to actually look at in order to satisfy those who are pushing back with opposing views, so that we could potentially get to a point where everyone is satisfied and comfortable with this.

That is just a comment.

The Chair: We have Mr. Battiste.

Mr. Jaime Battiste: I don't see a purpose in suspending. The discussion points that we're having are not about taxation. We're on the clauses of taxation, and we're trying to get through the points of taxation, and then we're getting into general ones.

However, for greater clarity, even if Mr. Viersen and Ms. Idlout come to an amendment that speaks about land, it will still be deemed out of scope under what the chair has ruled on. If we bring in something that comes into land, then we're bringing something that's outside the scope of this legislation. Once again, the purpose of this legislation is self-government. The minister himself said that lands and resources are not within the contemplation of this legislation.

What we're trying to work towards is recognizing that there will be future treaties signed that are on self-government alone, based on what we've heard from the testimony. For all other rights, we've already captured that with a non-derogation clause that we've all agreed to.

I think that a lot of this is a moot point, because even if there was a potential amendment that came back and that talked about lands or resources or anything like that, it would be deemed out of scope. What happens if we say we want to start talking about lands? Do we then start talking about resources? Do we then start talking about fishing? Do we then start talking about things that this legislation is not intended to be a part of?

What we will be doing is basically putting on the shelf this important legislation for the Métis, based on the assumption that maybe some day, at some point, there may be a treaty with them that talks about lands or resources. However, that's not in the contemplation of this legislation or the future treaties moving forward. We're stuck on a point that, to me, is a moot point, because this is not within the contemplation of the legislation, and the chair has ruled on that.

I don't see why we're stopping at clauses 13 and 14, which refer to taxation—not land, not resources—and stopping this whole process. I just don't understand why we can't get through the clauses that have no amendments presented by anyone.

The Chair: Thank you.

Mr. Viersen, you're next on my list.

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

To respond a little bit to what Mr. Battiste has been talking about, the non-derogation clause works for individual and government rights, to an extent, but I would say that the major concern is around land, and land isn't necessarily a right. Sometimes it is; sometimes it isn't. The crux of the issue everybody is concerned about is that there are a lot of land claims going on in this country, all across the country, and the concern is that there will be another interest in those land claims. We've been assured that is not the case, but it does appear, particularly with the Ontario Métis nation, that they are definitely pursuing land, despite the assurances of Mr. Battiste, so we need to ensure that we have clarity on that.

The other piece is that, just because there's no amendment on a particular clause, that doesn't mean we can't discuss it. We pass these clauses on an up or down vote. I want to know what we are voting on before I vote on it. Hence, we ask questions and we get clarification. We ask many of the witnesses who come before us if they have amendments, and they generally speak in broad terms about the bill. This is our only chance to get clarification on particular points of the particular bill.

I have been working on an amendment. I hope I'll be able to move that shortly, but I have to get some of the wording, and then I have to get it to the clerk.

Mr. Chair, I don't know if we can suspend for a few minutes so I can work on that amendment or if we want to come back to it. I'm hesitant to say that we should come back to it, because it could change in real time here, and I would rather not be distracted with what's going on in the committee while trying to negotiate an amendment.

Thank you, Mr. Chair.

The Chair: Mr. Viersen, I would just say that we offer the advice that it's often best to work with a legislative clerk on an amendment to make sure that it's all in order so that there are no line conflicts or things like that. It's often best to go to counsel for drafting and those things, although you are able to bring them forward. If the committee deems that we can wait and give you the time to work with it, then that's the committee's decision.

Thank you for that.

I'll turn it over to Mr. Carr, who is next on my list as part of this discussion.

Mr. Carr, you have the floor.

Mr. Ben Carr (Winnipeg South Centre, Lib.): Thanks, Mr. Chair.

Forgive me if my procedural language isn't correct, but I'd like to move a motion that we stand—which I understand to mean “come back to”—clauses 14 and 15, which provides Mr. Viersen, Ms. Idlout and others time to put forward their amendment, which, if I understand correctly, you will ultimately rule on. If it's out of order, of course we're going to move on anyway, and if it is found to be in order, then, at that point in time, we can have that discussion.

I think there are other clauses in the legislation where there is agreement and we don't require time to debate, so, if my understanding is correct and the motion I'm seeking to move is legitimate, I would like to move a motion that would see us stand clauses 14 and 15 until Mr. Viersen, Ms. Idlout or any other member of the committee moves the proposed amendments that they're discussing in relation to clauses 13, 14 and 15.

The Chair: Okay, thank you.

That wording is fine.

I want to clarify. Are you suggesting standing clauses 14 and 15?

Mr. Ben Carr: That's correct, yes. I suggest standing those clauses, which I understand to mean that we'll come back to them following the amendments Ms. Idlout, Mr. Viersen or any other member seeks to put forward. In other words, it's an opportunity for the committee to continue making progress on areas in which there is agreement or which require our attention independent of this.

The Chair: Procedurally, this is in order. We've already stood clause 2, so that will come back at the end, after CPC-10. We will have clause 2, and if this happens, we'll come back to stood clauses 14 and 15 before moving on to the short title and the finishing pieces of it.

We have a motion. I have nobody else on my speaking list, and I'm ready to call the question.

The motion is to stand clauses 14 and 15.

(Clauses 14 and 15 allowed to stand)

The Chair: Thank you.

We'll now move to clause 16. Does anyone want to speak to clause 16?

Seeing none, I will call the question.

(Clause 16 agreed to on division)

The Chair: We have no amendments that have been put forward on clause 17.

Does anybody want to speak to clause 17?

Mr. Viersen.

Mr. Arnold Viersen: I'm sorry, Mr. Chair.

I was actually up on clause 16.

The Chair: We've just voted on clause 16 and it did carry.

We'll go to clause 17.

(Clauses 17 to 19 inclusive agreed to on division)

(On clause 20)

The Chair: Next, we go to clause 20. We have CPC-5.1.

This is Mr. Viersen's amendment.

Mr. Viersen, would you like to move your amendment, CPC-5.1?

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

I would like to ask the officials something. Clause 20 says “amend the schedule”. I note that the word “add” is not there; it's “amend or remove”. This may be redundant if the word “amend” includes the word “add”.

Could the officials reference that first, before I move my amendment?

The Chair: We'll go over to our officials, if anyone can clarify Mr. Viersen's question.

Does “amend” include “add”?

Ms. Julia Redmond: Based on my understanding, I don't think this would limit the addition of information here. I note as well that the provision on amending a schedule is very similar, if not identical, to the one in the Anishinabek Nation Governance Agreement Act from 2022.

Again, we're in the category of very standard provisions in this type of statute, and this is another version of that kind of standard provision.

Mr. Arnold Viersen: Is that a yes, that “amend” also means “add”?

Mr. Michael Schintz: I understand “amend” to include the concept of adding to the schedule, yes.

Mr. Arnold Viersen: Okay.

If that's the case, Mr. Chair, that makes my amendment kind of redundant. I think I'll leave that alone for the time being.

Thank you.

The Chair: Okay. Thank you.

We're not going to be moving CPC-5.1. Therefore, is there any further discussion on clause 20, unamended?

(Clause 20 agreed to on division)

The Chair: On clauses 21, 22, 23, 24 and 25, we have no amendments. Does anybody want to speak to any of those? That's the first question.

If nobody wants to speak to any of them, would you be open to voting on them together, or do you want to vote separately on each of the next five clauses?

We have a request to vote separately.

(On clause 21)

The Chair: First of all, is there any debate on clause 21?

Mr. Vidal.

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

I just need some clarification from the officials so that I understand.

The explanation we got from the clerks and the Library of Parliament was that this would basically allow the Métis governments to enact things before a treaty is actually enacted that would be valid if they would have been valid under the treaty, so something that happens prior to the treaty being in place would be legitimate.

Is that basically the context of this?

Ms. Julia Redmond: More or less, yes.

Mr. Gary Vidal: Can you clarify if it's not? I'm sorry.

Ms. Julia Redmond: Your understanding is accurate. This kind of provision is used for technical matters under a treaty, so it's for things like ensuring that a ratification vote on a treaty is recognized.

The ratification would need to happen before the treaty is in force, but the treaty needs to recognize the legitimacy of the ratification, so it's for that technical type of category.

Mr. Gary Vidal: Thank you.

The Chair: Is there any other discussion on clause 21?

Mr. Carr.

Mr. Ben Carr: I apologize, Ms. Redmond, but I missed the first half of that.

Would you mind repeating it for me?

Ms. Julia Redmond: No problem.

It's just to say that this is a very standard type of provision in this kind of bill. It accounts for situations where some kind of action would need to be deemed valid under a treaty. The example I gave Mr. Vidal was a ratification vote. A treaty would usually come into force following the ratification vote or other ratification procedure of an indigenous government. The treaty itself would recognize that ratification, but the ratification, necessarily, needs to happen before the treaty is in force.

