CANADA

House of Commons Debates

VOLUME 136 • NUMBER 011 • 2nd SESSION • 36th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, October 26, 1999

Speaker: The Honourable Gilbert Parent

CONTENTS

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

HOUSE OF COMMONS

Tuesday, October 26, 1999

The House met at 10 a.m.

Prayers

• (1000)

POINTS OF ORDER

THE CONSTITUTION

Mr. Paul Steckle (Huron—Bruce, Lib.): Mr. Speaker, I rise on a point of order this morning to clarify certain remarks that I made in the House on June 8, 1999 regarding our colleague, the member for Burnaby—Douglas.

• (1005)

Earlier this year the member for Burnaby—Douglas presented a controversial petition in the Chamber on behalf of a certain fringe group which was seeking the elimination of the reference to God in our constitution.

In my original statement on the matter I affirmed my strong support for the reference to God in all acts and proclamations devised by the House. I also quoted remarks attributed to the member for Burnaby—Douglas as printed by the Ottawa *Citizen*.

Although I still strongly support the reference, today I would like to clarify my original statement. Before I do, I must say that I was very pleased to receive a telephone call from the said member earlier this month. It is my understanding that it is not his intention to rise in the House to correct this apparent media misrepresentation himself. He has assured me that he does not share the views expressed by the petitions he presented.

That being said, and given his newly found support for the reference to God in the constitution, I would ask that my previous statement be amended to reflect this new reality.

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, I want to thank the hon. member for setting the record straight. He did recognize that the original statement he made was based on inaccurate information. Without in any way endorsing the premise of his statement today, I do want to thank him for correcting his previous inaccurate statement.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to four petitions.

* * *

CRIMINAL CODE

Mr. Svend J. Robinson (Burnaby—Douglas, NDP) moved for leave to introduce Bill C-263, an act to to amend the Criminal Code (hate propaganda).

He said: Mr. Speaker, I have the honour to present this bill today which would expand the definition of ''identifiable group'' relating to the area of hate propaganda in the criminal code to include any section of the public distinguished by sexual orientation.

The current provisions of the code include reference to colour, race, religion and ethnic origin. The purpose of this amendment is to expand the protections of the hate propaganda provisions to include gay, lesbian, bisexual and transgender people to protect these groups against public incitement of hatred.

Finally, I would note that the bill would give law enforcement officers the power to stop people like the Reverend Fred Phelps from crossing our border to spread his message of hatred and homophobia.

Too many gay and lesbian people are victims of crimes based solely on their sexual orientation. The bill will send out an important signal that Canada condemns all violence, including violence directed at gay, lesbian, bisexual and transgender people.

(Motions deemed adopted, bill read the first time and printed)

* * *

BLOOD SAMPLES ACT

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.) moved for leave to introduce Bill C-264, an act to provide for the taking of samples of blood to detect the presence of certain viruses.

He said: Mr. Speaker, this is the first of three bills I will be introducing today.

This bill would give individuals such as police officers, firefighters, emergency response personnel and good Samaritans, should they be subjected to blood products or body fluid products in the commission of their duties, the right to know the HIV, hepatitis B and hepatitis C status of the blood of the person with whom they have been in contact.

● (1010)

This would be a fair law and one which would protect individuals performing their duties in an effort to save lives.

(Motions deemed adopted, bill read the first time and printed)

* * *

CRIMINAL CODE

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.) moved for leave to introduce Bill C-265, an act to amend the Criminal Code (violent crimes).

He said: Mr. Speaker, this is a fairly simple bill which has wide ranging ramifications.

Basically, if somebody commits a violent act such as rape or murder three times, on the third commission of that offence the person would automatically serve life imprisonment without parole for 25 years.

(Motions deemed adopted, bill read the first time and printed)

* * *

CONTRAVENTIONS ACT

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.) moved for leave to introduce Bill C-266, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act (marijuana).

He said: Mr. Speaker, this is the last bill which I will be introducing today. It deals with the simple possession of marijuana.

Essentially the bill would decriminalize, not legalize the simple possession of marijuana. A person who is found in possession of marijuana would receive a fine. There would be three levels of fines. The fines would then be used to pay for prevention and education programs for children to deter them from using illicit drugs.

I introduce this bill as the result of the huge overloading of our courts, particularly in British Columbia. It would save the taxpayer money, it would improve prevention programs to dissuade children from consuming illegal substances and it would go a long way to relieving the congestion in our courts. It would also help in preventing people from taking up illicit substances.

(Motions deemed adopted, bill read the first time and printed)

* * *

CANADA ELECTIONS ACT

Mr. Ted White (North Vancouver, Ref.) moved for leave to introduce Bill C-267, an act to amend the Canada Elections Act (registration of political parties).

He said: Mr. Speaker, this is the reintroduction of a private member's bill which was introduced in the last session. The bill addresses the problem of the 50 candidate rule which, as most members will know, was struck down by a court in Ontario. The court in Ontario said that two members would make a party. There are 12 in my bill, consistent with what we do here in the House.

I hope members will enjoy debating the issue.

(Motions deemed adopted, bill read the first time and printed)

* * *

CANADA ELECTIONS ACT

Mr. Ted White (North Vancouver, Ref.) moved for leave to introduce Bill C-268, an act to amend the Canada Elections Act (electronic voting).

He said: Mr. Speaker, as members may know, about three years ago the Government of Ontario introduced electronic voting in its elections act. Now it is quite common for voting for council members and mayors to be done electronically.

There is no such provision in the Canada Elections Act. The chief electoral officer has asked that it be included. Therefore, this bill would simply insert that into the Canada Elections Act.

(Motions deemed adopted, bill read the first time and printed)

* * *

RECALL ACT

Mr. Ted White (North Vancouver, Ref.) moved for leave to introduce Bill C-269, an act to establish the right of electors to recall members of Parliament.

He said: Mr. Speaker, of course this is a fairly scary piece of legislation for some members of the House who cannot come to grips with the fact that the voters who actually put them in this place should also have the right to remove them if they are not performing.

● (1015)

The bill would introduce the right of recall as is done in other jurisdictions like California, which, I might mention, has not recalled anybody for maybe 25 years. It is effective to have it there as a tool.

I look forward to a meaningful debate on the legislation.

(Motions deemed adopted, bill read the first time and printed)

CRIMINAL CODE

Mr. Jim Pankiw (Saskatoon—Humboldt, Ref.) moved for leave to introduce Bill C-270, an act to protect persons accused of a crime from undue public speculation and suspicion before guilt has been established.

He said: Mr. Speaker, the purpose of this enactment is to protect persons accused of a crime and their families from the effect of media reports that cause public suspicion, speculation and outrage before guilt has been established. Early publication of criminal proceedings can cause irreversible harm that is not justified in the case of an accused who is later acquitted.

I would like to note that this enactment does not in any way impede the right of the public to attend any court proceedings. The resultant restriction on freedom of expression, which is in effect a requirement to delay publication, is demonstrably justified in a free and democratic society in order to protect the principle of presumption of innocence.

(Motions deemed adopted, bill read the first time and printed)

* * *

PETITIONS

CHILD PORNOGRAPHY

Mr. David Chatters (Athabasca, Ref.): Mr. Speaker, I present a petition today on behalf of members of my constituency and many Albertans.

The petitioners would like to express their astonishment at the legal determination that possession of child pornography is not criminal. They feel that the very existence of child pornography is ample evidence that a criminal act has been committed against a child. They want to express that opinion.

IRAQ

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I present a petition that draws attention to the terrible consequences of the sanctions against Iraq.

The petitioners call on parliament to urge that all Canadian military personnel and equipment now taking part in the blockade of Iraq be recalled, and that Canada use all possible diplomatic pressures to urge the U.N. to end the sanctions.

The petitioners point out the devastating impact particularly on children. As a result of the embargo, 650,000 Iraqi children have died.

PROPERTY RIGHTS

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I have quite a number of petitions to present.

The first set of petitions I am pleased to present totals 11 pages with the signatures of 158 concerned Canadians from the provinces of Ontario, Alberta and B.C. For those who are keeping track, that is a total of 15,415 signatures of people who are demanding better protection of property rights in federal law.

These citizens are most concerned that there is nothing in the charter of rights and freedoms which restricts the government in any way from passing laws which prohibit the ownership, use and enjoyment of their private property or reduces the value of their property.

These Canadians are also concerned that there is no provision in the charter that prevents the government from arbitrarily taking these lawfully acquired and legally owned properties without compensation.

The petitioners request parliament to support my private member's bill which would strengthen the protection of property rights in federal law by amending the Canadian Bill of Rights.

GUN REGISTRATION

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, the next group of petitions I am pleased to present is 154 pages long with 3,649 signatures of concerned citizens from eight different provinces and one territory in Canada.

Canadians from coast to coast are united in opposition to the federal government's fatally flawed, billion dollar gun registration scheme.

● (1020)

My constituents have asked me to keep a running total of repeal Bill C-68 petitions that I have introduced. Since April 1998, I have introduced 2,009 pages of petitions with a total of 49,914 signatures.

The petitioners are calling for an end to the government's firearm fiasco because: First, registration will do nothing to curtail the criminal use of firearms; second, registration is not an effective way to address the violent crime problem in Canada; third, registration is opposed by the vast majority of frontline police officers; and fourth, registration is being challenged in the supreme court by six provinces and two territories, comprising more than 50% of Canada's population.

MARRIAGE

Mr. Gilles Bernier (Tobique—Mactaquac, PC): Mr. Speaker, I present a petition on behalf of the people in my riding.

The petition is addressed to the House of Commons and parliament assembled. It states that we the undersigned citizens of Canada draw the attention of the House to the following: Whereas, a majority of Canadians understand the concept of marriage as only the voluntary union of a single, that is unmarried male and a single, that is unmarried female; and whereas, it is the duty of

parliament to ensure that marriage, as it has always been known and understood in Canada, be preserved and protected.

Therefore, the petitioners pray that parliament enact legislation, such as Bill C-225, so as to define the statute that a marriage can only be entered into between a single male and a single female.

THE CONSTITUTION

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, I have the honour to present a petition on the subject of God and the constitution. The petition was signed by residents of my constituency of Burnaby—Douglas, as well as many other constituencies in Canada.

The petitioners note that the laws of our country have always been based on Judeo-Christian morals and values which have been passed down through the centuries via western civilization; that the majority of Canadians believe in the God who created the heavens and the earth and are not offended by the mention of his name in the preamble of the charter of rights and freedoms; that the preamble of charter of rights and freedoms acts as a foundation upon which the subsequent sections are based and sets forth the basic transcendental understanding for our rights and freedoms.

Therefore, the petitioners pray and request that parliament oppose any amendment to the Canadian Charter of Rights and Freedoms, or any other federal legislation which will provide for the exclusion of reference to the supremacy of God in our constitution and laws.

CANADA HEALTH ACT

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, I present one other petition on the subject of medicare, also signed by residents of my constituency of Burnaby—Douglas and others.

The petitioners urge that the federal government preserve and enforce the Canada Health Act, the foundation of medicare, in every province and region of Canada and maintain the five key principles of medicare.

They call upon parliament to enshrine the Canada Health Act and the five principles of medicare in the Canadian constitution to guarantee national standards of quality, publicly funded health care for every Canadian citizen as a right. They call for this in the Constitution of Canada.

ABORIGINAL AFFAIRS

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I have two petitions to present today.

The first petition contains 120 signatures. It draws the attention of the House to the fact that a majority of Canadians are in favour of a fair agreement with the Nisga'a and that it is complete and equitable to all Canadians.

It points out that there are court cases presently outstanding regarding the Nisga'a treaty, some of which, including one by the Liberal Party of B.C., question the constitutionality of the agreement, and that the citizens of British Columbia should have a vote on the referendum before changes are made to our constitution.

They therefore pray and request that parliament reject this treaty as it will divide Canadians forever.

IMMIGRATION

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, the second petition contains 629 signatures. This is one of a series of several thousand signatures. It is in connection with the arrival of a ship earlier this year bearing illegal Chinese migrants.

The petitioners point out that bogus refugee claimants cause undue hardship for honest, bona fide refugees; that the current immigration system encourages international people smugglers; and that there is no effective system in place to quickly separate legitimate asylum seekers from illegal migrants.

They call on parliament to enact immediate changes to Canada's immigration laws governing refugees to allow for the deportation of obvious and blatant abusers of the system.

● (1025)

CANADA POST

Mr. Réginald Bélair (Timmins—James Bay, Lib.): Mr. Speaker, I am presenting a petition this morning on behalf of the rural mail couriers who work for Canada Post. Most of the time they earn less than minimum wage and have working conditions reminiscent of another era.

Furthermore, these Canada Post employees have not been allowed to bargain collectively to improve their wages and working conditions like other workers.

They are therefore petitioning parliament to summon Canada Post to give them the same level of consideration as regular and permanent employees.

MARRIAGE ACT

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, it is my pleasure to table a petition signed by many residents in my riding and others who are asking parliament to ensure that marriage, as it has always been known and understood in Canada, be preserved and protected.

They ask that parliament enact Bill C-225, an act to amend the Marriage Act and the Interpretation Act so as to define in statute that a marriage can only be entered into between a single male and a single female.

CHILD PORNOGRAPHY

Mr. Grant McNally (Dewdney—Alouette, Ref.): The second petition I have, Mr. Speaker, also signed by constituents and others, asks that parliament, through the enactment and enforcement of the Criminal Code, protect the most vulnerable members of our society from sexual abuse and in particular child pornography.

They ask that parliament take all measures necessary to ensure that the possession of child pornography remain a serious criminal offence and that federal police forces be directed to give priority to enforcing this law for the protection of children.