It's a matter of closing that technical loop to make sure that any pieces that need to be in place before the treaty comes into force are done validly.

The Chair: I have no one else on my speaking list.

Shall clause 21 carry?

(Clause 21 agreed to on division)

(On clause 22)

The Chair: Is there any discussion on clause 22?

Mr. Viersen.

Mr. Arnold Viersen: I imagine that, again, we're going to hear that this is just a standard thing.

We're adding "Métis governments" to the Access to Information Act. I was just wondering if the officials could explain for Canadians what that does. How does the Access to Information Act affect Métis governments?

Ms. Julia Redmond: You're right that this is very much a standard type of provision in this kind of statute.

Essentially, what this consequential amendment would do is add each of these Métis governments, when their treaties are in force, to

the list in that statute that covers aboriginal governments. The relevant provisions basically mean that aboriginal governments are included as a category of government institution and they're treated as such for the purposes of information sharing.

The Chair: Are there any other questions or discussion on clause 22?

(Clause 22 agreed to on division)

(On clause 23)

The Chair: Is there any discussion on clause 23?

Go ahead, Mr. Viersen.

Mr. Arnold Viersen: I imagine it's the same as last time with regard to the Privacy Act. Could we just get an explanation again as to how the Privacy Act will affect Métis governments? Must Métis governments abide by the Privacy Act? Is that essentially what this is saying?

Ms. Julia Redmond: More or less, yes. In a similar way to the Access to Information Act, this provides that those Métis governments will be treated as a category of government institution for the purposes of the terms of the Privacy Act.

The Chair: I will call the question, since I have nobody else on my speaking list.

(Clauses 23 to 25 inclusive agreed to on division)

The Chair: Yes, Mr. Viersen.

Mr. Arnold Viersen: Mr. Chair, before we go on, I don't have any objection to clause 25, but could we get a bit of an explanation as to why we have clause 25? Is it like a cleanup piece? I'm not exactly sure.

The Chair: I'll turn to the officials quickly, but we did just vote on it. It was carried on division.

Mr. Arnold Viersen: Yes. I'm not opposed to it. I would just like some clarification on it.

The Chair: We'll go to the officials for a brief explanation in response to your question. Then we'll move to clause 26 and CPC-6.

Ms. Julia Redmond: I think the shortest answer I can give on this is that it is very much a technical amendment. It's just to account for the fact that the Yale First Nation Final Agreement Act isn't in force. It's a matter of ensuring that they're not missed somehow should that act come into force, and not losing them in the list as other aboriginal governments are added to the Access to Information Act and the Privacy Act. Nothing happens in the sense that nothing changes. It's a matter of keeping that list in order and just accounting for a potential scenario in which something that is not in force comes into force. It has no material effect on anyone at this point.

The Chair: Yes, Mr. Viersen.

Mr. Arnold Viersen: Mr. Chair, where can I see the Yale First Nation Final Agreement? This is new information to us. We never had any witness testimony around that. Yale First Nation never showed up.

Is this a concurrent agreement and it's going on at the same time? Is it something that happened in the past? I'm unfamiliar with this.

Ms. Julia Redmond: I would just briefly say that the Yale First Nation Final Agreement Act has no bearing on the treaties that are contemplated by this bill or on this bill itself.

Mr. Arnold Viersen: Then how come it's in this bill?

Mr. Michael Schintz: My understanding, Mr. Viersen, speaking as the non-lawyer on this panel, is that effectively there's a list of various final agreements that are part of this legislation. The Yale First Nation Final Agreement Act is on that list. This amendment exists purely because that list needs to continue to be maintained as new agreements are added. It's genuinely a very technical detail about there being a list of agreements.

The Yale First Nation Final Agreement Act hasn't come into force; however, it is on that list nonetheless. That's really what this is about.

Mr. Arnold Viersen: You can understand my interest in this. We're dealing with a Métis bill and now we have a Yale First Nation piece.

Ms. Julia Redmond: If I may, on the Access to Information Act, if you were to pull up that statute, as I mentioned before, the amendments we were discussing on the prior page covered the list of who's considered an aboriginal government for the purposes of the Access to Information Act. It's for the purposes of sharing information. This is still talking about that same list. We're just talking about who is listed as an aboriginal government for the purposes of that act.

That's why another indigenous government is here. Various ones fall under the heading of aboriginal government. Here we're just dealing with keeping that list in order. That's why you're seeing the name of a different first nation. However, as I said before, this has no bearing on this statute or on any Métis government.

Mr. Arnold Viersen: All right. Thank you.

The Chair: Thank you.

We're now going to move to new clause 26. This comes about through CPC-6.

Mr. Schmale, this is your amendment. Would you like to move it and speak to it?

Mr. Jamie Schmale: Thank you very much, Mr. Chair.

I would like to move the amendment. I think this is more housekeeping than anything.

We're asking that Bill C-53 be amended by adding after line 17 on page 10 the following new clause:

26 If Bill S-13, introduced in the 1st session of the 44th Parliament and entitled An Act to amend the Interpretation Act and to make related amendments to other Acts, receives royal assent, then, on the first day on which both section 1 of that Act and section 3.1 of this Act are in force, that section 3.1 is repealed.

This is something I believe we all agreed on. It's more of a housekeeping issue than anything.

The Chair: Does anybody want to speak to CPC-6?

Seeing no one, shall CPC-6 be adopted?

We'll have a recorded vote on this one. I'll turn it over to our clerk.

Mr. Jamie Schmale: We won't be doing it on division.

The Chair: Okay. We'll have a recorded vote on this one. I'll turn it over to our clerk.

Mr. Jamie Schmale: No, we're in favour. I said it's not on division.

The Chair: Okay, you're in favour. I just assumed we were having a challenge.

Mr. Jamie Schmale: I was trying to be funny. I clearly failed on that attempt at humour. I apologize. It must be the beard, Mr. Chair.

The Chair: It's affecting the hearing.

(Amendment agreed to)

(On the schedule)

The Chair: We will now move to CPC-7. Again, this is Mr. Schmale's amendment.

I'll turn the floor over to you, if you would like to move it.

Mr. Jamie Schmale: Thank you, Mr. Chair. I will refrain from making any lame jokes.

It asks that Bill C-53, in the schedule, be amended by replacing the portion of item 1 in column 2 on page 11 with the following:

Métis Communities of Alberta that consent to be represented by the Métis Nation of Alberta

The Chair: Go ahead, Mr. Battiste.

Mr. Jaime Battiste: My notes say we are not in agreement with this, but I would like to hear from the officials on what their thoughts are. Is this consistent with the legislation? I see some problems in here, but I think it's best for the technicians to explain the issues we have around it.

Mr. Michael Schintz: Thank you. We're happy to speak to this.

Part of the challenge with this amendment is that it's changing the term the MNA uses to describe itself. Part of the concern here is that the term being proposed to substitute "Métis Nation within Alberta" is inconsistent with the agreement we signed last year. It's inconsistent with the way the Métis Nation of Alberta describes itself in its constitution, which they recently voted on. It was overwhelmingly supported by their people. I would argue as well that it's inconsistent with the United Nations declaration and the right to determine your own identity as an indigenous government and indigenous people.

I think that's the crux of the concern with the proposal.

Mr. Jaime Battiste: Thank you for that.

After briefly talking to the stakeholders, I know they're not in favour of this either. I want to be sure we're being respectful of the various groups as we move forward with this legislation.

In a spirit of co-development, if we don't have agreement from the MNA on this, we'll have to vote against it.

The Chair: Just before I go to Mr. Schmale, I will mention that if CPC-7 is adopted, NDP-5 cannot be moved due to a line conflict. However, if CPC-7 is not adopted, we will deal with NDP-5. It's worth looking at the two of them if there are any questions, but we are on CPC-7 right now.

Mr. Schmale, you were next on my speaking list.

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

If you look in the schedule, I think it also makes reference to that amendment, basically to the point that.... I'm sorry, but before I get to my next comment, I'll note it also addresses some of the concerns we heard from the individuals from the Métis settlements.

Just for a bit of clarification so that everyone is clear as to.... It's not that everyone needs it, but it just seems, through testimony, that there needs to be a little clarification in the language to ensure that everyone on the opposing side is comfortable and that they don't have any overlap in their jurisdiction. This is something we're going to continue with, especially given that we heard it through testimony.

I'm sorry, but I should also point out, just to build on that, that it's also in the schedule in item number two: "Métis Communities Represented by the Métis Nation of Ontario". It's right there in the schedule, but not within the Alberta one, which was a concern we heard from the settlements.

The Chair: Thank you, Mr. Schmale.

Ms. Idlout, you're next on my list.

Ms. Lori Idlout: Thank you, Mr. Chair.

I'm a bit confused by your last statement that if we pass CPC-7, we can't discuss NDP-5. I think they're both very different topics: CPC-7 talks about consent and my amendment is not talking about consent. I wonder if you can clarify that.

The Chair: Yes. It's specifically that there would be a line conflict. I think as we've discussed before, we can't go to the same line twice, so whoever gets to it first, deals with it.

In this case, because of the order in which they were received, CPC-7 would be dealt with first. Therefore, if it's adopted, we'll have already dealt with that line, so yours cannot be done because that's against the rules of how we operate when going through clause-by-clause. If yours had been first, we would have dealt with it first, and then CPC-7 could have been out of order. It's the way we're going through them, the way they were received. As I said, if this one, CPC-7, does not get carried, we will go to yours because that line would still be open to negotiate. That's why there's a difference.

You could move a subamendment to CPC-7 if that would address your concern.

Mr. Viersen, you're next.

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

I want to highlight the witness testimony of Wendy Goulet on this as well. She represented the Métis of Cadotte. It's not a Métis

settlement: They're just a group of Métis who live in the area there and do not want to be represented by the Métis Nation of Alberta. That is what we're trying to get at. Also, I do believe the Métis of Fort McKay and another group from Lethbridge as well—not Métis settlements—do not want to be represented by the Métis Nation of Alberta. That's what we're trying to capture with this. There are other Métis communities that are not excited about being represented by the Métis Nation of Alberta, so we need to reference that.

I understand Mr. Battiste's point that the stakeholders he's talked to like this. That's fine, but there are other stakeholders in this country that don't like this, so I think it is incumbent upon us to try to get a Métis collectivity title that represents the reality of the situation. I think we should vote in favour of this one.

The Chair: Thank you.

Next I have Mr. Schmale.

Mr. Jamie Schmale: Thank you, Chair.

I also noticed—actually, it was Gary who just pointed it out—that NDP-5 is very similar to ours that we have on the table now. Given the fact that in many of our conversations "Métis collectivity" was most often used, I am prepared to either do a.... I guess we can't do a friendly amendment, or can we?

The Chair: It could be a subamendment.

Mr. Jamie Schmale: Yes, because we're basically saying the same thing. We're using "community"; the NDP is using "collectivity". "Collectivity" is used quite often in this piece of legislation, so it might be better to stick with that, but I'm open to a conversation about "communities".

The Chair: I'll go to Ms. Idlout first for comment on Mr. Schmale's comments, then to Mr. Viersen.

Ms. Lori Idlout: Just to clarify, I feel like we're not saying the same things. We're not even saying similar things in our different amendments.

Mr. Jamie Schmale: I was still asking for the consent part to be included. I didn't know if that made it more acceptable to you. I think that was what I was getting at. We used "collectivities" instead of "communities", but it was important to Mr. Viersen when he was talking about consent.

Ms. Lori Idlout: Yes, I understand that you're trying to raise concerns that were raised by other Métis, but I think we have to show our respect to any Métis community. Your amendment talks about consent to be represented. That is quite different from what my amendment says, which is that Métis are collectivities represented by the Métis Nation of Alberta, so there's respect for both. My amendment doesn't talk to consent in the same way that you're trying to in your amendment.

The Chair: I'll let you respond. Then I have Mr. Viersen and then Mr. Lemire.

Mr. Jamie Schmale: Oh, I'll let him go here.

The Chair: Okay.

Mr. Viersen, I'll go to you first. I'll put Mr. Schmale on the bottom of my list.

Mr. Viersen, you have the floor.

Mr. Arnold Viersen: I hate to disagree with my colleague Mr. Schmale, but I think the word “communities” is probably better than “collectivities”. However, if we are trying to make a compromise, perhaps we should drop the words “collectivities” and “communities” altogether and just say “the Métis of Alberta who consent to being represented by the Métis Nation of Alberta”. That captures both communities and individuals, which I think would be helpful.

I just want to reinforce as well that the Métis Nation of Alberta is the Métis communities represented by the Métis Nation of Alberta. It would be more consistent if we went with direct language on that, but there is a thing we're trying to capture here that I think, if this committee does its job right, we will capture.

I'm not exactly sure on the wording. Perhaps, because we were trying to mesh ours and the NDP one together...and you get the same as the Métis communities represented by the Métis Nation of Ontario. If we went with the same thing for Alberta, I think we would be getting in that direction.

I'd love to hear my colleagues thoughts on that.

The Chair: I'll go to our officials first for a comment, because you had something there that sounded kind of like a subamendment, a possibility. The officials look like they're ready to comment. I'll go to them first, and then I have a speaking list.

Mr. Michael Schintz: I just want to make a comment for our Métis partners, because I know this is very problematic for them. We've given testimony previously, and I think it's important to reiterate that. No community that does not want to be represented by these governments is going to be forced to be represented by these governments, regardless of what words are chosen here in these amendments. That's not what this bill does. It does not impose a governance regime on anyone who does not consent to be represented.

I think it's important to pause for a moment. This bill does two things. It recognizes three governments that for far too long have not been recognized, and the discussion being had right now is to determine for these governments how to define themselves. That's very problematic for them.

I, of course, listened to the testimony from Cadotte Lake and Fort McKay as well. I think one way to look at this is that it's almost as if you were to tell Cadotte Lake that they are going to be called something different. They're going to be called the Métis Nation within Alberta all of a sudden. It's really problematic for these governments.

The Chair: Thank you.

We'll continue with the speaking list.

Mr. Lemire, you're next.

[*Translation*]

Mr. Sébastien Lemire: My remarks are on the language used in the preamble, but it's also part of the rest of the bill.

There is indeed a difference between the words “collectivity” and “community”. In the French version, the preferred term should be “community”. Obviously, I will not go out on a limb to say what would be the better term in English. However, in the French version of the bill, it would be preferable to write the word “community” each time.

[*English*]

The Chair: Thank you.

Mr. Schmale, I have you on the list next if you'd like to weigh in.

Mr. Jamie Schmale: I was trying to make a case to maybe simplify this. Obviously that did not work very well. It probably messed things up a little more than what I had originally intended.

I am fine with keeping “communities”, keeping it the way it's written. However, with regard to Mr. Viersen's point, if we clean up some of the language—I'm looking to the government—is there anything in this that would be...?

No. Okay, there's nothing.

The Chair: Next on my list I have Mr. Battiste, and then I have Ms. Idlout and Mr. Viersen.

Mr. Jaime Battiste: I hear what people are saying about... I hear the concerns. We've heard testimony from different people saying that they don't want to be lumped in with this. As we've heard from our technicians, nothing in this legislation or this schedule is making someone who doesn't want to be represented be represented by these groups.

However, what this legislation intends to do with self-government is allow these people in this schedule to determine for themselves who they are, how their governance structure works and how they can ratify it moving forward. For us as a committee to get in front of them and say that we know best for them—how to define themselves, how to govern themselves... That's not what this legislation is. This legislation is meant to give them the ability to determine that, so any discussion on this committee about making amendments to the schedule is basically a very paternal look and is saying that we know better than they do in how to define them.

I know that's not the intention of the committee. However, when we get to the schedule, this is what the stakeholders are very much telling us and this is what our technicians are telling us. It's not for us to get in front of this legislation and determine for them how they define themselves.

We're going to have to vote against anything that amends that schedule or takes the approach that we as a committee know better than the organizations about the work they have to do after this legislation is introduced. We just can't get in front of the important work they have to do on this and say that we know better than they do about who they represent, how they represent them and the work that needs to be done to ratify this to ensure that these treaties....

This is the next step on these treaties, and we're trying to get ahead of that, so as the government we can't support anything that paternally tells them how we think they should be defined.

The Chair: Thank you.

Ms. Idlout, you have the floor next.

Ms. Lori Idlout: Thank you.

I feel compelled to respond to what Michael said.

How amazing it is that the Métis Nation of Alberta, Métis Nation of Ontario and Métis Nation–Saskatchewan have such weight on your shoulders. I would love to see the same weight given to first nations that have suffered boil water advisories for decades, to first nations that have been known to have mercury poisoning and to the need for treatment to the same extent. That's just responding to what you said, speaking on behalf of the Métis.

I want to get back to my point about the difference between CPC-7 and NDP-5. I think the difference between CPC-7 and NDP-5 is that with CPC-7.... I am most likely going to oppose it because of what we heard from these three Métis corporations, which is that they have vigorous citizenship and registration. I believe in that. I believe what they have told us in testimony, which is that they have tightened up their language about citizenship and that we don't need to add language about Métis communities in Alberta that consent to be represented by the Métis Nation of Alberta.

The difference I see in my amendment is that it clarifies that the Métis Nation of Alberta does not represent Métis collectives in Alberta. I think that's a huge differentiation that we need to acknowledge because, as you said earlier, the Metis Settlements General Council, for example, already has the tax treatment. They are already recognized as a government.