CRIMINAL CODE

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I am pleased to table a petition in the House which says that section 43 of the criminal code states that every school teacher, parent or person standing in the place of a parent is justified in using force by way of correction toward a pupil or a child who is under their care if force does not exceed what is reasonable under the circumstances, and that section 43 recognizes the primary role of parents in the raising and discipline of their children.

The petitioners ask that parliament reaffirm the duty of parents to responsibly raise their children according to their own conscience and beliefs and to retain section 43 in the Criminal Code as it currently is worded.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Deputy Speaker: Is it agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

NISGA'A FINAL AGREEMENT ACT

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.) moved that Bill C-9, an act to give effect to the Nisga'a Final Agreement, be read the second time and referred to a committee.

He said: Mr. Speaker, it is indeed an honour for me to bring forward this legislation, the Nisga'a final agreement act. The act

and the treaty it will enshrine mark the culmination of a journey begun by the Nisga'a people more than a century ago.

Since 1887, the Nisga'a people have been actively seeking to resolve issues related to their land, culture and government. Generations came and went without solutions being found.

While the rest of Canada progressed into a modern and prosperous society, the Nisga'a were left behind uncertain of their place in the country, uncertain of whether there even was a place for them in the country.

Today marks a major step forward for the Nisga'a people, for British Columbia and for Canada. There is a great deal of excitement these days about the dawning of a new millennium and the opportunities it presents for our nation. However, as we enter the 21st century we still face the challenge of unfinished business from the 19th.

The bill represents a major step forward in bringing closure to unfinished business from a century ago. It marks a new era of reconciliation and renewal between Canada and aboriginal people. By doing so it sets the stage for Canada to realize even greater achievements in the new century.

• (1030)

For six generations the Nisga'a people refused to give up hope or to doubt that their goals would be achieved. The fact that we are debating the bill today is testament to their dedication and perseverance. I am sure history will prove that their efforts will make Canada a stronger and more complete nation.

I also recognize the efforts of my predecessors and colleagues in the House who have contributed so greatly to where we are today. I pay tribute to the government and people of British Columbia for demonstrating that our country can and will accommodate the needs and aspirations of all those living within its borders.

Bill C-9 is a national achievement. It represents a milestone not only for the Nisga'a people but for all British Columbians and Canadians. The Nisga'a treaty is a reconciliation between past and present, between native and non-native. It lets us put the mistakes of the past behind us. By clearly setting out our relationship it will foster community economic growth for the Nisga'a and for other Canadian citizens.

The treaty is an important step in the long process of nation-building within Canada. As Dr. Joe Gosnell, president of the Nisga'a Tribal Council, pointed out on numerous occasions, we are negotiating our way into Canada, not out of it.

With this endorsement from the House a century old goal is within our grasp. The Nisga'a treaty represents a pivotal point in the relationship between Canada and the Nisga'a people. It is an opportunity to demonstrate our mutual trust and respect.

The Nisga'a people have been living in northwestern British Columbia for thousands of years. When Europeans first arrived on the Pacific shores they found a well established society, one that was self-sustaining and able to care for its members. The Nisga'a were prosperous people and entrepreneurial in spirit. They lived in organized communities and governed themselves according to the ancient Ayuukhl Nisga'a laws, their rules of social obligation and conduct.

The arrival of European settlers had a dramatic effect on the Nisga'a and on other aboriginal people in British Columbia. As in other parts of Canada the imposition of foreign laws, cultural and religious customs had a negative impact that is still being felt today.

Diseases that had never before been seen in North America had a devastating effect on entire communities. The Nisga'a population was once more than 30,000, a number that subsequently declined to only 800. Today the Nisga'a number almost 6,000 but that is still a far cry from where they once were.

In British Columbia the circumstances of aboriginal people were further affected by the lack of comprehensive treaties with the crown. In most other parts of Canada these treaties were a prerequisite for settlement. They provided some degree of certainty over land tenure and defined a relationship between the crown and aboriginal people.

The absence of treaties in British Columbia means that to this day most aboriginal people in that province are unsure of their place in Canada. It also means great uncertainty for all residents of British Columbia.

For more than a century the Nisga'a have sought to rectify the situation. They did not let the events of the past outweigh their desire to achieve an honoured and valuable place within Canada. Despite serious obstacles that were placed before them, generations of Nisga'a leadership continue to pursue their goals through peaceful and lawful methods.

In more recent times the efforts of the Nisga'a have coincided with an evolution in the way individual Canadians and their governments view their relationship with aboriginal people. There is widespread agreement that the policies of the past have failed and a new approach is needed, one based on mutual respect and trust. There is broad recognition that all Canadians will benefit from such an approach.

● (1035)

This evolution of thought has produced a number of initiatives including the many task forces and royal commissions established to look into aboriginal issues, the launching in 1985 of the community based self-government policy, the passage by parliament of the Sechelt Indian Band Self-Government Act, through to the tabling in 1995 of the approach of the Government of Canada to the implementation of the inherent right and negotiation of aboriginal self-government.

The government believes that self-government is like other aboriginal rights recognized and affirmed by section 35 of the constitution of 1982. As the courts have suggested, these rights are best negotiated, not litigated, and this is precisely what we have done. The Nisga'a treaty is the logical result of the evolution of Canadian thought and policy and measures up as a practical and workable arrangement that operates within the constitutional framework of Canada.

The Nisga'a treaty establishes a shared understanding of how the Nisga'a people and other Canadians can coexist and achieve common goals. It provides a fair, affordable and honourable settlement that accommodates the interest of all Canadians and will promote stability and opportunity for all residents of the Nass Valley.

By clearly setting out the rights of the Nisga'a people as related to the ownership and use of lands and resources, the treaty provides certainty. This certainty will foster an economic climate conducive to attracting investment and creating jobs while at the same time providing an opportunity for the Nisga'a to protect their culture.

I cannot overemphasize the importance of certainty to the future of British Columbia. During the approximate 500 public consultations and information meetings which were held in B.C. during the Nisga'a negotiations the business community made one thing perfectly clear: certainty is essential to a strong economic future for the province.

What is the cost of the status quo? A 1991 Price Waterhouse study concluded that unresolved land claims in British Columbia cost the province $1 billion in investment and 1,500 jobs each year in forestry and mining alone. The Nisga'a treaty is a major step toward ensuring that kind of economic activity is not lost for future generations of British Columbians.

So long as certainty is achieved I know that the business community welcomes the opportunity to work in partnership with aboriginal people. This is as true in my own region as it is in British Columbia where partnerships are springing up throughout the province as the private sector and aboriginal communities work together on economic ventures.

Those who have known me for a while know how much importance I place on these kinds of partnerships and the ability for native and non-native people to work together. Throughout Canada but mostly in rural regions native and non-native Canadians live side by side. They share many of the same challenges and dreams, but for far too long they have lived isolated from each other.

In today's world that isolation cannot continue. The only way for aboriginal and non-aboriginal Canadians to realize their full poten-

tial is by working together. The Nisga'a treaty will encourage that process in northwestern British Columbia. It is important that members of the House and Canadians in general are aware of what the Nisga'a treaty will and will not do. I will outline a few of those items.

Most important, the treaty establishes a full and final settlement of all outstanding Nisga'a claims in respect of aboriginal rights and title. The Nisga'a will receive a settlement package including $196.1 million paid over 15 years, approximately 2,000 square kilometres of land in the Nass Valley area including surface and subsurface rights, and a share of Nass River salmon stocks and Nass area wildlife harvests.

● (1040)

The total estimated one time cost of the treaty including land value, implementation and other related costs is $487.1 million in 1999 dollars. Canada's share is $255 million. I want to be clear on the cost of the agreement. It does not involve, as some have implied, a cash transfer of a half billion dollars. While I am sure members will go into great detail during committee study, it is important to underscore this point for all Canadians to clarify the record.

A strong economy requires land and a resource base. With this achieved the Nisga'a will be able to participate more fully in the local and provincial economies. Once again the Nisga'a people will have the tools necessary to be self-reliant. They will be able to harvest timber on their lands for housing or commercial use. Given the natural beauty of the Nass Valley region it is likely the Nisga'a will explore economic opportunities such as outfitting, wilderness camping, ecotourism and sport fishing.

Other residents of the Nass Valley will benefit as well. Increased economic activity will produce inevitable spin-offs throughout the area. As infrastructure on Nisga'a lands and the Nisga'a highway are upgraded jobs will be created and local businesses will profit from an injection of new cash. A prosperous Nisga'a people will contribute to a stronger economy in northwestern British Columbia.

As significant as is the Nisga'a treaty it is equally significant that it has been achieved within Canada's existing constitutional framework. It does not directly or indirectly change the constitution. Nor is a constitutional amendment necessary to bring the treaty into effect. The Nisga'a treaty is a practical arrangement that defines the rights the Nisga'a people will exercise under section 35 of the Constitution Act, 1982. Although rights will be protected under section 35 it does not mean they are absolute. The courts have confirmed that those rights may be infringed where proper justification exists.

There is a great deal of misunderstanding about the nature of the Nisga'a government envisioned by the treaty. Quite simply the Nisga'a government will be a democratic government for the Nisga'a community. It will work to protect Nisga'a language, culture and property and to promote the future prosperity and well-being of the Nisga'a people. It will give the Nisga'a the control over their own lives and destinies that most of us have long taken for granted.

The treaty does not create an order of government apart from Canadian law and society. Let me be clear about this. The charter of rights and freedoms will continue to apply to the Nisga'a people.

An hon. member: Wrong.

Hon. Robert D. Nault: Let me see if I can say that again. The charter of rights and freedoms will continue to apply to the Nisga'a people, the Nisga'a government and all people living on Nisga'a land. The charter will apply to all actions taken by the Nisga'a government, including when it can make laws and take decisions such as issuing permits and licences. The Nisga'a government will only be able to enact laws that are consistent with the charter of rights and freedoms.

Not only will the charter continue to apply. Nothing in the treaty takes away from federal or provincial authority under the constitution and the sovereignty of the crown is clearly acknowledged. Federal and provincial laws such as the criminal code or B.C.'s family relations act will apply. Where the Nisga'a government can make laws they will operate concurrently with federal and provincial laws. There will be no areas of exclusive Nisga'a jurisdiction.

Throughout history treaties have been used to define the relationships people have with each other. They represent solemn commitments. As such they cannot and must not be changed at the whim of one party or the other. For that reason the Nisga'a treaty and the Nisga'a final agreement act will prevail when there is a conflict with federal or provincial legislation. This is consistent with the constitutional protection of treaty rights.

● (1045)

That does not mean Nisga'a laws will necessarily prevail over federal-provincial laws. The treaty clearly lays out the areas in which the Nisga'a government will have the right to enact laws. These laws will only prevail in matters internal to the Nisga'a people, integral to their culture, and essential to the operation of their government.

For other areas the treaty clearly spells out the rules of which any conflict between Nisga'a laws and federal or provincial laws will be resolved. In general, federal and provincial laws will prevail, or the Nisga'a law will have to meet or exceed existing federal and provincial standards in order to be valid.

As well as providing clear avenues of authority, the Nisga'a treaty is a sensible and practical arrangement that will provide for the political, legal and financial accountability of the Nisga'a

government. The treaty, its related fiscal financing agreement and the Nisga'a constitution all contain provisions to provide that the Nisga'a government will be accountable to its members and to the governments from which it will derive some of its funding.

The Nisga'a government will be required to prepare and provide audited financial statements to its members and to Canada and British Columbia. These statements must meet generally accepted accounting standards and any funding provided by Canada will be subject to review by the auditor general. This standard of accountability has been embraced by the Nisga'a leadership. Beyond any government's moral obligation to be accountable to those it represents, obviously there is a practical reality.

The modern self-government arrangements in the Nisga'a treaty clarify the responsibility for land management for all those who do business with the Nisga'a government and for those who live on Nisga'a lands. In order for the Nisga'a to attract economic development, their laws and decisions will have to be open and transparent with their administrative policies and review and appeal procedures both clear and fair.

While the Nisga'a government will be unique to the Nisga'a people, it will operate under principles of democratic, representative and accountable public administration common to other local and regional governments throughout Canada.

We should be proud that this treaty finally sets out the rights of the Nisga'a people. We should be no less proud, however, of the measures it takes to reconcile Nisga'a rights with the rights of others. The treaty protects the rights of other aboriginal people and the rights of non-Nisga'a individuals who reside on Nisga'a lands.

If the treaty were found to adversely affect an aboriginal right of another first nation, it will be read down to accommodate that first nation's rights. The parties would be obliged to make best efforts to amend the treaty in order to remedy the situation.

For non-Nisga'a living on Nisga'a lands, the treaty contains far stronger protection of their rights than the existing Indian Act. Those individuals will continue to enjoy the right to vote in federal, provincial and regional district elections. They will also have the right to vote for, or become members of, elected Nisga'a public institutions, such as school boards and health boards.

The treaty also provides that non-Nisga'a living on Nisga'a lands will have the right to be consulted about all decisions that might directly and significantly affect them. The Nisga'a government will have a duty and an obligation to give their views full and fair consideration. Like Nisga'a citizens, non-Nisga'a people will have full access to procedures allowing them to appeal administrative decisions of the Nisga'a government, including judicial review.

Throughout the negotiations leading up to the treaty, all parties were very mindful of the rights and interests of others. For example, people who are not Nisga'a citizens but reside on Nisga'a lands may very well benefit from services provided by the Nisga'a government. However, they will not be subject to taxation by the Nisga'a government.

● (1050)

The Canadian public will continue to enjoy reasonable access to Nisga'a lands for recreation and other non-commercial purposes. Access required to construct and operate licensed water supplies is protected, and the Nisga'a water reservation, amounting to only 1% of the Nass River flow, leaves ample volume for other uses which may be required in the future.