That's why I see my amendment addressing the concerns about the Métis Nation of Alberta not becoming an overall encompassing nation that governs all of Métis in Alberta. It recognizes that there is a collective in Alberta called, for example, the Metis Settlements General Council.

I wonder if you could confirm what the difference is between CPC-7 and NDP-5, with your technical expertise.

Qujannamiik.

The Chair: We'll turn to our officials for a response to Ms. Idlout's question and then I'll carry on with my speaking list, with Mr. Viersen next.

Ms. Julia Redmond: One thing to note off the bat is that neither formulation in front of us right now—neither NDP-5 nor CPC-7—is what appears in the agreement signed in February 2023 between Canada and each of these Métis governments.

That's something to consider when looking at these amendments, because aside from the importance of self-determination to these Métis governments, I think there is also a matter of clarity to be found in having consistency between what appears in the bill and what appears in those agreements, despite the fact that this bill doesn't give legal force and effect to those agreements. However, there is value in having that be consistent to ensure that those agreements fit into the overall structure of what's happening here. Neither “communities” nor “collectivities” appears in those agreements.

Again, I would leave it to each of these Métis governments to speak to how they might see any difference in those. I don't know that it's my role to do that for the committee today.

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

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

I want to respond to what Mr. Battiste said around the paternalism aspect of this. That's kind of the crux of the problem with the entire bill, to some degree. The Liberal government has handed out somewhere between \$70 million and \$90 million to organizations that they deemed to be governments. They were given that money to develop themselves into governments.

There is a level of paternalism that comes in there. I get it; this is hard work. Building nations and governments is hard work, and you have to make choices. People have to decide. Some of these things kind of come up from the ether. You can't necessarily pick and choose, and that's the crux of this bill. That's not necessarily distinct to this particular amendment.

The challenge of nation building is that you need the consent of the governed. You need to say what the governments are. Sometimes they're de facto. Sometimes they're imposed from on high.

Coming from Alberta, I know a lot about struggles against being governed and who governs us and things like that. Arbitrary lines have been drawn to develop the Government of Alberta. Today the Government of Alberta is a de facto thing. Nobody is disputing that, but the reality is that the Liberal government picked who was going to be the Métis government when they handed out money. They said, “Here, you seem like a government. Here's some money to go develop yourself into being a government.” That's over the last three to five years—I'm not exactly sure. It is the role of government to make these decisions to govern people.

When we are going to define things in law, I think it's entirely upon the legislative branch of our country to have discussions. To be called “paternalistic” I don't think is helpful in these discussions because there a judgment has to be made. We have to pick at some point where we're going with this.

I still think it's important to get similar wording to recognize folks like the Métis of Cadotte and the Métis of Fort McKay to ensure their voices have been heard in this discussion. There are people called Métis in this country, and how they organize themselves is up to them. I just want to point out that the federal government picked a particular entity to create a government out of that. That is the crux of this.

I want to thank Mr. Battiste for bringing that up and allowing me to speak to it. Once again, I think we could come to an agreement on this if we put together the NDP amendment and our amendment, but I will leave that to the committee.

Thanks.

The Chair: Thank you.

Mr. Carr, you have the floor next.

Mr. Ben Carr: I have a couple of things.

I appreciate where Mr. Viersen is coming from, but I take exception to some of the language being used and would just caution.... I come from a province where the former premier two premiers ago called Métis “special interest groups”. With words like “handouts”, I think we are perhaps missing the constitutional obligations we have to recognize these groups. I would just caution my colleague in some of the language we're using as we describe the role that the federal government plays in building partnerships. I appreciate that he's using the term “nation building”, but when we characterize the relationships with things like “handouts”, I think we do a disservice to what we're trying to achieve.

I also appreciate where Ms. Idlout is coming from. Without presuming to know exactly what her thought process was, I think she's expressing frustration over a variety of areas in which first nations are still not being served to the extent that we'd like to see them be served and that we're obligated to.

If I may, I want to come to Mr. Schintz's defence a bit, because my interpretation of his comments was not that he was in any way trying to create a contrast between different groups of indigenous people in the country. I think he was speaking specifically to the ongoing negotiations that have been taking place for quite some time among these particular Métis governments and the Government of Canada. I thought it was a bit unfair, but I completely appreciate the perspective being taken.

Lastly, I think I'd leave it to our departmental colleagues to comment on this if necessary. I think the crux of all of this has been—and we've been through it a couple of times now—that should Métis groups that do not wish to be within Ontario, Saskatchewan and Alberta recognize the governments that are being negotiated with in this legislation, that does not prevent those groups from entering into their own legislative agreements with the Government of Canada in the future.

If my understanding is correct, then the point can be raised time and time again, and I appreciate the point, as it makes sense and I understand where it comes from. However, if there is an ability for the government or future governments to negotiate with the groups that some of my colleagues feel are left out, then perhaps the better use of focus and energy would be to work with those communities

in the development of a legislative framework that they could introduce in the House of Commons and bring forward, to make sure that those voices are represented in a way that they don't feel is represented here.

Having said all of that, Mr. Chair, may I suggest that we move to a vote on this particular clause?

The Chair: We'll move to vote as soon as we're done with our list. Right now I have Mr. Viersen next on my speaking list—

Mr. Ben Carr: I'm sorry. I didn't see that Arnold had his hand up.

The Chair: —and then Ms. Idlout after Mr. Viersen.

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

This again comes to the crux of it. Ms. Goulet spoke here. She is Métis. She has an affinity for her Métis people and is not wishing to be separated from them. That's the challenge here. You say that this won't affect people who don't want to be represented by the Métis Nation of Alberta. That's true if she doesn't want to be part of the Métis Nation of Alberta, but she does identify with.... She is Métis, and these are her brothers, sisters, cousins, uncles and aunts. She feels herself to be part of the Métis people and doesn't think that this is the correct method of governance, or the correct government.

To say, they're not affected.... No, actually they are quite affected by this. The federal government has picked a particular organization to call the Métis government of Alberta. That's what we're getting at.

I don't think we're going to turn back time on this, but it isn't that she's unaffected by the federal government picking the Métis Nation of Alberta to be the partner the federal government is going to operate with. I think that's been missing in this entire discussion—to say that she's not affected. No, she is very much affected by this. She was a member of the Métis Nation of Alberta prior to it seeking government status. That is a reality we need to focus on and ensure is captured in this entire discussion.

The Chair: Next I have Ms. Idlout.

Ms. Lori Idlout: *Qujannamiik.*

Just to correct the misinterpretation of what I said and what was heard differently, I said that it's great to see bureaucrats fighting so actively for an indigenous group and I don't see that same kind of fight for other indigenous groups. I'm not saying anything against anything else.

I have a question for those who might not be understanding why we're discussing the schedule so intently. When I look at column 2, I see differences. For example, column 1 has “Métis Nation of Alberta”, column 2 has “Métis Nation within Alberta”, item 2 has “Métis Nation of Ontario” and column 2 has “Métis Communities Represented by the Métis Nation of Ontario”. Then there's “Métis Nation–Saskatchewan”, and it's the same wording for Alberta.

Can you describe how the intent of this came to be so that they are worded differently?

Mr. Michael Schintz: Yes. I want to take a moment to say that I understand why there's so much discussion around the schedule, and I certainly understand what the committee is trying to achieve. As to the terminology that's found in the schedule, these are the terms that these governments use for themselves. For example, the Métis Nation of Alberta represents about 56,000 Métis individuals in Alberta. They've chosen them as their government. They recently voted on a constitution that was overwhelmingly passed, and these are the terms they use in their constituting documents to describe themselves and the way they're structured, both as rights holders and as governments.

We've used the terms that these governments use for themselves. We think this is befitting of self-determination.

I just want to say one more time that regardless of whether or not these terms were changed, no group is having these governments imposed on them. Any individual Métis community has the ability to represent itself, to advocate for its rights. Changes to this terminology will not change that. What it will do is remove the ability of these governments to see their own way of describing themselves reflected in this bill, which is meant to recognize them.

The Chair: Thank you.

I have nobody else on my speaking list, so I'm ready to call the question on CPC-7.

Ms. Idlout, we'll go to you before I call the question.

Ms. Lori Idlout: I'm sorry, but I have a follow-up question based on his response.

When you were negotiating with the Métis Nation of Alberta on their agreement, did you consult with the Metis Settlements General Council?

Mr. Michael Schintz: No, we did not consult with the Metis Settlements General Council. The reason we did not consult with the Metis Settlements General Council is that the agreement signed in February 2023 is a contract, and it's only binding on the parties that signed it.

We did include language at 15.05 of that contract that says:

Nothing in this Agreement impacts or affects the rights, jurisdiction, powers, or responsibilities of the Metis Settlements General Council or a Metis Settlement, including the ownership of Metis Settlement lands, as recognized in Alberta's Metis Settlements Act, the Metis Settlements Land Protection Act, and the Constitution of Alberta Amendment Act.

I certainly heard the testimony from the Métis settlements that they feel more consultation was warranted. I had given earlier testimony to say that before the treaties that this legislation intends to give effect to can be finalized, before they can be signed and before they can be given legal force and effect, it is incumbent on the Government of Canada to ensure that there are no adverse impacts on any first nation or Métis people who are not represented by these governments. That will certainly include the Metis Settlements General Council, and we will have deep and meaningful consultation with them on the terms of that treaty.

I certainly appreciate that frustration was raised by the settlements and that they would have liked a discussion before the signing of this agreement. However, this is my answer, MP Idlout.

The Chair: We will now call the question on CPC-7. I'm curious as to where this is going to go.

Do you want it recorded?

Mr. Jamie Schmale: We can record it if you think it's going to be close.

(Amendment negatived: nays 6; yeas 4 [*See Minutes of Proceedings*])

The Chair: We'll move to NDP-5 and see if the member for NDP-5 would like to move this amendment.

Colleagues, just so you know, we do have a hard stop for resource purposes today two hours from the time we started. We need to end at 1:01 today.

I see Ms. Idlout. If you would like to move the motion, we'll see if there's any discussion. We'll start off with you.

Ms. Lori Idlout: *Qujannamiik.*

I would like to move that NDP-5 be added. I keep forgetting how to make these amendment proposals.

The Chair: Now you can just go into your explanation.

Ms. Lori Idlout: This wording was in consultation with the Metis Settlements General Council, which wanted to clarify that the MNA does not represent all Métis collectives in Alberta and that there is an existing Métis governance system in Alberta that must be respected.

The Chair: Mr. Viersen, I have you first on my list.

I was told we have a couple more minutes, until about 1:05 or 1:07. I'll hear from Mr. Viersen and see where we're at.

[*Translation*]

Mr. Sébastien Lemire: Mr. Chair, I want to raise a point of order.

I would like us to keep to the established schedule. I have a live televised interview at 1:05 p.m.; I have to oppose this decision so we can finish the meeting at 1:02 p.m. at the latest.

[*English*]

The Chair: We're at what would be the normal ending time. I'll carry forward with a speaking list for when we resume on Wednesday. Mr. Viersen will be first up.

Colleagues, I've had a request about timing for the Wednesday meeting. We have a number of votes scheduled that may affect our start time. Normally, we get two hours from the time we start. There are some members who have flights near our regular end time. I'll see what that looks like. I'll negotiate with everybody on what Wednesday's schedule will look like and get back to you.

Because of the speaking order, we're going to suspend for today and then start back up with Mr. Viersen speaking to NDP-5.

We're suspended until we meet again sometime on Wednesday.

[*The meeting was suspended at 1:01 p.m., Monday, January 29*]

[*The meeting resumed at 5:46 p.m., Wednesday, January 31*]

The Chair: I call this meeting to order.

I apologize for the late start. We had 10 votes in the House that were just concluded.

We are resuming meeting number 92 of the House of Commons Standing Committee on Indigenous and Northern Affairs, suspended on Monday, January 29, 2024.

We recognize that we meet on the unceded territory of the Algonquin Anishinabe peoples.

The first order of business we have today before we return to our clause-by-clause is that Madam Gill, who was the second vice-chair of the committee, has been reassigned by her party, so we welcome Monsieur Sébastien Lemire, who was appointed a member of the committee on Monday, January 29, following the adoption of PROC report 56.

As such, the committee needs to elect a new second vice-chair. I'm going to now turn the proceedings over to the clerk, who will lead the election of our new second vice-chair.

[*Translation*]

The Clerk of the Committee (Mr. Cédric Taquet): Pursuant to Standing Order 106(2), the second vice-chair must be a member of an opposition party other than the official opposition.

I am therefore now prepared to receive motions for the position of second vice-chair.

[*English*]

Mr. Jaime Battiste: I'd like to move the motion that Sébastien Lemire be the second vice-chair.

[*Translation*]

The Clerk: It has therefore been moved by Mr. Battiste that Mr. Lemire be elected as second vice-chair of the committee.

Is the pleasure of the committee to adopt the motion?

A voice: Yes.

[*English*]

The Chair: Thank you and congratulations.

[*Translation*]

Mr. Sébastien Lemire: Thank you. *Meegwetch.*

Thank you for your trust.

I'm looking at this new challenge both very enthusiastically and very constructively. I think our role is essential for the future of both Quebec and Canada's relationship with First Nations.

I would also like to honour my predecessor, Ms. Marilène Gill, and her contribution to this committee.

[*English*]

The Chair: Thank you.

Colleagues, our regularly scheduled time would go until 6:30. We have two hours of resources from the time that we start, which was a few minutes ago. A few people have talked to me about evening commitments, which often happen when we're on the Hill, so I'll check in at 6:30 to see where we're at and if we want to continue or end at that point.

For now, we are going to continue where we left off, and that was on NDP-5.

I don't think I had the chance, Ms. Idlout, to ask if you would like to move NDP-5. If I did, we'll just get you to do it again. I can talk for a minute until you're ready to take the floor.

If you recall, there was a CPC motion that would have not allowed this one to proceed, if I remember correctly. That one was not carried, so NDP-5 is in order.

Ms. Idlout, if you're ready to take the microphone, I'll turn it to you to move your motion and speak to it.

Ms. Lori Idlout: Thank you, Mr. Chair.

Welcome to our new vice-chair, Sébastien. I look forward to working with you.

When we ended on Monday, I had started proposing NDP-5. I had guidance from the Metis Settlements General Council on the wording of it, because they wanted to make sure this bill acknowledged there are other Métis settlements or collectives in Alberta. Wording it the way they want in column 2 would help acknowledge they would still be able to do their governance work as Métis in Alberta.

The Chair: Okay, thank you.

Does anyone want to speak to NDP-5?

Mr. Battiste, we'll go with you first.

Mr. Jaime Battiste: An important part of this legislation is for the stakeholders to define for themselves who is and who isn't part of them. We've heard the officials and the technicians say that nothing in this act would bind anyone who doesn't want to be part of this.

I think it's important that we allow the stakeholders themselves to define their organizations and not have a parliamentary committee define that for them in the schedule. The stakeholders I've talked to are not in favour of any amendments to the schedule, so for that reason, the government will be voting no to any amendments on the schedule.

The Chair: Thank you, Mr. Battiste.

Next I have Mr. Viersen and then I'll come back to Ms. Idlout.

I'm sorry, Mr. Viersen. I have to point out that we weren't able to do your sound check, which is a requirement. We'll see if it works for interpretation.

Please proceed. If I need to cut you off, it will be because of the sound check. I'll turn the floor over to you and we'll hope it works.

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

This is an approved headset and I do believe I've done the sound check before in my life, so I hope I have it set up okay.

The Chair: We got a thumbs-up, so you're good to carry on.

Mr. Arnold Viersen: Thank you very much.

In response to Mr. Battiste's comments, of course the people listed here would like this bill to go forward, but there other people are affected by this bill.

We are all affected by this bill regardless of how.... If he wants to say "the" stakeholders, I'll note we're all stakeholders. All Canadians are stakeholders in a bill like this, and everybody in Canada is affected by this bill.

I know that he thinks we shouldn't change it, but I would like to hear from our officials. In column 2, is the "Métis Nation within Alberta" meant to be a comprehensive, final group or is there potential for other Métis governments to be recognized in the future?

The Chair: Thank you, Mr. Viersen.

I neglected to welcome our officials back to the table. Welcome.

I'll turn it over to you, if you'd like to respond to Mr. Viersen's question.

Mr. Michael Schintz: Mr. Viersen, we have given an answer to this question several times. There's nothing about the way this bill is structured that will impose a governance system on another Métis government.

The entities we're speaking of in this bill and that we're proposing to recognize in it are well-defined entities with their own citizens. This is a bill about governance over their citizens.

We have nothing further to add.

The Chair: Thank you.

Ms. Idlout, you're next on my list.

Mr. Arnold Viersen: Mr. Chair, I'm not finished yet.

The Chair: Can I come back to you?

You posed a question; the officials answered. I'm just going through my list. I'll put you back on after Ms. Idlout.

I have you next on my list, Mr. Viersen.

Mr. Arnold Viersen: That's a novel way of doing it, but sure.

The Chair: Please proceed, Ms. Idlout.

Ms. Lori Idlout: *Qujannamiik*.

Just to respond to Jaime, I'll remind everyone that the Metis Settlements General Council was not consulted on this bill.

I'm not saying this says who has citizenship or anything like that. It's just an acknowledgement that when it comes to column 2, "Métis nation within Alberta" isn't the only Métis collective in Alberta.