These are but a few of the many ways in which the Nisga'a treaty protects and respects the rights of others. This protection I should emphasize is not available under the Indian Act.

The Nisga'a treaty is a complex and carefully balanced agreement. If any of my colleagues have yet to read the text, I urge them to do so in order to see the extent to which the concerns and aspirations of all Canadians have been addressed. Anyone taking the time to do so will realize that, as with all negotiations, there has been give and take by all parties, including the Nisga'a.

One is in the area of taxation. Once the treaty is ratified the Nisga'a will enter an eight year period to phase out exemptions from sales tax and a 12 year period to phase out exemptions from income tax. At the end of the phase-out periods the Nisga'a people will pay taxes the same way that other Canadians do.

The Nisga'a will also undertake a share of the responsibility of funding their government. The reliance of the Nisga'a people on transfers will be reduced over time and it will contribute to the cost of programs and services through the operation of an own source revenue agreement.

The more that people actually learn about this agreement, the stronger their support for it becomes. I am certain other members will expand on areas of the treaty that are of particular interest to them. However, I would encourage members to bear in mind how historically and symbolically significant this debate is. In many ways this debate is about how we as Canadians see ourselves and our country. The fact that we have a treaty to debate is a testament to the spirit and intent of ''Gathering Strength—Canada's Aboriginal Action Plan'' in which we committed to address the needs of communities by building a real partnership with aboriginal people.

We would not be at this point today if Canadians had not made it clear to us that it is high time we resolved the unfinished business of the past in order to move into the future. At the same time, while

the Nisga'a people will never forget what they have endured, they have come to know a different Canada in recent generations. It is a Canada that respects and embraces people of all heritages, whether aboriginal or non-aboriginal; a Canada that is grateful for the contribution aboriginal people have made and will continue to make; a Canada that is committed to reconciliation and renewal; and a Canada that knows its strength lies in the ability to forge partnerships among all those living within its borders.

The Nisga'a treaty says a great deal about how far Canada has come over the last century and our limitless potential to go even further in the future. It is a significant step in the path toward a better Canada. It is fitting that we are poised to ratify the treaty during the United Nations decade of the world's indigenous people. What better way to mark that occasion than a treaty that has become an example to nations around the world and a sign of hope to indigenous people in Canada and abroad.

In closing I would like to once again quote Dr. Joe Gosnell: ''Now it is time to ratify the Nisga'a treaty for aboriginal and non-aboriginal people to come together and write a new chapter in the history of our nation, our country and indeed the world''.

Mr. Randy White: Mr. Speaker, I rise on a point of order. Given the importance of this issue to Canadians and given the need to clarify some of the comments that the minister made in his opening remarks on this legislation, I wonder if I might ask the House and indeed the minister if we could have unanimous consent to have a 15 minute question and comment session.

● (1055)

The Deputy Speaker: Is there unanimous consent to have 15 minutes of questions and comments on the minister's speech?

Some hon. members: Agreed.

An hon. member: No.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, I rise to speak to Bill C-9, an act to give effect to the Nisga'a final agreement. In doing so I want to assure the Nisga'a people, the people of British Columbia and the people of Canada that our sole interest in the debate on this bill is to establish a new and better future for the Nisga'a people in relationship with each other and other Canadians.

We understand that after years and years of negotiation within a framework dictated by the Indian Act but controlled by the federal government and Indian affairs, most Nisga'a leaders feel they have no alternative but this agreement and the principles on which it is based. For them it is this or nothing. We understand that. We understand why they have to support it.

The official opposition is not in the same position. We will oppose this bill because we do not believe the agreement to which it gives effect is in the long range interests of the Nisga'a people, the long range interests of the people of British Columbia or the interests of the people of Canada.

My colleague, the member for Skeena and other official opposition members will present the evidence and the reasons behind our convictions. The House should pay particular attention to the perspective of the member for Skeena because he is not only the member of parliament for 2,300 Nisga'a people but is also the member of parliament for 20,500 other aboriginals in his riding and 62,500 non-aboriginals all affected by this bill.

The member has had intimate contact with these people to a far greater degree than the rookie minister. It is the people in the member's constituency who will have to live with the immediate and practical consequences of the Nisga'a final agreement and so we should pay particular attention to what he has to say. His speech was not written by departmental officials. It will have been written by himself out of his own experiences.

Members of this House should also recognize that the NDP Government of British Columbia that has supported this agreement is to all intents and purposes on its way out of office. It is in extreme disfavour with the people of British Columbia. I suggest that its continued support of this bill and agreement should be severely discounted because of that fact. We should recognize that British Columbia will no doubt soon have another provincial government whose members will oppose this agreement, both in the legislature and in the courts.

I am also hopeful that by the time this debate is over, Canadians in all parts of Canada and members of parliament representing all parts of Canada will understand that this bill and the agreement to which it gives effect have ramifications for them. In our judgment many of those impacts are negative. The fiscal impacts will be negative. The resource management impacts will be negative, like those of the Marshall case, and the impact on aboriginal and non-aboriginal relations will be negative.

This is not simply a bill or an agreement affecting a particular group of aboriginal people in British Columbia. It is a bill and an agreement with ramifications for all of British Columbia and for all of Canada. For that reason we are pleased to see the attention and scrutiny that the national media and media in different parts of the country are giving this bill and agreement because it will have effects far beyond the Nass Valley and British Columbia.

The agreement we have before us is an arrangement providing for the government of the Nisga'a people, the government of their local economy and the government of their relations with each

other and with non-aboriginals. The purpose of my comments this morning will be to make two main points.

The first point is that the whole underlying approach to aboriginal government and economic development in this country and ratified by this bill is wrong. The whole approach that is taken and the underlying principles are defective and will not lead to the desired ends. This we intend to demonstrate in concrete ways.

● (1100)

My second point is that an entirely different approach to aboriginal self-government and economic development based on better principles is desperately needed for the 21st century, and that alternative approach we will attempt to describe.

Let me start by making the case that the bill and the agreement it reflects are based on the wrong approach. Surely there is no one in parliament with the nerve to say that the approach the Government of Canada has taken to aboriginal people in the 20th century has been a success. No one believes that. It is the reason for embarrassment on the part of Canadians when we raise the subject because they know that something is terribly wrong. Surely there is no one here who is proud of the old treaty system or how it was arrived at, if we study how those treaties were arrived at.

Is there anyone here who would defend the reserve system as a great social invention of the 20th century that was a smashing success for aboriginal people? Is there anyone here who would defend the Indian Act? Is there any member in the House who would stand today if the Indian Act did not exist and move that it be adopted by parliament as a statement of our approach for the 21st century? I do not think there is a single member regardless of party who is proud of the system, the approach and the track record of the poverty, family breakdown, violence, illness, shortened lifespans and the despair that system has produced for thousands and thousands of people.

The unemployment, mortality, illiteracy, suicide and incarceration rates on reserves among aboriginal people, particularly young people, are the consequences. This is the legacy of a 130 year old system for dealing with aboriginal people in this country. It was established and mismanaged over the century by successive Liberal and Tory governments.

Of course there are exceptions. There are bands which have been able to raise their standards of living and which have succeeded in various economic enterprises and undertakings. There are bands and aboriginal leaders who have improved services for their people and who do run responsible and accountable governments. There are individual aboriginals who make remarkable accomplishments in the arts, business, sport and other fields of endeavour, but it is sad to say these are the exception rather than the rule. What they have achieved has often been achieved in spite of the system, not because of the system.

I find some of the accomplishments of these people amazing because of the obstacles they have had to encounter at every step of their career from childhood to their successes. If the Indian Act did not exist, would anyone in their right mind get up in the House and introduce it today as a framework or solution for anything? If the reserve system did not exist, would anyone in their right mind in the House get up and propose it as a solution? No, because the system does not work and is going from bad to worse. It is defective in principle.

I will describe the three greatest defects in the system. The first is that the current approach grants special status to aboriginals based on race. That is what status Indian means and it is defined in a statute supposedly approved by parliament.

The status provided by the Indian Act is not privileged status. It is far from it. That status denies aboriginals many of the political and economic tools available to other Canadians, from responsible self-government to all the tools of the marketplace and private enterprise for economic development. That status in essence denies aboriginal people access to tools that the vast majority of Canadians take for granted. That status builds barriers rather than bridges between aboriginals and the rest of the Canadian community.

The second defect of the current approach is that it provides for undemocratic and unaccountable governments. The current approach to aboriginal political development fails to demand or to provide for genuine fiscal and democratic accountability from local aboriginal governments.

How did the people of Britain get democratic government? How did the people of upper and lower Canada get responsible government 150 years ago? They got it by controlling the pursestrings. Yet under the system created and managed by the Department of Indian Affairs and Northern Development local aboriginal governments get their money not from the people to whom they should be accountable but from the government and Indian affairs. Therefore aboriginal people do not have the most elementary grip on their own governmental institutions because of the way they are funded.

● (1105)

I do not need to get into the examples which abound on every hand. They are in the report of the auditor general. There are in the newspapers every year examples of fiscal and electoral abuse on reserves. The federal government has failed to provide responsible government for aboriginals in either the fiscal or democratic sense at the local level.

There are signs of change. There is a grassroots movement starting among ordinary aboriginals demanding fiscal and demo-

cratic accountability from their governments and from Indian affairs. So far their voice has been largely unheeded and I see no reflection of their concerns in the agreement we are being asked to pass this week.

The third big defect in the approach that has been taken in the past with respect to aboriginal economic development, and that is perpetuated by the bill, is that it is based largely on socialist economics, collective ownership of land and resources, government ownership of land and resources, and excessive regulation of every economic activity.

There is an absence on reserves of the most basic of property rights. There is an absence of contract rights. There is an absence of free markets in housing, labour and capital. The tragedy of the current approach is that to succeed economically many aboriginal people have had to leave the reserve in order to get the tools that other Canadians take for granted.

I spent 20 years in the management consulting business. One of my areas of business was trying to facilitate relationships between aboriginal business people and oil and gas companies. I could tell the House story after story of aboriginal entrepreneurs who had all the smarts to make it in business and had to go through hurdles to try to base their business off reserve: the simple business of being able to get capital and being unable to secure a loan by offering their property because if it was on reserve the bank would not accept it as security, a simple thing like that.

How many small business people in the country got their start by pledging the little assets they had behind some loan to undertake some economic venture? That simple tool which has probably been responsible for starting the majority of small businesses in the country was denied to native entrepreneurs because of the system.

Where has all this led? Where have special status, unaccountable governance and socialist economics led? Has it led to peace, order, prosperity and good government for aboriginal people? No. It has led to the record of poverty, misery and despair for thousands of aboriginals whom I have already described. It has led to a series of land claims, court cases and court actions that are further poisoning relations between aboriginals and non-aboriginals from the forests and fisheries of British Columbia and now to the east coast. In addition, the billions of dollars that Canadians commit to Indian affairs every year is now leading to an additional contingent liability for all Canadians of up to $200 billion.

I saw an article in the newspaper this morning. I will read a bit of it. Can members imagine the enthusiasm created among investors or business people thinking of doing business in areas contingent to aboriginal lands and treaties? It is entitled ''$200 billion price tag placed on native demands'' and reads in part:

> The federal government has calculated the cost of satisfying all aboriginal demands at $200 billion.

This figure is bigger than the entire budget of the Government of Canada for an entire year. It continues:

> The $200-billion figure is the federal government's first official estimate at adding up the potential of giving natives absolutely everything they are asking for. It includes every. . .outstanding aboriginal claim against the government, big or small, serious or spurious.
>
> ''There are thousands of these cases, and they are coming in every day'', said one Finance Department official.
>
> The staggering figure will be explained further today in the 1998-99 Public Accounts of government spending, officials said.

The article goes on to talk about the impact of the Delgamuukw decision by the courts, in essence putting a lien on virtually every acre of land in British Columbia. It goes on to describe the chaos created in the east coast fishery by one supreme court decision based on an interpretation of the faulty approach to economic development I just described.

● (1110)

It is the kind of article that, if read by people who are thinking of investing or doing business with aboriginal people or with anyone else, is a signal not to proceed rather than a signal to proceed.

The tragedy is that all three of those defects in the approach to aboriginal development and economic development are carried on, perpetuated and even strengthened by this agreement. This is not a 21st century agreement. This is the perpetuation of a 19th century approach to aboriginal governance and economic development that has not worked in this century and will not work in the future.

Let me point to various parts of the Nisga'a agreement which evidence that it is based on a 19th century approach and not a 21st century approach. Let us look first at the evidence of special status perpetuated by the agreement rather than a move toward equality. I will give three examples in this regard.

The first example refers to the form of government established for Nisga'a people under the agreement. If the agreement were to give the Nisga'a people a form of federally chartered municipal government like the form of local government enjoyed by most non-aboriginal Canadians, one could argue that would be a step away from special status and a step toward equality, providing the Nisga'a people with the same tools of local government as other Canadians enjoy. The government itself has argued that the Nisga'a agreement allows for municipal type self-government for the Nisga'a people.

However I would contend this is a gross misinterpretation of the facts, and the government knows it. What municipal government in

the country has paramount power over 14 areas of exclusive jurisdiction and shared powers in another 16 fields of federal and provincial jurisdiction?

Nisga'a laws according to the agreement will override provincial and federal laws—and we must remember this is law that derives its status from a race based approach—in the following areas: Nisga'a citizenship; structure, administration, management and operation of Nisga'a government; Nisga'a lands and assets; regulation, licensing and prohibition of businesses, professions and trades; preservation, promotion and development of Nisga'a language and culture; direct taxation of Nisga'a citizens; adoption, child and family services, preschool to grade 12 education and advanced education; organization and structure of health care delivery; authorization and licensing of aboriginal healers; Nisga'a annual fishing plans for harvest sale of fish and aquatic plants; and a Nisga'a wildlife and migratory birds entitlement.