That's why my amendment tries to address it. In no way is my amendment making any changes to how membership would be defined, used or measured. It would just clearly outline that there is more than one Métis nation in Alberta.

The Chair: Thank you, Ms. Idlout.

Mr. Viersen, we'll go back to you.

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

With all due respect, Mr. Schintz, the point of my questioning these things is that Canadians from across the country are watching and it isn't clear to me that this bill doesn't affect Métis people who are not represented by the Métis Nation of Alberta.

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

The Chair: Just one second, Mr. Viersen.

We're going to a point of order.

Mr. Jaime Battiste: The question was asked. It was answered. This is just repetition, so what is the relevance of it? Is there a new question?

The Chair: I'll go to Mr. Viersen to see if there is.

It's your time to get clarification or some new content, so I'm going back to you.

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

I didn't get an answer to my question. The question is, is there not room...? Mr. Battiste is saying that we shouldn't amend the schedule because that is how "the stakeholders", in his words, want it to be written. I am saying there is a Métis government listed in column 1, "Métis Nation of Alberta", and then the collectivity that it has in column 2 is "Métis Nation within Alberta". That's a kind of circular logic right there.

Maybe we're pursuing it—from both Ms. Idlout and Mr. Schmale—in the wrong column. Maybe we're supposed to be pursuing it in a.... I don't know. This is right, but could we not broaden it? I think Ms. Idlout's amendment broadens the collectivity.

Perhaps where we're mistaken—and Mr. Schintz could point this out to us—is that there has to be an addition. This goes back to a previous amendment I had for putting in the word "add". Can there be additions to column 2 without additions to column 1? Does that makes sense, Mr. Schintz?

The Chair: I'll turn to our officials to see if they're able to provide a comment on that question.

Mr. Michael Schintz: Mr. Battiste has spoken to the conversations he's had with the Métis governments about the schedule of the bill, so I don't know that I need to speak to that at the moment. However, I would like to point to an amendment that was accepted by this committee previously, which was a non-derogation provision specifically to set out Métis collectivities that have not authorized these Métis governments to represent them:

...nothing in this Act is to be construed as abrogating or derogating from the right to self-determination....

While I'm certainly happy to be corrected, Mr. Viersen, I understand that as trying to get at the same issue, and it is an amendment that was accepted by this committee.

Mr. Arnold Viersen: I still don't.... The point we're trying to make is that there are other collectivities or other governments in Alberta that aren't the Métis Nation of Alberta, and they could be represented—

Mr. Jaime Battiste: On a point of order, Mr. Chair, once again it's repetition. It's the same question, same comments.

Mr. Arnold Viersen: The floor is mine now.

Mr. Jaime Battiste: It's been five days. I can raise a point of order about repetition, and this seems to be repetition.

The Chair: I would say, Mr. Viersen, that yes, we've been around this one. If you have new content to bring in to further the discussion, that's great, but try to take us to a new point that we haven't discussed before.

We've had your concerns answered now in a few places on this. I'll leave the floor with you and just ask you to try to get some new information in here, new perspectives. We need to keep this moving and not just redebate the same points.

Mr. Arnold Viersen: I'm sorry, Mr. Chair.

We've been going around this for a while. Mr. Battiste is saying that just because “the stakeholders”, in his opinion and in his words, don't want this amendment, we shouldn't support this amendment, but I'm saying that's not a reason. That's someone's opinion, but that's not a reason to not support this amendment. I'm prepared to support this amendment, and I would like some acknowledgement from Mr. Battiste that this is a fair amendment. Whether or not he's going to vote for it, it is a thing that we can do.

I don't want to end up in a place where the schedule, as we pass it, becomes a logical error. That is what I'm trying to get at with my questions. Will we end up in a logical error if we pass Ms. Idlout's, or previously Mr. Schmale's, amendment? That has nothing to do with whether the stakeholders like the amendment or don't like the amendment.

You can say we've been going around this. I am trying to get at the logic of the situation, not people's opinion on it. That's my question to the officials: Will we end up in a logical error if we pass Ms. Idlout's amendment?

The Chair: Thank you, Mr. Viersen.

We'll go to the officials for a comment on that question.

Ms. Julia Redmond: As we've said before, the terms that appear in column 2 right now are those that also appear in the related self-

government agreements signed between Canada and each of these Métis governments in February 2023. There is logic to having consistency between those February 2023 agreements and the terms they use for these collectivities and that appear in column 2.

The Chair: Thank you for responding to that question.

I'll go to Mr. Schmale, who is next on my list.

Mr. Viersen, if you have a follow-up, then use the “raise hand” function and I'll get you back on the list.

Mr. Jamie Schmale: To clarify and probably build on what Mr. Viersen was saying, there would be no harm done other than potentially upsetting some of the stakeholders if we pass this motion. There would be no massive negative result other than people potentially not liking it.

Ms. Julia Redmond: One possible consequence or potential impact of changing the terms as they appear right now in column 2, as I said before, is that there would be an inconsistency between these terms and the equivalent terms to describe each collectivity in the agreements that Canada signed with each of the governments—the MNA, MN-S, and MNO—in February 2023. We'd be left with a situation where there are two different terms worded somewhat differently, slightly differently or very differently, depending on the amendments.

If there were some kind of challenge to how these might be interpreted, having two different ways of describing the same collectivity could create some confusion.

Mr. Jamie Schmale: Okay.

Do I still have the floor?

Mr. Michael Schintz: I just want to add one thought, and I've made a similar comment previously.

I also understand that it would be inconsistent with the terminology used in a constitution recently overwhelmingly passed by 65,000 citizens of the Métis Nation of Alberta.

Mr. Jamie Schmale: Do I still have the floor? Do I ask one question and then come back?

The Chair: Usually we'll go with a line of questioning, and when Mr. Viersen took the floor earlier, I thought he was done his line of questioning. There was a pause, and that's why I moved on to Ms. Idlout. I know Mr. Viersen wants to go back to his questioning as well.

To close up this round, I'll go back to Mr. Viersen and let you organize your question. Then we'll try to go forward to finish off a round of questions that require clarification to keep it nice and straight.

I'll go to Mr. Viersen now and then come back to you.

Mr. Arnold Viersen: Thanks.

Mr. Chair, I'll cede my time to Mr. Schmale, and I'll get back on the speaking list.

The Chair: Okay.

Go ahead, Mr. Schmale.

Mr. Jamie Schmale: A swell guy he is.

Just so I understand, because I think I went off track, we're mentioning the agreements now, but the other day when we were talking about agreements, we were told, to my memory, which isn't great all the time, that the agreements don't really matter all that much; it's more about the legislation.

Now we keep referencing agreements, so maybe we can clarify that path just so I understand.

Ms. Julia Redmond: The agreements that were signed in February 2023 between each of these Métis governments and Canada are sort of precursor agreements to the treaty. That's how they are described within those agreements themselves. They're intended to be replaced by the treaties that will be given legal force and effect through this bill. Those agreements won't get force of law through this legislation, but they form the basis for continuing negotiations with each of those governments and essentially give us a sense of the content of the treaties that will follow.

When I refer to those agreements as being relevant now, it's that they are contracts between Canada and each of these Métis governments. Regardless of whether they get force of law through this legislation, which they don't, there is still an existing agreement on the books between Canada and each of these governments, and there's value in there being consistency in how the collectivities concerned in each of those are described.

Mr. Jamie Schmale: Okay.

I might have a follow-up, but that's good enough for now.

The Chair: Mr. Viersen, you're next.

Mr. Arnold Viersen: The crux of what we're trying to get at here.... I'm beginning to be convinced that perhaps I shouldn't vote for this amendment just because the Métis Nation of Alberta is a Métis government and then that Métis collective....

Mr. Schintz, because we've established that there can be additions to this, could there be in the future an addition to columns 1 and 2 that says, for example, "Métis of Cadotte Lake"? Could an addition happen at some point in the future for them to be a recognized Métis government?

That's what we're trying to get at. There are groups of Métis that don't want to be recognized by the Métis Nation of Alberta. Could you see that happening, or is the schedule one and done and there would have to be a whole new bill and set agreements going forward?

The Chair: We'll go to Mr. Schintz for a response.

Mr. Michael Schintz: Thank you for the question, Mr. Viersen.

The answer to your question is that, yes, theoretically there could be an addition. The Métis of Cadotte Lake are an example.

I would point to clause 20 of this bill, which would require consent from the Métis governments listed in schedule 1. In the absence of everyone arriving at that consent, another option would certainly be to have a separate bill that is co-developed with another Métis government that wanted to define for itself what self-determination and self-government should look like.

I want to add that we've stated previously that any other indigenous community has the ability to approach Canada to seek to have those discussions.

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

The Chair: Thank you.

Mr. Carr, you're next.

Mr. Ben Carr: Thank you, Mr. Chair.

I wanted to distill all of this down, perhaps, to its simplest form. I'm checking my own understanding.

Here's where I think we are. Some members of the committee are concerned that there are faults within the bill because it leaves out certain groups that they believe should be included. Having said that, I think we all agree that the governments listed in the bill as it stands now deserve to have this bill and deserve to have their rights met through the agreements that would come to force should the bill pass.

Unless I'm mistaken, if we all agree that this bill serves the purpose of adhering to the agreements with those governments and that it's been established many times over now that any other group will not be prohibited in the future from entering into an agreement the same way these three governments did—as our lawyers, other witnesses and technicians, as Jaime calls them, have told us—I see no reason why, at this stage of our discussions, we cannot move forward in support of something we all agree on: getting these three governments what they deserve, which are the rights they are entitled to through these agreements. Then we commit as a group to perhaps correcting some of the wrongs in the way this legislation was brought forward initially—before my time—and we have a conversation about why the groups that Ms. Idlout, Mr. Viersen and others have rightly raised concerns about were absent from the conversation.

To summarize, I don't understand why we should hold this process up when we all agree that these three governments should have the rights trusted to them through this bill and the agreements that will ensue, and when we know for certain the process can be repeated in the future with the groups that are currently left out, in their view.

If I have summarized that in a clear and articulate way, I hope it lends some thoughtfulness to how we decide to approach this moving forward. I feel as though at this stage it is becoming less about seeking answers and clarity and more about simple opposition to things that I think we all agree can be corrected down the line.

I simply wanted to add that commentary, Mr. Chair.

The Chair: Thank you.

Next on my list I have Mr. Schmale.

Mr. Jamie Schmale: I'm good now.

The Chair: Mr. Vidal is next.

Mr. Gary Vidal: Mr. Chair, my point is totally different from where we're at.

I see another hand. You can finish that first and come back or I can ask my question, whatever is easier for you.

The Chair: I can drop you down to the bottom, because I had some other hands on this discussion.

Mr. Gary Vidal: Yes, mine is going to be a different discussion. It's a question I want clarity on.

The Chair: I have Ms. Idlout and then Mr. Viersen.

Ms. Idlout, it's over to you.

Ms. Lori Idlout: *Qujannamiik, Iksivautaq.*

When we first received this bill, I think I was like lots of other Canadians. I didn't know that there were so many different Métis collectives in all of Canada, never mind that there was more than one in Alberta. I learned of the existence of the Metis Settlements General Council and how they were not consulted or included. When I thought there would only be one Métis nation within Alberta, I saw nothing wrong with this bill.

I was probably as eager as Jaime has been to just push this forward, but because of the testimony we've been hearing from first nations and other Métis.... I also need to make it abundantly clear that I've not been filibustering just to delay this process. I've been asking questions, because it's been demanded of me. I think I've made it very clear that I absolutely agree that Métis have a right to self-government.

In this context of column 2, I am trying to maybe help get other Canadians to realize that there's not only one Métis collective within Alberta. By proposing my amendment to say that there are other collectives in Alberta, nothing is being diminished. The MNA's goal for self-government is not being diminished. If the Metis Settlements General Council wants to seek a similar recognition with a bill like this, it will even help them.

When I hear the value of keeping things consistent between two documents pedagogically, because of what I've learned in law school, I know how important that is. When it comes to ensuring that as parliamentarians we're recognizing that there's more than one Métis collective in Alberta, we'll have to make sure there's that acknowledgement in column 2.

I'm not trying to just make simple amendments. This is something that helps acknowledge.... Out of my own ignorance, I didn't know that there was more than one Métis nation in Alberta. I think including that text in column 2 will actually help get more Canadians to realize that there may be the Métis.... Maybe you already had them, I don't know, but that's not the point. I just wanted to clarify that a bit more.

The Chair: Thank you, Ms. Idlout.

Mr. Viersen, I have you next on my list.

Mr. Arnold Viersen: Just to respond to Mr. Carr—and perhaps I didn't necessarily realize this till Mr. Schintz pointed it out—clause 20, on the amendment to the schedule, says:

is satisfied that the Métis government set out in that column 1 or set out in column 1 opposite that information has consented to the amendment or removal.

That is a bit of a challenge. I think I'm happy to leave the schedule as it is, provided there could be other groups added to it, but that isn't the case if clause 20 is how Mr. Schintz said it is. Perhaps we have to go back and have a look at that.

I had an amendment that would have put additions in there. We talked about this at that point in time, but we never had any discussion about consent of. We said additions are alluded to in the word "amend"—because I wanted to put "add, amend or remove"—but are they?

Mr. Carr, I hope for a response from you around how we rationalize that.

Mr. Ben Carr: Mr. Chair, may I respond to that? He wants me to respond.

The Chair: I have Mr. Vidal next on my list, but we'll go to Mr. Carr and then come back to Mr. Vidal.

Mr. Ben Carr: Perhaps Mr. Schintz inadvertently created a bit of confusion, with all due respect. I think the confusion is—and perhaps Mr. Schintz can clarify this, Mr. Viersen—that it's not that consent would be needed by the governments listed in this legislation for any new piece of legislation to come forward, which is what I'm suggesting they can do and we should be supportive of. What he is saying is that for this specific piece of legislation to be amended to include those groups, it would require the consent of the governments in this particular piece of legislation. In other words, the distinction is that this legislation specifically, with these three governments, could only be amended if those governments consented. However, it does not change the fact that, as we've said many times before, the other governments you've referred to have the ability to come forward with their own legislation in the future that would not require consent because it would be independent of this legislation. It would be a brand new piece of legislation, hypothetically, so it would not require the consent of the governments in this bill.

I hope I've clarified accurately, Mr. Viersen, where your concern lies.

Mr. Schintz, you can certainly comment on that.

Mr. Michael Schintz: That's absolutely correct, Mr. Carr. Part of the reason for that is this bill is about these governments and their citizens.

The Chair: Mr. Viersen, I'll go to you now to continue this conversation, and then I'll put Mr. Vidal after you.

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

There are, I think, 636 first nation governments in Canada, and they're recognized in a similar fashion across the country.

This bill sets out to recognize Métis governments. I get the Liberal government's interest in having only three to deal with—because that makes it easier, for sure—but the Métis of Cadotte, the Métis of Fort McKay and the folks from Lethbridge we heard from—I can't remember what their names are off the top—are going to be pursuing their Métis governments. Would it not be effective to add them to this list?

In the same way as we have 636 first nation governments in this country and they're recognized as first nation governments—and that's pretty well understood—I would assume that Métis governments.... For example, with whatever is going to happen in Manitoba, would they not get added to this list in the future? With whatever happens in B.C., would they not get added to this list, or are they going to be pursuing a totally separate avenue, essentially, Mr. Schintz?

Mr. Michael Schintz: As the negotiator for the Manitoba Métis Federation as well, I can say that their intention is to have their own bill. There are something like 26 implementing statutes for self-government agreements in modern treaties that exist, and in general, they are specific to individual governments that have negotiated on their own terms and in a manner befitting their own vision of self-determination.

These three governments have chosen to advance self-government together. We detailed some of that history in the preamble and some of the negotiations that have led to this point.

The intention of this bill is to recognize those three governments, and just to say it one last time, other governments have every right and ability to come forward to the Government of Canada to negotiate similar recognition. They're not all generally put into one piece of legislation.

Mr. Arnold Viersen: Thank you.

The Chair: Go ahead, Mr. Vidal.

Mr. Gary Vidal: Thank you, Chair.

I'm sorry that this is a totally different question. I'm going to go back to something that I think Ms. Redmond said. I am a bit of a process nerd. You tweaked a question and I just want to understand.

You said that these agreements are the precursor to the treaties that are given force through this legislation. The legislation is giving force to the treaty, which the agreements are a precursor to.

My question is really simple. What happens to the agreements once a treaty is passed? Do they then become just historical documents that go away? I am trying to figure out how the dots all connect here. It's a bit of a process nerd question, honestly.

Ms. Julia Redmond: It's a very fair question.

The intention is that the treaties will supersede the agreements, so essentially they replace them.

Mr. Gary Vidal: The legislation, in fact, gives force to the treaty, so it doesn't have to come back for approval.

Ms. Julia Redmond: That's right.

Mr. Michael Schintz: That's except for the amendments made by the committee that require the treaties to be—

Mr. Gary Vidal: Fair enough. The amendments actually do require it to come back, but the way it was originally presented, the legislation would give force to the treaty, which the agreement is a precursor to, without it having to come back to be approved by Parliament or any other process. In essence, the legislation does give force to the agreements in an indirect manner.

Sorry, I'm just trying to figure out the flow. Now we have that option where it's still going to have to come back. That's the change. Am I understanding that appropriately?

Ms. Julia Redmond: You're correct that the treaties, pursuant to the amendments that have been made by this committee, would need to be tabled with Parliament prior to their coming into force.