Second, the taxation regime established by the agreement perpetuates special status based on ethnicity rather than on moving toward the tax regime to which all Canadians are subject. It is true that within 12 years Nisga'a people will be paying income tax like other Canadians. This is something we in the official opposition support, but that is where the movement toward equality in the tax regime ends. The Nisga'a government will be exempt from a range of provincial taxes and stumpage fees. It will not have to pay GST. Individual Nisga'a citizens will be permanently exempt from having to hold or pay federal and provincial licences, fees, charges and royalties on fish and wildlife entitlements provided under the agreement.

On the surface these points may appear minor to some, but when we remember the agreement is supposed to become the template for 50 or more agreements to come in British Columbia, the precedent that is being set is for race based tax exemptions throughout British Columbia and indeed throughout all Canada.

Third, I should make special mention of the commercial fishery entitlement to the Nisga'a which will be granted for the Nass River. This entitlement will comprise 26% of the total allowable catch on that river. The parallels with what is happening now on the east coast are obvious. There the Supreme Court of Canada ruled that natives possess an unrestricted right to earn a reasonable livelihood from fishing lobster. This decision has led to violence between aboriginal and non-aboriginal fishermen and if perpetuated will lead to the destruction of the biological base of the fishery.

The major difference between that situation and the one created by the bill and agreement before us is that in this case the government cannot hide behind the Supreme Court of Canada. On the west coast, particularly in the case of the Nisga'a agreement, the government is setting the precedent for special race based access to the commercial fishery entirely of its own free will. This is a further example of the perpetuation of access to resources based on race which can lead, as we have seen on the east coast and we have seen with the disaster in the aboriginal fishery on on the west coast, to nothing but conflict and mismanagement of the resources it perpetuated into the 21st century.

● (1115)

Let me turn to the lack of fiscal and democratic accountability in the agreement. The various layers of Nisga'a government, the central Nisga'a Lisims government, four village governments and three urban locals, will have a broad range of powers. Due to the terms of the agreement, individual Nisga'a will be very dependent upon this government in a variety of areas such as housing, social assistance and employment. Indeed, most of the employment on Nisga'a lands will either be with the Nisga'a government or with Nisga'a government owned corporations.

While the Nisga'a leadership may be an honourable one, and I do not dispute that and have never disputed that, the concentration of political power in the hands of government on Nisga'a lands is worrying partly because the government will in fact largely be spending outside money provided by the Canadian taxpayer and because of the precedent this arrangement sets for other treaty settlements.

Gordon Gibson, a former advisor to Mr. Trudeau and a former Liberal leader in the province of British Columbia, has written ''Small governments with large powers may acquire the ability to control the citizens rather than the other way around''.

To effectively constitutionalize such an arrangement as the Nisga'a does is a very disturbing precedent. I would suggest that it is the rank and file of Nisga'a, it is the ordinary aboriginal person who, from time immemorial, suffers from these unaccountable governments that have been established under mandates from the Government of Canada. It is not the chiefs and councils that suffer under that system, although some do. It is the ordinary citizen. What this treaty does is once again concentrate power in the hands of governments on aboriginal lands, not in the hands of the people.

As disturbing as these provisions are, they pale in comparison to the effect section 9(k)(ii) of chapter 11. It states:

> —Nisga'a citizens are eligible to vote in Nisga'a elections and to hold office in Nisga'a Government.

Non-Nisga'a living on Nisga'a lands are disenfranchised by this provision. They will have no right to vote in local elections or hold office.

In their recent agreement in principle which the federal government signed with the Labrador Inuit, non-Inuit were at least granted up to 25% but no more of the seats on local councils. Even that provision has not been preserved or perpetuated in the Nisga'a agreement.

The federal minister of Indian affairs has tried to pretend that local elections really do not matter. He has said that non-Nisga'a will still have the right to vote in federal and provincial elections and have certain rights with respect to judicial and other proceedings. So do the Musqueam leaseholders and look what good that did them. The right to vote at the federal and provincial level has not protected them from the actions of the local band council which this minister of Indian affairs so enthusiastically endorses. It is hardly surprising that his words are of small comfort to those who are disenfranchised.

Is it really the federal government's vision for the future of aboriginal government across B. C. and the rest of Canada that racially specific enclaves would exist in which one's bloodlines determine one's right to vote? It is stunning that any government on the threshold of the 21st century would even sign such an agreement. It is hardly a wonder that the government refuses to allow the people of British Columbia a chance to vote on the agreement because it knows very well what the people of B.C. would have said.

I might also divert for a moment to respond to a comment the minister made in his remarks that somehow people would be protected in the democratic and political rights sphere because the charter of rights and freedoms will apply to Nisga'a people. The minister is right in saying that, but he forgets that the charter of rights and freedoms, besides defining those rights and freedoms, also contains section 25:

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

Any rights or freedoms may be acquired by the aboriginal peoples of Canada by way of land claim settlement. This is also part of the charter and, I suggest, leaves a great gap in charter protection for people subject to the agreement.

● (1120)

Let me deal with the third defect of the current approach and evidence of its existence in the agreement. It is the evidence of the socialistic approach to economic development. The model of economic development proposed in the agreement is one in which nearly all the revenues flow from the federal and provincial governments to the Nisga'a government. It does not flow to the Nisga'a entrepreneurs, workers, taxpayers or citizens, it flows to the Nisga'a government in order to generate economic activity.

Former British Columbia premier Glen Clark was quite excited as to who would pay a major share; the Canadian taxpayer of course. On December 14 of last year he bluntly stated that British Columbia would be the net beneficiary of money coming in from Ottawa. Perhaps this would explain his enthusiasm for this. It had nothing to do with the Nisga'a people. It had something to do with the $200 million injection from Ottawa; over $200 million for the Nisga'a treaty alone coming in from taxpayers outside of British Columbia.

Not only will the revenues be flowing in from outside, it will be flowing through the Nisga'a government. All of the nearly 2,000 square kilometres of Nisga'a territory will be collectively owned by the government in fee simple. It is the Nisga'a government that will decide which lands, if any, will be sold, leased or held as private property by Nisga'a or non-Nisga'a citizens.

The treaty thus bypasses the individual and concentrates economic and political power in the hands of the Nisga'a government. In effect, the Nisga'a deal enshrines one of the worst aspects of the reserve system and does it in a so-called modern treaty.

Let me speak for a minute on the responsibility for these defects. Anyone who is looking for a 21st century approach to aboriginal government and economic development, and given the track record of the country in this century, would wonder how on earth these defects, which everyone knows about and no one on either side of the House would defend, got into the treaty.

First of all, it is certainly not the Nisga'a's fault. The Nisga'a have never been offered any other approach in these years and years of negotiations because their negotiations are with the department whose philosophy contains these three defects that I have mentioned.

This approach comes from this and past parliaments, from the federal government and the department of Indian affairs. It comes from and is reinforced by a swarm of bureaucrats, politicians, consultants and interest groups with a vested interest in the status quo, even though the status quo does not work for aboriginals, for British Columbians or for Canada.

After spending time in the consulting business and getting involved in the area of native economic development, I knew there was a cloud of consultants and lawyers from Edmonton and Calgary who lived off the system like parasites. They had no interest at all in the economic well-being of aboriginals. They had a checklist of who the band manager and chiefs were. When they got booted out of one place for corruption they would go to the next one. They lived off that system. Those are the types of sick people who want to perpetuate the system. There are far too many of them still active and influential on the government today.

Why does parliament not acknowledge these defects I have talked about and start anew? Why did the government not do that when it had a chance with Nisga'a? I would like to tell the House why. For the Liberals to do so would be to admit that they have been on the wrong track for almost 130 years.

One of the things that is very hard for us proud, egocentric politicians to do is to admit that we were wrong, in particular when we have made decision after decision that perpetuates the wrong original decision.

The one bright light—and I remember reading this 30 years ago—that might have led in a different direction was when Mr. Trudeau in 1968 recognized this defect, in particular where special status based on rights led. He made an attempt to depart from that when the current Prime Minister was his minister of Indian affairs. Let me just take a minute to read a couple of things that Mr. Trudeau said back in 1969. He said:

> We can go on treating the Indians as having special status—

● (1125)

This is what this treaty does.

> —adding bricks of discrimination around the ghetto in which they live. . .Or we can say you're at a crossroads—the time is now to decide whether the Indians will be a race apart in Canada or whether they will be Canadians of full status.

In 1968 in the House he said:

> There is a long term intention on the part of the government—and this to be debated, I suppose, as part of our Indian policy—to arrive eventually at a situation where Indians will be treated like other Canadian citizens of the particular province in which they happen to be.

He went on to say ''We do not think that there are different categories of Canadians. We believe that all Canadians should be equal''. We get castigated in the House for talking about the equality of all Canadians under the law. This is the former prime minister, a more influential Liberal than any of the ones we see across from us today.

Mr. Pierre Trudeau, in the House of Commons on April 30, 1982, said ''We believe that all Canadians should be equal and it would be desirable to define rights in a way which does not distinguish between ethnic groups''.

Let me quote a little from the current Prime Minister. Some members in the House will recall that the current Prime Minister's first portfolio was minister of Indian affairs. He was there at the time Mr. Trudeau was articulating this doctrine of equality. He was the one who brought forward the so-called ''red paper'' that contained that statement, an attempt to go in a different direction.

At that time—and I have to assume that the Prime Minister was speaking from his own perspective, not just reflecting the words of Mr. Trudeau—these are things he said ''Special treatment has made the Indians a community disadvantaged and apart. Obviously, the course of history must be changed''.

In the House of Commons in 1969 he said:

> For many Indian people, the road does exist, the only road that has existed since Confederation and before: the road of different status, a road which has led—

Where did the Prime Minister say the road to different status led? He said:

> —to a blind alley of deprivation and frustration. This road. . .cannot lead to full participation, to equality in practice as well as in theory. . .the government will offer another road that would gradually lead away from different status to full social, economic and political participation in Canadian life. This is the choice.

What happened between 1968 and 1999? The Prime Minister knows in his heart that the current system does not work and desperately needs to be fixed. He knew in 1968 and must realize more pointedly today that it is failing the very aboriginal Canadians who he obviously cares a lot about. He took an aboriginal boy into his own family. I think his heart was where that was. It was not just a policy decision. Does he not lie awake at nights regretting that he did not more vigorously pursue equality when he had the chance in the 1960s, or wonder whether it was too late to find a solution?

It is not too late but the time is shorter than it was 30 years ago. As with the national debt, the first rule for getting out of a hole is to stop digging. If we want to start on the road to equality, the first step is to stop discriminating, which is what this does.

The Nisga'a agreement was the opportunity to take that other road, but apparently the Liberal government is too rooted in the past and the status quo to provide the leadership required.

Let me turn to the other groups in the House and perhaps some of their reasons for supporting this agreement. The Bloc will not protest the bill because it provides a form of sovereignty association for an aboriginal group in British Columbia. The Bloc sees the principle of sovereignty association as a stepping stone toward its ultimate objectives for Quebec. The document, therefore, just incidentally, is diametrically opposite to the position the government takes when someone argues for special status for Quebec.

The NDP will not protest the bill because many of its members, in their hearts, are still committed to socialist economics. Even though socialist economics have been abandoned by most developed and developing countries around the world, the NDP still clings to it and seems to think that the only place socialism still exists in the 21st century is on Indian reserves; that this is some kind of progress.

The only party whose position I find inexplicable on this subject is the Progressive Conservatives. It is true that the Tories are as much to blame for the current system as the Liberals due to their early complicity in the treaties and the establishment of the reserve system.

● (1130)

But this bill and agreement was a chance to abandon all that baggage. No one in the House would have castigated the Tories if they had got up and said, ''We were part of the early treaty system and the reserve system and the Indian Act. We thought, our forefathers thought, it was the right thing to do''. If they had stood up and said, ''It obviously was wrong and the principles of it were wrong; we are going to acknowledge the wrong and we are going to go with a new route'', no one in the House would have catcalled or hooted. In fact we would have stood up and applauded, but they have not done that.

The Tories ought to reject the sovereignty association features and socialistic features of this treaty because it is contrary to their own principles, for example the creation of another race based aboriginal fishery, because that is already creating horrendous difficulties in Atlantic Canada where the majority of PC members are from. We would think that the warning bells would be going off all over. But the PCs in the House apparently have decided to support the bill despite all of that.

Fortunately the official opposition is not subject to any of these conflicts or restrictions. We are not responsible for the present approach. We had absolutely nothing to do with it. We were not on the scene. We are free therefore to criticize it and to pursue alternatives.

We do not believe in special status for anyone and we never have. We argued that in the big constitutional debate. We do not believe in special status for English or French. We do not believe in special status for aboriginals. We do not believe in race based status of any kind. It is a formula for disaster.

We do not believe in socialism. We understand why the prairies embraced agrarian socialism in the depth of the depression. We understand that. We do not criticize it. But we do not believe in it. We do not believe it is the economic instrument of today. If we are trying to develop economies today, the last thing we would do is offer people collective ownership, state owned enterprise and that approach to economic development.

I might also add we just happen to represent the majority of federal ridings in British Columbia. So do not let anyone think that there are not a lot of people out there who agree with the position that we are stating.

The official opposition is therefore in a position to dissociate ourselves from the old approach. We want nothing to do with it. We want nothing to do with the Indian Act except to repeal it over time. We want nothing to do with the department of Indian affairs except to dismantle it over time and transfer its functions and funding responsibility to accountable aboriginal governments.