Mr. Gary Vidal: I'm just trying to go around all this in circles.

Thank you. I appreciate that.

The Chair: Next I have Monsieur Lemire.

[*Translation*]

Mr. Sébastien Lemire: Thank you, Mr. Chair.

Since there's five minutes left in the meeting, I just want to seize the opportunity and table the motion I sent to the clerk so that it can pass.

I was quite surprised by the speediness of the response sent to us before the committee's meeting, and I want to highlight that.

You'll understand that the second part of this motion can be deleted, but I will still read out the first part:

That the Standing Committee on Indigenous and Northern Affairs call upon the Government of Canada (1) to clarify how the Crown intends to conduct future negotiations with the Métis of Ontario, Saskatchewan and Alberta with respect to the inherent rights of section 5 of the Constitution Act of Canada, and to confirm that no overlap will be created as a result of such treaties on First Nations territories without having their free, prior and informed consent on these issues and on the territories of Quebec;

During a previous meeting of this committee, Mr. Justin Roy, councillor of the Kebaowek First Nation, talked about the lack of true recognition of title and rights. In response to one of the questions posed by my colleague, Marilène Gill, he said:

If this bill were to go through, it would have large impacts on our unceded Algonquin territory, only because we have been the rights and title holders of these lands since time immemorial.

This seems to me to be a fundamental issue that merits clarification. I think my role as a legislator also means acting as an intermediary to communicate the needs of my community.

I'm ready to take a step to facilitate voting on Bill C-53 and passing it, but I have to provide clarification to the first nations in my community in order to get their support.

For example, it must be specified in writing that Bill C-53 does not apply to Quebec's territories, because that is at the heart of the Algonquin Anishinaabe nation. Mr. Roy testified to convey that.

In the case of the Chalk River site and consultations held by the Canadian Nuclear Safety Commission, tabling the bill took four or five years because Indigenous peoples had to be consulted. Obviously, it was too late by then, and the Commission recommended that the project go forward. There was an impact on their ancestral lands and it could have an impact on the very safety of all citizens.

In my opinion, situations that potentially involve an overlap between territories do indeed require this kind of clarification. They are part of the determining factors to review before supporting or rejecting Bill C-53.

Currently, the chiefs of first nations communities back home, who are Algonquin, are asking me to oppose this bill.

I therefore suggest you support the motion you received by email. Obviously, when it comes to the second part of it, thank you once again for the answer you provided.

[*English*]

The Chair: Go ahead, Mr. Battiste.

Mr. Jaime Battiste: I thank Sébastien for his motion and his sharing with me previously. I think we've gotten some answers. I'm wondering if we can't table it at the next meeting so we can refine and amend what we've already provided to you, and then have a conversation about the substance of the first part of it for the next meeting. It doesn't appear like we're going to make any progress that draws the Bill C-53 clause-by-clause to a debate.

I'm wondering if it's okay to discuss this at the next meeting, as time is running short. It would be nice to get to one vote before we close tonight.

[*Translation*]

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

Mr. Sébastien Lemire: What interests me is knowing the content of the proposals. As I said, I have preliminary work as an intermediary to do, which is to address the communities and have them approve or disapprove what's being proposed. However, I don't currently have the tools I need to say whether or not I support the government's bill.

I therefore hope to have that part of the conversation with them, but to do so, I need you. I therefore extend my hand, regardless of the way we find to do get it done.

I think my motion is a good way to clarify what I want so that we can talk about overlapping issues and Quebec's issues. That being said, it could be done another way.

Mr. Battiste, I accept your proposal. Otherwise, I'll come back to it. However, if we want to pass anything today, I need those elements.

[*English*]

The Chair: With the motion we have, what I'm looking for is whether we can get unanimous consent to bring it back at our next meeting and have the discussion then, so we'll essentially be adjourning debate for today. We'll have more information and bring it back when we come back.

Colleagues, I know people are talking about how we're out of time. Technically, we have two hours of resources. I was hoping to at least get through the schedule today. I know there are lots of discussions. We want to make sure that we have plenty of time for discussion.

At this point, I have no more speakers on NDP-5. I'm wondering if we're willing to move that. I'll even be so bold as to ask this: Are

we going to have the same level of discussion for the remaining amendments on the schedule, or do we think we can move through those in the somewhat reasonable amount of time we have and still get out earlier than the resources we have beyond 6:30?

I'm looking to the will of the committee. Before we do that, I will say, not having anybody else on my speaking list, that I will call the vote on NDP-5 so we can at least conclude that. Then I'll see what the will of the committee is, and we can perhaps dispense with some others: CPC-8, CPC-9, and CPC-10.

Let's do the vote first on NDP-5. Do we want a recorded vote on this?

Mr. Jamie Schmale: Yes.

The Chair: I'll turn it over to the clerk for a recorded vote.

The Clerk (Mr. Cédric Taquet): It's five yeas and five nays.

The Chair: This is a situation we haven't come up against and seen since I've taken over the chair. I've turned to our clerks and have been given some direction. The book says it very clearly and tells me what to do as the chair. Just for reference, it indicates:

...in casting a vote on a clause of a bill, the Chair would vote in the affirmative and on an amendment or subamendment, the Chair would vote in the negative in order to maintain the status quo and to keep the question open to further amendment....

That's the direction from the book on an amendment to vote in the negative. Therefore, I cast my vote in the negative.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

The Chair: At this point in time, would the committee be willing to...? How much discussion do we think we need on CPC-8 and CPC-9? On CPC-10, there is a bit of an issue related to CPC-8 and CPC-9. There's an issue with CPC-10 we can deal with that could create some inconsistencies in terminology, but the main discussion right now would be on CPC-8 and CPC-9.

I'm turning to the committee about timing. Do we have agreement to try to get through this discussion, or do we think we're going to need a lot more time to have the discussion on CPC-8 and CPC-9?

Mr. Battiste, I'll go to you first.

Mr. Jaime Battiste: Mr. Chair, I think we've had significant discussion and debate on the schedule, which really is just on how the stakeholders define themselves and whether we should be defining how they define themselves within the terms of their title. I think a lot has been done substantively.

I'm asking for us to proceed with the next three votes on the schedule on division, and then we can pick up at the next meeting our discussion on the preamble and the motion by Mr. Lemire.

The Chair: Go ahead, Mr. Schmale.

Mr. Jamie Schmale: Mr. Chair, unfortunately I have House duty, so I can't stay too much later. I don't know what the Bloc and NDP are thinking on that.

If we want to have a vote on CPC-8 and CPC-9, we're fine to go to that now. As you said, CPC-10 might be a little contentious, so—

The Chair: It's not so much that it's contentious. It depends on the results of CPC-8 and CPC-9. I can explain that in a minute, depending on where those go.

Mr. Jamie Schmale: Do you want to do a quick vote on CPC-8 and CPC-9?

The Chair: Yes. Then I can explain CPC-10 and see if we can get you back to the House.

Mr. Jamie Schmale: Then we can adjourn and finish up on Monday or whenever.

An hon. member: Let's do it on division.

Mr. Jamie Schmale: We might win; it depends on the Bloc. I don't know.

Let's try CPC-8 first. We'll see what the Bloc does. If the Bloc says that, then we can say on division on the next one. How's that?

Mr. Jaime Battiste: We can apply it.

Mr. Jamie Schmale: Then we can apply, yes.

The Chair: First of all, we need to have CPC-8 moved.

Mr. Schmale, this was yours.

Mr. Jamie Schmale: I move CPC-8.

The Chair: Is there any debate?

I'm hearing that we move to a vote, or is it on division?

Mr. Jamie Schmale: Let's have a recorded vote to see what happens. Depending on what happens, we can do on division for the next one.

(Amendment negatived: nays 6; yeas 4 [*See Minutes of Proceedings*])

Mr. Jamie Schmale: I move CPC-9.

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

The Chair: Give me one second.

Mr. Arnold Viersen: Perhaps I can help you out there, Mr. Chair.

The Chair: I'm sorry, Mr. Viersen. I'm just having a quick discussion.

Mr. Arnold Viersen: I have something to say about CPC-10.

This is part of a whole series of amendments that I put forward. I asked the drafters to change “Métis collectivities” to “Métis communities” throughout the bill. I think this is one of the places where that is not really... I see how the drafters understood me and did that. They just did a “control F” for “collectivities”. This is one place where it doesn't necessarily make sense to change it to “communities”, as I did in some of the other places.

I will not move CPC-10.

The Chair: Thank you, Mr. Viersen. That's good.

That was the last amendment on the schedule, so I'll ask if the schedule shall carry.

Mr. Jamie Schmale: On division.

(Schedule agreed to on division)

The Chair: With that, colleagues, thank you so much. We will resume on Monday with clause 2 and then work through the remainder. Thank you so much for your assistance today.

Folks, we're adjourned.

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