We want nothing to do with the traditional approach to treaty making. We do not want our name connected with it for historical or political reasons. It has been nothing but a disaster for aboriginals and an embarrassment to non-aboriginals, as it should be.

Reformers are therefore in a position to explore and offer an entirely different approach to aboriginal government and economic development based on different and better principles for the 21st century, better principles than those found in this agreement. That is what I would now like to do.

The first principle that we believe should govern our development of a new relationship with aboriginal people is the principle of equality of all Canadians in law. In place of special status and entitlement based on race, we offer equality of all Canadians in law as the guiding principle.

For further clarity, and we never pretend that it is easy to get there from where we are, the aim is one law for aboriginals and non-aboriginals alike. To illustrate at a more practical level, there would be one law for fishery and resource development, not one set of laws for aboriginals and another set for non-aboriginals.

Let me answer two objections that often come in comments from across the way to this commitment to equality.

The first objection from some of our friends that do not think this through very carefully is to say that the equality approach fails to acknowledge, recognize or provide for uniqueness. Some of the Liberals say, ''You cannot treat people equally in law because they are not the same''.

The way we answer that is to give everyone the same rights, entitlements and powers in law but give them the freedom to use them differently. It is possible to treat everyone equally in law and still allow people to exercise those rights in different ways to give expression to their uniqueness and diversity, whatever it may be.

This is precisely the point that the premiers addressed in the Calgary declaration. They wanted to affirm the principle of equality in law and equality of the provinces. They wanted to give some recognition to the uniqueness of Quebec. How did they say we do that? We do it by giving everybody the same powers.

● (1135)

There is nothing wrong with the fact that Quebec uses those powers to build a different house than Alberta or Nova Scotia. That is how we preserve the diversity of the country. But we do not preserve it by giving different powers to different jurisdictions. That is why they argued that any power given to any jurisdiction ought to be given to everyone. We can answer that objection that somehow equality suppresses diversity, whether it is in Canada as a whole or among aboriginal people.

Another objection to the equality approach made by Liberal members is that it will not allow them to give special help to people who need special help. If we are going to treat everyone equally, we cannot give special help to someone without giving it to everyone and not everyone needs it. We either perpetuate the inequality or we do nothing. There is a false premise in that. Equality does allow for special help. All we have to do is make sure that the entitlement to the help is not tied to things like race, culture, language or religion.

For example, suppose we all agreed in this House that a large number of people in northern British Columbia needed special help in education. Let us say that we discovered a large number of people with less than a grade 10 education. It is very hard to make one's way in the modern knowledge based economy without getting to that first rung which is a good basic education. A large number of people all across our country still do not have a good education.

Suppose we agreed among ourselves that we wanted to give special help to people who are educationally disadvantaged. This is basically in the provincial area but suppose there was co-operation, we could devise between the provinces and the federal government a program that gave special help. Everyone who has less than a grade 10 education would qualify for this service, but we would not tie that special help for a grade 10 education to a person's race. We would offer it to everyone. In northern British Columbia or northern Alberta the majority of the people in that program might be aboriginal, but they would be in that program because of the need. They would have responded to it because of the need, not because of their race.

Someone will say that from an aboriginal standpoint it does not matter. Either way aboriginals get special help. I will tell members where it does matter. If we want to get the support of that program from the entire community, it has to be available to everybody. A non-aboriginal could ask, ''What is this special program for helping the educationally disadvantaged aboriginal people? I see that three-quarters of the people are from that community. Are they being given some special consideration?'' We would say, ''No. Anyone who has less than a grade 10 education will qualify for this program just the same as the others''. The equality approach is useful not just for addressing special needs but for getting community support from the others by treating everyone fairly.

We acknowledge that the mistakes of our ancestors, for example the old race based treaties, complicate achieving the goal of equality because we have made certain commitments to people based on race. Where rights have been granted on the basis of race and now conflict with the rights of other Canadians or sound resource management or whatever, they should be acknowledged and we should at least offer compensation for voluntary extinguishment. We should move in that direction rather than perpetuate it.

How tragic it is that the federal government has missed the opportunity to pursue this alternative approach based on equality.

British Columbia is the one part of the country where aboriginals are not subject yet to the weaknesses of the old treaty system. As members know there never was a treaty negotiated with aboriginal people in British Columbia. There was a chance in B.C. above all other places to go down the other route. What does the federal government do? Rather than go down the new route, rather than even experiment with it, the government takes the system that has not worked in every other part of the country and jams it on British Columbia. I find it inexplicable.

Let me turn to the second principle we think should govern a modern arrangement with aboriginals. Instead of accepting the current defective system of aboriginal government and its relationships with the department of Indian affairs, we believe we should institute this principle. All Canadians, including aboriginal people, are entitled to the services of local governments which are fiscally and democratically accountable to the people they serve. Who would have thought that in the last year of the 20th century someone would have to stand in this House and press the argument of the entitlement of some Canadian citizens to responsible government, something that the rest of us have enjoyed for 150 years?

● (1140)

Where does affirming this principle lead? It leads to doing away with the department of Indian affairs and eventually transferring its functions and funding responsibilities to local and accountable aboriginal governments. But there is one catch, and it is a catch in here for the benefit of aboriginal people: local and aboriginal governments that are fiscally and democratically accountable to their own people.

I say to aboriginal people when I discuss doing away with the department of Indian affairs that what will govern the rate of that will be the rate at which fiscally and democratically accountable local governments can be established. The sooner they are established, the more quickly the power and the funding can be transferred. The slower we are in establishing those governments at the local level, the slower the process will be, because their own people do not trust an unaccountable government whether it is aboriginal or not.

This leads us to propose reforms in the procedures and processes for the election of local aboriginal governments on reserves, including making available the services of Elections Canada to deal with allegations of vote rigging and intimidation on reserves.

This leads us to propose the reform of fiscal accounting procedures for local aboriginal governments, including the provision of the services of the Auditor General of Canada to ensure fiscal responsibility.

We propose a third thing. This point to be made in principle is difficult to implement, but I think we should pursue it. It is the direction of a greater portion of the department of Indian affairs funding directly to aboriginal persons on reserves so that local aboriginal governments have to tax it from their own people in order to get access. That would put the purse strings of the local aboriginal government in the hands of the people to whom that government should be accountable.

Application of this principle of fiscal and democratic accountability to relations between aboriginals and non-aboriginals also means doing away with the tortuous, closed door, conflict of interest ridden approach to the negotiation of settlement of land claims and local aboriginal agreements employed unfortunately in the development of this agreement. Those processes would be replaced with an open, transparent negotiating process in which all interests are appropriately represented and which Indian affairs is not put in a conflict of interest situation.

How can Indian Affairs go into these negotiations, profess on the one hand to be discharging a fiduciary responsibility to the aboriginal people and claim to be representing the fiduciary interests of other Canadians who have a different interest? We cannot do that. When we ask people to do that, we end up with defective agreements, particularly ones where people will question the integrity.

I want to note that because of this defect, because this agreement is the product of a long, closed door, top down, conflict of interest ridden process, that is why it ultimately will not carry the judgment of the majority of the people of British Columbia. Those who watch polls, and we politicians study the polls, will notice that the support for the Nisga'a agreement in British Columbia is on exactly the same trajectory for precisely the same reasons that the Meech Lake accord became unacceptable in that province.

Members will recall when this agreement was announced, and when Meech Lake was announced incidentally, with all the public relations and all the press releases and the minister giving grand statements et cetera, public support started out in excess of 60% in favour, 40% against. There was 60% in favour because a lot of people did not know about it, but the rest were against. In March a survey by Feedback Research Corporation showed it down to 42% in favour, 32% opposed and 36% only vaguely familiar. In August 1999 a poll conducted by Market Trends Research showed 45% opposed, 36% in support and 12% undecided. It is on that same downward trajectory as Meech, which started at 60%, 65% and ended up being voted down. Why? For the same reason that Meech was rejected, the top down, closed door approach. People do not trust what goes on behind closed doors, particularly if they think political people are involved unfortunately.

The more the public finds out about the content of these agreements the more it is the same as happened with Meech. When it was just a press release they thought it sounded good, but as people find out what is actually in it, they become less supportive rather than more supportive.

● (1145)

The refusal of the provincial or federal governments to allow the people of British Columbia to voice their approval or disapproval for this agreement, Canadians being what they are when told they will not have a voice, results in the net effect of increasing their opposition to whatever is wanted, not decreasing it.

For the minister to make statements that it is too complicated for the people of British Columbia to understand is an insult to the electorate. The Nisga'a people had a referendum on it and presumably understood it. I compliment the Nisga'a people on the effort they went through to try to inform their own people.

The minister says the Nisga'a people can understand it with the educational effort made, but the rest of the people of British Columbia cannot understand it so they cannot be given a chance to say it. That is the way to generate opposition to the agreement.

I will now address the third principle that we believe should be incorporated into a new approach to aboriginal economic development. Rather than offering the Nisga'a or any aboriginal band the outmoded, discredited tools of collective ownership of property, centralized government planning, government ownership and excessive regulation, we should begin to find ways and means of adapting private enterprise and market based tools of economic development to the needs of aboriginal people. That means finding a way to establish private property and contract rights on reserves. That would do more to stimulate economic development than all of the collectivism in the agreement put together. We should start to develop real housing and labour markets on reserves, including equal economic rights for men and women.

The government professes to be passionately concerned about equality of economic rights for men and women in the federal public service. Why does it not look at the reserves that are under its jurisdiction by virtue of the Indian Act? No one disputes its jurisdiction. There is more discrepancy in economic and civil rights between men and women there than anything to be found in the civil service, no matter how bad it is.

The government seems passionately concerned about that principle when it is applied to non-aboriginals. It does not seem to be very interested in that principle when it applies to aboriginals.

The government should look at the removal of trade and regulatory barriers for aboriginal business people rather than erecting more.

Bill C-9 is riddled with references to regulatory powers or the right to establish regulatory powers. Have we not learned in our own experience with economic development that government regulation kills economic enterprise? Excessive regulation kills even more enterprise. There is no recognition of that in this agreement whatever.

What has to be done? No one has all the answers, but surely we have to start down the road, which this bill does not. The bill and the agreement to which it gives effect make the same mistake as Indian affairs made on the prairies when it decided that aboriginals would be turned into farmers. What did it do? It gave them horses at the same time that non-aboriginals were getting tractors. It gave them the technology of the previous generation. That is exactly what this agreement is doing.

I will touch on accountability for this bill and the Nisga'a agreement. We in the official opposition recognize that we cannot by ourselves bring the principle of equality under the law, fiscal and democratic accountability, private enterprise and free markets to bear on aboriginal government and aboriginal economic development. That would require a majority in the House committed to such principles and there is obviously not such a majority.

What we can do is advance the principle of accountability for aboriginal government and economic development at least one step in relation to this bill and the agreement it represents. The vote on this bill will force MPs to declare whether they are on the side of perpetuating the 19th century approach that does not work or whether they are searching for a 21st century alternative.

The editorial comments on this bill will tell the public on which side the commentators and editorialists are. No one, except maybe historians, remembers who was responsible for those original treaties which do not work. Who was responsible for the original reserve system which did not work? Who really created that residential school system which everyone now recognizes may have been well intended but did not work? Nobody can remember who it was. The historians know, but it has all faded into the past.

However, in this information age, an age of full disclosure, we can ensure that the names of those who perpetuate that system will be known far and wide. They will be known in every aboriginal community. They will be known in every community in Canada and they will be held accountable for that decision.

● (1150)

I should note that the public will be especially watching the votes of seven Liberal MPs from British Columbia: the hon. member for Victoria, the hon. member for Richmond, the hon. member for Vancouver South—Burnaby, the hon. member for Vancouver Centre, the hon. member for Vancouver Kingsway, the hon. member for Vancouver Quadra and the hon. member for Port Moody—Coquitlam—Port Coquitlam.

In those ridings I believe a majority of people would support the argument that we have made here. These members are going to have to decide, and I know that Liberals hate this kind of dilemma, whether they represent their constituents in this House on a fundamentally important principle or whether they toe the party line and line up behind 19th century approaches to aboriginal development. We will be watching and we will make sure that every voter in that riding knows whether their member is on the side of the 19th century or the 21st century.

I want to conclude by telling the House a story. I have not had a lot of close aboriginal friends. I have had some, most of whom have been in the business community. The best aboriginal friend I ever had was a woman named Ernestine Gibot. She was a Chippewyan Indian who lived the first 45 years of her life in the northern part of Alberta, west of Fort McMurray. She made a life trapping and living the old way. She suffered all of the things that aboriginal women and aboriginal people in general can suffer in those communities. I could keep the House here for a long time listing all of the things that she suffered.

One day, for some reason, and I have no idea why she did this, she walked out of the bush of northern Alberta. She was in her forties and had decided that she was going to start a new life and get a job. She went to Edmonton. She went around and around in circles, through the social programs, the help agencies and all the program places in Edmonton for seven years until she finally actually did get a genuine job. I could tell the story of all that but it would take too long.

I got to know her because I was doing some consulting for the Esso heavy oil plant at Cold Lake. As some members from Alberta will know, there is a Chippewyan band right next to that plant. We were doing socio-economic impact studies. I knew a fair amount about Cree, Woods Cree and Prairie Cree, but not a lot about Chippewyan people and I happened to mention to somebody that I was looking for somebody who could counsel and educate me on the ways of the Chippewyan people.

A social worker in Edmonton who knew about that brought Ernestine Gibot to my office. She told me her story. She told me that she was unemployed. I said to her that when we white people are unemployed we do not go around telling people that, we print up little cards that say consultant. We look very busy and we hand these cards out. Lo and behold, after a while someone actually gives us work. She said that she did not think that would work but we could try it. We printed up these cards that said ''Ernestine Gibot, Consulting Services''. I gave myself as a reference because she was giving me consulting services. She handed these cards out.

She could speak English, Cree, Slavey and Chippewyan. She used to go to hospitals because she knew they needed translating

services. She would visit aboriginal people. She would hand out these cards. Somebody picked up this card and said that there was a position with the Edmonton Public School Board in native studies that she should go to look at. Maybe the board could use her. One thing led to another and, lo and behold, she got a job.

I was so impressed with her story that I made it a point to study how she got from the bush to that first job. At that time I was co-ordinating an economic discussion group that included representatives, some pretty hard-boiled fellows, from about 15 oil companies, but they had a heart for native aboriginal development. The group used to meet once a quarter to see if there was anything it could do to create more jobs or opportunities for aboriginal people.

On behalf of this group I said that I was going to study how Ernestine got from the bush in northern Alberta to that first job because maybe there were some lessons in it for us. I traced her steps from agency to agency, from doctor to social worker, to priest, to consultant, around and around the maze that included maybe 50 or 60 contacts with organizations, et cetera.

The thing I discovered was that she got help along the way. If she had not been in the system that I have described she might not have met these people, but in virtually every case the person who helped her had to step outside the box defined by the aboriginal Indian affairs system in order to help.

The Indian affairs doctor who told her to get out of the north said that it was not his job to tell her where to live, but he was going to take off his Indian affairs doctor hat and talk to her as a friend. He told her to get out of there or she would be dead within a year.

● (1155)

The priest that she went to said: ''I am supposed to uphold the sanctity of marriage and I cannot tell you to leave your husband who has been very abusive to you, but I am taking off my priest's hat and I am telling you to get out of where you are because you will be dead in a year''. He had to step outside the box in order to give her that kind of help.

Then there was the social worker who eventually brought her to me. She was supposed to take people around to these make work projects created by the government. That was her job. She was not supposed to talk to consultants doing business with the evil oil industry, but she stepped outside that box because she really wanted to help.

To make a long story short, if members want to read the story of Ernestine Gibot, it was written up in the October 1984 edition of *Reader's Digest*.

I appeal to members that if we really want to do something for aboriginal people, either on governance or on economic development, I believe that we have to step outside the old box. We have to step outside. This bill does not step outside the box. It creates the same box for the Nisga'a people and puts nails in its lid. That is why I appeal to members to oppose the bill. That is also the reason I will move the following amendment in order to facilitate further discussion. I move:

That the motion be amended by deleting all the words after the word ''That'' and substituting the following therefor: Bill C-9, an act to give effect to the Nisga'a Final Agreement, be not now read a second time but that the order be discharged, the bill withdrawn, and the subject matter thereof referred to the Standing Committee on Aboriginal Affairs and Northern Development.

Ms. Alexa McDonough: Mr. Speaker, I rise on a point of order. I wonder if I might seek the unanimous consent of the House to put some questions to the Leader of the Opposition concerning his opposition to the Nisga'a agreement.

The Deputy Speaker: Is there unanimous consent to allow questions to be put to the Leader of the Opposition following his speech?

Some hon. members: Agreed.

An hon. member: No.

Mr. Monte Solberg: Mr. Speaker, I rise on a point of order. This is a very important issue. I am disappointed that the Liberals will not allow this to continue. We would like to see some questions go to the leader, and I would like to know from the minister why he opposes questions going to the Leader of the Opposition on this issue.

The Deputy Speaker: I am afraid that is not a point of order. The question before the House is whether there is consent to allow a question period. Consent was requested and denied. The rules of the House provide that the first three speakers on a bill of this kind do not have a question or comment period. Without consent we cannot do it. If members want to change the rules, of course, there are routes for doing that and I know that members will want to pursue them.

Mr. Randy White: Mr. Speaker, I rise on a point of order. Given the nature and the importance of this issue I wonder if I could seek the unanimous agreement of all members in the House to ask the government if it would bring into the Chamber at least one Liberal member from British Columbia—

The Deputy Speaker: The House leader of the official opposition knows that is not a point of order and that indeed it is quite out of order to refer to the absence of members from this House, pleasurable as that can be on occasion.

Mr. Chuck Strahl: Mr. Speaker, I rise on a point of order. The leader of the NDP asked for permission to ask questions of the Leader of the Opposition and was denied. I wonder if we could ask permission for members from all sides of the House to put questions to the Leader of the Opposition. Perhaps members of the Liberal Party would also enjoy that opportunity.

● (1200)

The Deputy Speaker: I thought the question I put to the House following the intervention of the hon. member for Halifax was for a question period to follow the speech of the Leader of the Opposition. I will put the question again.

Is there unanimous consent to have a period of questions following the speech of the Leader of the Opposition?

Some hon. members: Agreed.

An hon. member: No.

The Deputy Speaker: The question is on the amendment.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I am pleased to rise today to speak on Bill C-9.

I would like to begin with a brief aside and some comments to the Leader of the Official Opposition. Perhaps we cannot ask him questions, but we can at least react to his speech as a whole. I saw him, and in particular I heard him, imputing motives to each of the political parties in the House of Commons.

To begin with, I must challenge the entire argument put forward by the Leader of the Opposition. I agree with him on only one point: that the Reform members are probably going to be the only ones voting against the bill on native people we have before us today.

The Leader of the Opposition has just told us about the woman who came out of the woods to conquer the work force. The Reform Party's attitude, its intransigence on the aboriginal issue, the immigrant issue, are what will perhaps make it the only one voting against bills of such scope addressing aboriginals, immigrants and so on.

I too have a story for the Leader of the Opposition. When I was a little boy of nine or ten, I was not an army cadet, but my friends were. I remember that they had a review every year. We all lined the streets to see the cadets all march past together.

I clearly remember being there with my mother watching the parade pass by. The neighbour, whose son was in the parade, exclaimed ''My goodness, look at that. My son is the only one in step''. I looked at my mother, who smiled, and I realized she was thinking the same thing I was: her boy was probably the only one out of step.

It is more or less the same thing with Reform. They are pretty much the only ones not in step as far as the aboriginal question is concerned, probably because of their excessive intransigence with respect to bills relating to aboriginal people and immigrants. So I felt it was important to start off with that little story.

I would like as well, at the start, to salute all the Nisga'a, who must be following today's debate on television. I would like to congratulate them and pay tribute to those who came to parliament hill in the summer to provide support and explanations. They are here again for the debate. I want to tell them that I am extremely proud of the work they have done. Joe Gosnell has been here on parliament hill for a few days, as has Harry Nyce, who is currently in the gallery and following the debate with interest.

Finally, after about 100 years, now is not the time to become discouraged. I repeat the comment made by Joe Gosnell: ''Just a few more days and the canoe will reach the bank''. They will have an agreement on self-government. On this point, they can certainly count on the support of the Bloc Quebecois.

Here in the House, we often debate the legal scope of a given section, the political scope of a decision the party makes, but I would also like to draw to the attention of my colleagues in this House the fact that there is also human scope to these debates. As members of parliament, we defend the viewpoints of our electors and of also certain persons we may be representing in specific instances such as in native matters.

● (1205)

It seems important to me as well for us to always take this into account in our analysis grid when we consider a bill. We have to look at how those affected by our decisions will react.

Indian affairs, in my opinion, is an absolutely extraordinary portfolio for the person holding it, because there are a number of ways to act. I personally am among those who believe strongly in interpersonal relationships. There is nothing better than visiting a native reserve to understand native life.

I have had occasion to go to a number of native reserves and I have had the opportunity, the privilege and the honour of twice visiting Nisga'a territory. I am pleased to say that my first visit had nothing to do with bills before the House. Having done some reading on the topic, I felt that this was one of the greatest aboriginal nations in Canada. Having some familiarity with native peoples in Quebec, I thought I might like to get to know something about native peoples in the rest of Canada.

I therefore went to Nisga'a territory. One thing that made quite an impression on me was the landscape. I have been twice now and I am still struck by it. One can understand the attachment of native peoples to their sea, their land, their waterways, including the Nass River, and all the fauna; all this is woven into their philosophy.

The colour of the river running through the Nass valley is very striking. There is nothing like it in Quebec or in Ontario. It is greenish and crystal clear. It is the runoff from glaciers. I could see that not only was the landscape extraordinarily beautiful but that it played an important role in the vision that aboriginals have of their land.

I was struck not just by the landscape, but by the people living there, because this is where the importance of the bill before us today begins to hit home.

I do not think I could speak as knowledgeably today if I had not experienced life on their land. Through these trips, I discovered not only the great Nisga'a nation, but also the human drama behind their desire for greater control over their destiny. I consider it very important to say this.

I was impressed by the lava beds, where close to 2,000 Nisga'a died following an eruption which occurred several centuries ago. The area is now a national park. People should see how the area was devastated and how nature is coming back to life again after hundreds of years.

The Nisga'a show respect for the terrible tragedy that struck these communities. There were two communities and 2,000 Nisga'a died because of the eruption.

It is interesting to see how this event is explained in the Nisga'a territory. There is a bit of mysticism and also a great deal of symbolism. We are told, among other things, that before the disaster, young children had begun to not respect nature and to make wildlife suffer. Today, the elders explain to the young Nisga'a that they must always respect nature and anything that lives in it. It is their belief that the disaster occurred because that respect was lost at some point.

This says a lot about the philosophy and the importance that aboriginals attach to nature, to what they call ''Mother Earth''.

I had the opportunity to visit a village which, in my opinion, has the nicest totems of all. I visited many aboriginal villages, but I never saw such fine totems as those found in that Nisga'a community. Along the Nass River, artists build totems that are some fifty feet high, a task that can take them up to a year. Again, their deep respect for nature is well illustrated with sculptures representing animals such as wolves, owls, hawks and also whales, for which they have great respect. All animals are represented on these huge totems, and it is most interesting to discover the Nisga'a culture.

• (1210)

You also meet great people. My driver, Eric, the person who was my guide last time, is on parliament hill at this very moment. He made a point of showing me all that and of taking me to visit his mother, of introducing me to his family and taking me to the salmon smokehouse, where people eat it together and where it is shared, and with great respect once again accorded fish resources. Such things move me and now permit me, when I come to the bill, to say ''This is not only beautiful country, there are fine people living there as well''. Today we must make it possible for these people to fly on their own. And here I only hint at the symbol of the bird.

I think that, at the moment, and this is one of the first disagreements I will have with the leader of the official opposition, the Indian Act can no longer remain unchanged. It represents a cage for them. The Nisga'a are like a great powerful bird, like an eagle, and are imprisoned in a cage called the Indian Act. The key to opening this cage is the bill before us today, which will permit the Nisga'a to fly, establish infrastructures, elect their people and see that the values reflected are their very own. I think this is how they will integrate.

In a few minutes I will speak at length of the issue of equality. The Reform Party has not understood that equality is not the panacea that will solve everything. We Quebecers do not like to be told that Quebec is just another province. I do not think the Nisga'a like to be told they are Canadians like everyone else. I beg to differ; they are not like every other Canadian. There were several attempts, even by the Liberal government in 1969, to assimilate these people. The government of the time was forced to backtrack because it would have had a revolt on its hands if it had continued.

It is important not to assume that equality will solve everything. That is not true. Quebecers have always demanded distinct status; there has never been any willingness to give it to them. Now the aboriginal people are being given distinct status. They will, of course, continue to evolve within the Constitution as we know it; they will continue to be citizens of British Columbia and of Canada, but they will first of all be Nisga'a citizens. One does not need to be an expert in aboriginal affairs to understand that these people's first reaction is to recognize their own nation.

When I go on to various reserves and ask people ''How do you see yourself?'' I ask those in Quebec, for instance, whether they consider themselves Quebecers or Canadians. The answer is always ''I consider myself a Montagnais'' or ''I consider myself an Inuit'' or ''I consider myself an Abenaki''. They go on to identify with something else, but they acknowledge their own status first.

I would also like to explain the democratic and peaceful process engaged in by the Nisga'a, for this situation has been continuing for over 100 years as the Nisga'a have tried to solve the problem, to

attain greater independence. As long ago as 1880, they were making representations to the Parliament of Canada, saying ''We would like to have greater control over our future''. Things took a long time to get moving. During the 1970s there started to be some slight recognition of aboriginal title and ancestral rights.

I met Mr. Calder, a great Canadian and a great Nisga'a in the Speaker's office. In 1973, he was the first to succeed in making any progress toward recognition of ancestral and aboriginal rights. He is a great Canadian, a great Nisga'a, and he was responsible for the great step forward in case law and the philosophy of the courts with respect to the recognition of ancestral rights.

In 1973, there was the Calder ruling and, during the negotiations, this was what forced the federal government to recognize that it would have to negotiate with the Nisga'a. In fact, I have been, and am still, critical of the government for always lagging behind the courts. It is time it showed a bit more leadership and resolved certain native problems for once and for all. But it is still reacting to supreme court decisions, the Marshall ruling being the most recent example.

● (1215)

It was the same with the Calder ruling. It was not until 1976, a few years after the decision was handed down, that the government said it would begin negotiating with the Nisga'a. Since these are tripartite agreements, it tried to get British Columbia to take part. In 1990, this province joined the negotiations. Finally, in 1996, an agreement in principle was signed and, in August 1998, a final agreement was reached.

That having been done, parliamentary steps had to be taken. These too were tripartite. The Nisga'a were the first to cast their vote: 61% of those eligible to vote in the referendum were in favour of the treaty. Those who want to dismiss the treaty out of hand, without knowing anything about the more than 100 years of history behind it, without knowing the recent history, when people have been pushing for this for thirty some years, which is how long negotiations have been going on, and when this has all been worked out between three parties, chose perhaps to ignore this or are simply unaware.

This is why I think it is important that the rules of democracy and parliament be respected. It is true that there was also considerable opposition in British Columbia before it was passed. As well, there are perhaps some people around who are scaremongering, who are dwelling a bit on the negative. I am thinking of the leader of the opposition, among others. I have read a number of articles that appeared in B.C. newspapers, and I know who is stirring up the opposition in this kind of bill.

Now, it is up to us. We are the last. Once the Senate has given its approval, it will be law. We will see exactly what I was saying earlier. The Nisga'a will fly on their own.

There are constitutional issues of course, and there have been constitutional debates in British Columbia over whether we are amending the Constitution or not. We are not of that school. We say the Constitution is not being amended. The balance of powers among the provinces, Canada and British Columbia is not changed.

Sections 25 and 35 of the Constitution remain unchanged with this bill. That is our claim. We are not saying that we have the absolute truth. We can understand people's contesting it. For us, however, that is what we think, and I will put it in context right away.

In my opinion it is spelled out in the agreement. The charter of rights and freedoms has priority. No one on Nisga'a territory can violate the charter of rights and freedoms without risking correction by the courts. It is very clear in the agreement.

Finally, there will be no more reserves, as provided in the law. Now it will be Nisga'a lands with a Nisga'a government.

There are also legal decisions and validity issues. If anything is to be tested, there will always be the courts to turn to. There is no way the Nisga'a can decide 56 things and there be no possibility of appeal. There can be no appeal on Nisga'a territory. That is not the way it will be at all. The British Columbia superior court, the Supreme Court and the Federal Court will always have the right of appeal. Legal guidelines have been put in place and they are there.

Yesterday I reread the treaty for the second or third time. I thought to myself that at last, after 100 years of trying, 30 years of intense negotiations, the ideal marriage had been reached between aboriginal tradition and modernity. I looked at several particular points, which I will use to demonstrate this.

The land issue: now the Nisga'a will own their own lands in fee simple. Moreover, all the lands are listed in the agreement. They are all given. They have already been assigned to certain individuals. These individuals will become direct owners of the lands in question. There is no longer collective ownership as there was under the Indian Act, and it is important to realize this.

It has often been said ''Under the Indian Act, ownership is collective''. When ownership is collective, people do not pay attention, they are dependent; the decision on how property will be allocated comes from Ottawa, and it is often the band council that decides. Now it is very clear: all lands will be owned in fee simple. These people will, therefore, own these lands. This is an important step, and also a very important difference.

● (1220)

As for forestry resources, and the whole natural resource issue, this will be a favorite topic for my Reform friends from the west, who will say ''It is dreadful that there are so many uncertainties''. I

have looked at the forestry and fisheries aspects and the underground resources, and there are dozens of pages explaining how this will work.

When it is explained to us how this is going to work, I would remind the House that this agreement was signed between the Nisga'a Nation and British Columbia and that, despite the minister's signature, what is missing is the legislation to give effect to that agreement. This is what we are discussing today.

So, as far as I am concerned, the certainty is there. As regards forestry resources, we can see that it is all set out in the agreement, which is a lot better than the way it was before. I have already visited Nisga'a territory, as I mentioned before, and I visited Chilcotin territory in British Columbia as well. I have also visited Carrier Sekani territory. What did I find there? Beautiful countryside, I agree, but deteriorating rapidly.

I remember visiting Chilcotin territory and meeting about 100 trucks, which were doing their best to remove the timber resources as quickly as possible. That was before there were agreements with the native peoples. I have often criticized that with the minister and the main provincial ministers as what I would call the ''race for the natural resources''.

That must be criticized, because the pulp and paper manufacturers, while I have a lot of respect for them, clearly get themselves ready to clear cut the land when they know an agreement on self-government is imminent and promises native peoples ''Your lands are yours; do as you will with your forests''.

This is not what the native peoples do. I was offended that, in the course of the steps toward self-government, there was a rush to take away the natural resources and that, afterwards, the negotiations mysteriously began to move. It was easy afterwards. They were told ''We will give you this land'', but, strangely, there is nothing left.

Now there is some certainty with the Nisga'a agreement. Everything is laid out in black and white: riparian management; cut block design and distribution; road construction, maintenance and deactivation; reforestation; soil conservation; biodiversity; hazard abatement, fire preparedness and initial fire suppression; silvicultural systems and logging methods; and forest health.

Quite frankly, I have every confidence in native peoples because, as I mentioned at the beginning of my speech, for them, Mother Earth is their life. One has only to see how they view the earth to understand that these are not people who are going to engage in clearcutting. These are not people who are going to jeopardize the future of their forests just to make a buck. For me, this is a given.

They will also be required to conform to certain standards and existing crown standards will apply to all this. We therefore have certain guarantees, in my view, and anyone who says otherwise is simply fearmongering.

As for access and roads, because the land will be turned over to the Nisga'a, it is mentioned in the agreement that the public will have reasonable access. Naturally, access will also be granted to non-Nisga'a owners in fee simple because there is something else the Nisga'a have understood perfectly well and that is that the non-natives, non-Nisga'a who are remaining on Nisga'a lands will not be simply cast out. They will continue to be told ''You have property; it is yours. You have taxes to pay and you will pay them to the federal and provincial governments respectively''. Therefore, the agreement states that these people must have access to their property.

I was also pleased to see that the Nisga'a Highway received considerable attention in the treaty. I would call that modern. As I mentioned earlier, the treaty is a blend of tradition and modernity, and the Nisga'a Highway is one example, an attempt to link the four Nisga'a communities by means of a very interesting corridor.

• (1225)

As for the fisheries, again there is certainty. I cannot understand why anyone would try to link this with the Marshall decision. The problem in that case was that there were no provisions in place. Here, the agreement contains, from page 111 to 143, a clear, point by point, explanation of the way aboriginal fisheries will be administered.

Among other things, people will not need any licences. It must be clearly understood that, according to Nisga'a tradition, fishing, hunting and gathering are traditions that have been part of their lives since time immemorial.

It must be understood therefore that if these people decide to go fishing it is certainly not our job to tell them to go buy a fishing or hunting licence from the provincial government. They will naturally go to the Nisga'a government. When I say that everything is explicit, it must always be kept in mind that this is a tripartite agreement. British Columbia, Canada and the Nisga'a are in agreement.

The provision is for the harvest of a certain percentage of sockeye salmon to be allowed. There is also a percentage set for pink salmon.

If there are surpluses, how will they be divided? That is also set out. There are also provisions on steelheads, both summer-run and winter-run, because these fish run twice a year.

I found that the salmon wheel was a most ingenious way of catching salmon. I saw a salmon wheel when I was in the Yukon and I thought it had been invented by Yukon aboriginals, but the

Nisga'a told me that they were the ones who had invented it. It is interesting how it works. Since the salmon always swim upstream, a paddle wheel is installed. The paddles are in the water and, because the current is still flowing downstream, the wheel turns. When the fish come upstream, they are scooped up by the paddles and deposited in a box. This is how the aboriginals capture their fish live. I thought it was quite an ingenious method and I was told that it had been used by native peoples for a very long time.

There are also numerous provisions having to do with aquatic plants, as well as the three kinds of crab found there. Nothing has been left to chance. There are dungeness, snow and king crab. The agreement contains related provisions, as well as provisions regarding halibut, shrimp and herring.

There is also an annual fishing plan, which the Department of Fisheries and Oceans will help prepare and which will reflect the needs of aboriginals and all parties. It is an annual plan because the resources can fluctuate.

In the end, it is not all that complicated. It is almost the opposite of what is now happening on the east coast, where there are hardly any provisions and where everyone is busy interpreting the court ruling with their own interests in mind. Here, there will be no room for interpretation since it is all spelled out in the agreement.

Here again, we have to note the concern for conservation where the Nisga'a, provincial and federal governments agreed on the creation of a conservation trust, to be called the Lisims Fisheries Conservation Trust.

The aim of the trust is to promote the conservation and protection of species. The native people, as I have said, have always treated them with respect. They have no interest in lakes or rivers being emptied and the subsequent end of their traditions. I think this is good evidence of what they want to see happen.

There is even a provision on processing plants. There is no desire to kill the local economy, so provision has been made for a transition period in which the native people have agreed not to establish processing plants. For eight years, they will let the existing plants continue to operate, that is process fish. The plants will be informed however that, in eight years' time, the aboriginals will be in a position to have their own processing plants.

• (1230)

As far as environmental assessment is concerned, it is not complicated. Provincial and federal laws are to apply on Nisga'a territory. For example, environmental assessment and protection studies must meet provincial and federal standards. If they want even stricter standards, there will be no objection. Once again, this is a good security device.

I will now speak briefly about the Nisga'a government. Recognition of a Nisga'a government is consistent with self-government. There will be a central government, and the agreement clearly describes how officials will be selected. There will be four governments, one in each of the villages, with jurisdiction over certain areas. They have prepared their constitution, which is in a way their raison d'etre, and one of the topics it addresses is how all these powers will be divided.

They have also determined the relationship with non-Nisga'a. Thist will be the point I will address next. The agreement contains a Nisga'a citizenship proposal. Persons other than Nisga'a citizens residing within Nisga'a territory have access to its lands, its buildings, its assets and its public institutions. The minister has already referred to this. Those with children may want to send them to the Nisga'a village school. Naturally, the parents will have a vote and a voice on the school board. They will also have a voice on the board of the health institution, because it may be faster to seek care at the village hospital or dispensary than to go to Terrace or Rupert.

This demonstrates considerable openness, since these people will not be paying taxes but will be allowed to participate. Non-aboriginal residents will perhaps pay school taxes, but their other taxes will go to the provincial and federal governments. The fact that the Nisga'a permit them to be part of these boards does, however, show openness.

The Nisga'a government will, of course, be responsible for establishing the Nisga'a institutions. It will have complete jurisdiction over the creation of the small Nisga'a public service. Who is better placed than the Nisga'a themselves to administer the powers devolved on them? Let us forget about the old system where everything was set out in the Indian Act. In the old days, when some small change was to be made on the reserve, people had to contact the liaison officer in Ottawa to find out if it was allowed.

The magnificent eagle has been let out of its cage and now it can soar. It needs space to soar and that is what the bill and the agreement provide, including the way the Nisga'a institutions will be run and the way the Nisga'a public service will be paid.

The federal government will certainly be keeping a careful eye on things and will be prepared to give advice, but the people must be given the ability to govern themselves, and the Nisga'a government is going to establish precisely that ability.

There will also be legislative power. Since the agreement gives the Nisga'a full jurisdiction over culture and language, the Nisga'a government can be expected to introduce relevant legislation. This should come as no surprise.

But we must recognize that the Nisga'a have shown considerable openness in allowing non-natives a role in public institutions. We must also recognize that now they can, and must, fly on their own.

Nisga'a citizenship is perhaps the main stumbling block for the Bloc Quebecois. One has to understand the Nisga'a situation. Quebec's approach to citizenship is very inclusive. One must also understand that our territory and population are much larger than theirs.

There are approximately 2,500 Nisga'a on reserves and almost 2,500 elsewhere. Members must put themselves in the shoes of a Nisga'a who is wondering how he will be able to protect his origins.

● (1235)

There will be a code of citizenship, which will contain a Nisga'a citizenship law. This is where people say ''Yes, but this is a racist law''. That is what some people are tempted to say. I have heard the Reform Party say that this is a racist law and an ethnic government because it is based on ancestry.

I would simply reply to the member who is using this argument that this is the way it has been for 100 years. I agree with the leader of the opposition that it has perhaps not been working well for 100 years, but we cannot just abolish the Indian Act and declare all citizens equal overnight.

I said it at the start of my speech and I will repeat it: the Bloc Quebecois cannot accept an egalitarian Canadian society. The Bloc Quebecois has always felt, with the members of the Parti Quebecois, that there were two founding peoples. If there were indeed two founding peoples, their rights must be recognized. If we are all equal, all drowned in the sea of equality, we no longer make this distinction.

This is how we come to understand the position of the Nisga'a. We have a critical mass of 7 million Quebecers, 80% of whom are francophones, so we can resist equalizing trends. But the Nisga'a may not be able to do so, as they number only about 5,000. Attempts at equalization must be resisted. In Quebec as in Canada, the people form a mosaic. People from different cultures add to the shared culture. I see this in the case of Quebec and in the case of Canada as well.

We must recognize that the native culture had and still has its own worth. If there is an attempt to equalize it, as the Liberal Party wanted to do in 1969 with its white paper, which said: the aboriginals must be assimilated, equalized, society would be pretty dull. It would be equal, but there would be no features or cultural characteristics to distinguish one group from another.

These distinctive features must be recognized and given expression. I think the bill, the agreement before us, contributes to that. It makes it possible to say to people ''We recognize that you are different; you will develop, however, in a climate of negotiation with us in which we will come to an agreement, but you are different''.

I think Quebecers and the Nisga'a are proud of being different. That is why we can understand them. Clearly, the government would much prefer an all inclusive approach. That is what it wants to do in Quebec, but for reasons of critical mass and population size, I understand the Nisga'a have to do it this way. I understand things have been this way for 100 years, otherwise who would be Indian today and who could decide who is Indian? The Canadian constitution decides it to some extent, in section 35.

But then there are rules whereby an Indian Affairs registrar is responsible for determining who is and is not an Indian. Not everyone wishing to be determined an Indian can be. Unfortunately, that is how the law is, and the native people are the victims of this. They have been told for 100 years that, if they marry whites, their blood will be diluted and they will eventually no longer be aboriginal. That cannot be done away with overnight, otherwise the Nisga'a nation will eventually disappear.

I think that the people have taken the necessary steps to safeguard their culture, their language and their nation. This is why, even if there have been certain problems around defining citizenship, there will be agreement because we are sufficiently open-minded to acknowledge that they need this if they are to perpetuate the Nisga'a nation in future.

It must also be said that this is no disaster for the non-Nisga'a, as I have already said, for they are still entitled to own land within the territory. There are some one hundred non-Nisga'a on the land.

You are indicating to me that I have a minute left, Madam Speaker, so I will wrap up my remarks. I would have liked to have touched on marriage breakdown, because that is a concern introduced by the Reform Party. Perhaps there will be an opportunity to address this again later, but I would like to conclude by saying that we Quebecers are able to understand what the Nisga'a journey toward self-government is all about, because we are on the same journey. I want the Nisga'a to know we are going to be with them on their journey toward self-government because we in the Bloc Quebecois believe in it.

● (1240)

I will close with a translation into Nisga'a of ''the Bloc Quebecois will walk alongside the Nisga'a on their journey'' because they are listening to us and I know it will please them.

[*Editor's Note: The hon. member spoke in Nisga'a*]

[*English*]

Ms. Alexa McDonough (Halifax, NDP): Madam Speaker, I would like to indicate at the outset that I will be sharing my time with my colleague the member for Burnaby—Douglas.

I am very pleased and proud today to have the opportunity to express my enthusiastic support and that of my party for ratification of the Nisga'a treaty that is before us.

In 1887 the Nisga'a people travelled more than 1,000 kilometres by canoe to Victoria to seek justice and reconciliation. They sought to negotiate a treaty, but were turned away at the time.

The Nisga'a treaty now before us is a historic achievement. For the Nisga'a themselves it ends 111 years of justice denied. Today we finally ensure the Nisga'a their rightful place in the Canadian family.

[*Translation*]

This treaty provides the Nisga'a with the plan to which they are entitled.

[*English*]

This agreement is based on mutual respect that recognizes mistakes and injustices of the past and that begins the important process of healing. This treaty is an important step for the Nisga'a, but it is also an important step for all British Columbians and for all Canadians.

Canadians can see that in so many ways the status quo is not working. It is certainly not working for aboriginal people. We see it in the high levels of poverty, unemployment and ill health suffered by aboriginal people in the Nass Valley and in other regions of Canada as well.

Before the European settlers arrived, the Nisga'a were a community of 30,000 people. Today they number less than 5,000, ravaged by disease, by poverty and assaults on their way of life. As Nisga'a Chief Joe Gosnell has said, ''The remaining Nisga'a are the survivors of the march toward progress''.

The status quo has not always worked for non-aboriginals either. Instability and uncertainty have hindered economic opportunity and in some instances economic investment and prevented many communities from achieving their full potential. This treaty recognizes that we must put this devastating period of uncertainty and conflict behind us. It recognizes that we will achieve peace and fulfilment through mutual understanding, recognition and respect.

We need only look to the east coast to see what happens when that leadership is lacking, when we fail to negotiate in good faith with those affected, with respect and with forethought. We see the chaos that results when the courts are forced to decide because the government abandoned its responsibility to negotiate in good faith.

Canadians do not want another century of conflict. We need to settle the issues that divide us and move forward together on a firm foundation of respect and certainty. This treaty helps us to do exactly that.

[*Translation*]

The Nisga'a will now be equipped with the tools needed to develop their community.

[*English*]

Aboriginal people will now have the tools that they need to build the self-reliant communities that they desire for themselves and their families.

Regrettably, some have used misinformation, innuendo and fear in an effort to discredit the Nisga'a treaty in an attempt to persuade Canadians that too much has been given away to the Nisga'a, or that this treaty is somehow threatening to non-aboriginal Canadians. This campaign of deception must be countered with the truth.

● (1245)

It is a fact that under the agreement all rights are protected by the Canadian constitution, the criminal code and the charter of rights and freedoms. It is a fact that under the Nisga'a treaty, land and resource management issues are settled and important environmental protections are assured. It is a fact that non-native property owners maintain guaranteed rights. It is a fact that Nisga'a traditions and culture will finally be permitted to flourish without taking anything from anybody else.

These important accomplishments have been achieved through 20 years, two decades of consultation and negotiation in good faith. How can these accomplishments therefore be bad for Canada? It is surely irresponsible and intolerable that some choose to use this debate to drive a wedge between aboriginal and non-aboriginal people instead of using it as a way to heal longstanding divisions.

The treaty is not about establishing a separate solitude for the Nisga'a as some Reform Party members insist. It is about the Nisga'a assuming their rightful place in Canada.

We all witnessed the wonderful festivities surrounding passage of the Nisga'a bill in British Columbia. As the Nisga'a marched in the streets in celebration they carried in one hand British Columbia's flag and in the other hand Canada's flag. What an important symbol it was of a coming together after years of conflict and injustice.

The treaty is not about separation. It is about extending a long overdue welcome to first nations people who have been too long treated as second class members of the Canadian family.

Today we in the House have the opportunity to walk with history. With the ratification of the Nisga'a treaty we take a first but important step toward reconciliation and the dream of true equality.

Let all of us in the House rise to the call for leadership. Let us rise to our responsibilities to offer leadership, responsibilities that Canadians rightly expect of us as parliamentarians. Let us come together in support of the Nisga'a treaty and in so doing play a modest but historically significant role in ushering in a new era of co-operation and mutual respect among aboriginal and non-aboriginal Canadians.

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, on August 4, 1998, I had the great honour and privilege of witnessing the signing ceremony for the Nisga'a treaty. At that ceremony in New Aiyansh, Chief Joseph Gosnell said:

> Look around you. Look at our faces. We are the survivors. We intend to live here forever. And, under the Treaty, we will flourish.

I looked around at the faces of the people at that ceremony. I looked at the elders, many of whom had tears in their eyes, tears of joy that their long journey was finally coming to an end, although to be sure another was beginning.

I looked at the faces of young people and children and I saw hope, hope for a future, hope for a new beginning, hope for decent economic conditions.

● (1250)

Chief Gosnell spoke of that journey. As my leader indicated, that journey started many years ago. The Nisga'a people were in the Nass Valley when the Europeans first arrived. Their lands and resources were stolen from them with no compensation or due process.

They started the journey for compensation and justice many years ago. In 1887 the chiefs journeyed in a canoe to Victoria but the doors were closed.

Nisga'a leaders worked tirelessly over the years on behalf of their people, even when it was illegal to do so. From 1927 to 1950 it was illegal for the Nisga'a people, or any other aboriginal people in Canada, to hire a lawyer to pursue their land claims.

Finally in 1973 the Supreme Court of Canada in the Calder decision involving Frank Calder affirmed some very fundamental rights of the Nisga'a people. The present Prime Minister, then Minister of Indian Affairs and Northern Development, agreed in August of that year to embark on a process of negotiation. Here we are many years later.

I pay tribute to a number of lawyers who have worked tirelessly, arm in arm, side by side with the Nisga'a people: Tom Berger, who argued the original Calder decision to the highest court of the land and others who have followed in his path like James Aldridge who has been there for many years tirelessly defending the rights of the Nisga'a people.

I remember as a young new member of the House sitting on the historic constitution committee in the winter of 1980-81 and hearing the eloquent plea of the Nisga'a leadership, people like Chief James Gosnell, Rod Robinson and others pleading for justice. They were not asking for any kind of special rights or treatment but for equality and justice, for healing and reconciliation.

I am very proud that it was the former leader of the New Democratic Party who stood in the House on February 17, 1981, to announce that an amendment would be accepted by the government which would ensure that aboriginal and treaty rights of first nations people would be as firmly entrenched in section 35 of the constitution as all other rights. Ed Broadbent, the New Democrats and the Liberal government of the day can be very proud of their accomplishment.

Let us be clear. The Nisga'a treaty does not in any way involve an amendment to the constitution because under the provisions of section 35 the aboriginal and treaty rights of Canada's first nations are recognized and affirmed. The aboriginal rights which have now been translated into treaty are the fundamental rights to land claims and self-government of the Nisga'a people.

Some people including the Liberal Party in British Columbia and the Reform Party federally say that there should be a referendum on this issue. Not only is that deeply offensive, as the concept of fundamental minority rights should not be subject to a referendum, but who would vote in that referendum?

Let us not forget the federal government is paying 80% of the cost of this treaty settlement. It is one of those rare examples in which the federal government actually transfers funds to British Columbia. In order for there to be a referendum there would have to be a national vote. Frankly it is outrageous that the people of Ontario alone would be able to outvote the people of British Columbia on this fundamental issue.

I acknowledge and salute the personal leadership of provincial New Democrats including former premier Mike Harcourt, former premier Glen Clark, as well as a number of ministers of aboriginal affairs, John Cashore, Andrew Petter, Dale Lovick and others.

● (1255)

The treaty has strong support in British Columbia from many diverse communities. It was ratified by the B.C. legislature in a free vote following the longest debate in the history of the British Columbia legislature. There were extensive public hearings across the province of British Columbia. The aboriginal affairs committee

of the B.C. legislature, ably chaired by a former federal colleague, Ian Waddell, gave people an opportunity to be heard on the issue. The treaty was ratified by 72% of those Nisga'a who voted. Sixty-one per cent of all eligible voters supported the treaty.

I wanted to say a word about that because the member for Skeena attacked the ratification process. He said in a letter to the *Globe and Mail* in May that almost one-half of the Nisga'a people did not support the treaty. In addition to the fact that is blatantly false I point out that the member for Skeena was elected with a percentage of 42.4% of the eligible votes cast and got 27% of all votes in his constituency. By his own criteria three-quarters of the people who could have voted for him did not vote for him. Reformers are steeped in hypocrisy in their approach to this treaty, and the people of British Columbia know it.

The Reform Party critic, the member for Skeena, has not even had the decency to meet with the leadership of the Nisga'a people since the treaty was signed. These are his constituents and yet not once has he met with them since the treaty was signed. He said that he debated Chief Joe Gosnell in 1995, but that was four years ago. Where has the member for Skeena been since then? He has shown total contempt for the Nisga'a people and for other aboriginal peoples in his community.

I mentioned the strong support for the treaty from a very broad cross-section of the British Columbia community. The business community is seeking certainty at long last. The labour community, IWA President Dave Haggard, sent a strong and eloquent letter to the former minister outlining the support of working people for the legislation, along with the British Columbia Federation of Labour and many others. There is strong support. Faith leaders as well strongly support the legislation and the treaty.

I will quote from a message to the people of British Columbia by former premier Glen Clark who said that the Nisga'a treaty was not about politics but about people, a people who lost the land of their ancestors without ever signing a treaty; a people who saw their children taken away to residential schools, their culture systematically dismantled, their families decimated by the ravages of disease, alcohol and dysfunction; a people who are still subject to being governed under an antiquated Indian Act; a people who negotiated peacefully, patiently and in good faith for many years; a people who want to be part of Canada, who have negotiated their way back into Canada and who are prepared to surrender over 90% of their traditional territories and their tax exempt status to achieve that dream.

The treaty is about politics. It is about people. It is about justice and it is about time.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, it is a pleasure today to speak to Bill C-9, an act to give effect to the Nisga'a final agreement. The legislation marks the end of a long process for the Nisga'a people, one that has spanned more than 100 years since the Nisga'a representatives travelled by canoe in 1887 from the Nass River Valley to Victoria to begin this long process.

● (1300)

I have met with the Nisga'a people on a number of occasions and each time they have stressed that they are not only prepared for this process, but they are eager and anxious for it to begin. As they say, there has been enough dialogue on this matter and they have welcomed visits from interested parties seeking to see how prepared they are for this new initiative.

The Nisga'a treaty is the first modern day treaty to be signed in British Columbia and will be the 14th in Canada. It sets a strong precedent for other treaties that may be under negotiation. At the same time however, it is clearly stated in the treaty that in no way does the treaty impact the negotiation of other treaties within the province of British Columbia. On the contrary, each first nation will negotiate on its own merit to pursue its own goals and aspirations.

What this treaty does show is that negotiated settlements can be reached that satisfy all parties and provide a peaceful, informed and effective means of delineating responsibility and accountability on behalf of the federal government, the provincial government and the Nisga'a people. Each party had to make some concessions. That is what negotiation is about. The end result is a treaty that has already been ratified by the Nisga'a nation and the provincial government in British Columbia.

The Nisga'a people accepted the treaty when they held a referendum on November 7 and 8, 1998. The treaty had to be ratified by a majority of all registered voters regardless of how many actually voted. There were 1,451 people representing 61% of the Nisga'a nation who voted to accept the terms of the final agreement. There were 558 votes against the treaty and 11 spoiled ballots. This meant there was an acceptance rate of 72% although there was a voter turnout of 85%. The 356 people who did not vote meant that the treaty was approved by 61% of the Nisga'a nation.

It is important to explain the voting process because there has been a lot of discussion about the voting process and quite frankly, a lot of criticism about the voting process that is completely unwarranted. The Nisga'a constitution which was voted on during the referendum required a 70% approval rate. It received 73% with 1,480 votes in support of the constitution and 525 against. The end result was that the treaty and the constitution were approved by more than 70% of the Nisga'a people voting in the referendum.

The criteria establishing eligibility for the ratification vote is outlined in the Nisga'a final agreement in chapter 22 on ratification, section 6. That section states that it is anyone who meets the

criteria of the enrolment committee, is 18 years of age or older, is ordinarily resident in Canada and is not enrolled in any other land claim agreement. To determine who meets the criteria of the enrolment committee, section 1 of chapter 20 on eligibility and enrolment states that the person must establish some Nisga'a ancestry, including adoption and marriage.

What is important to note is that it does not mention that the person must be ordinarily resident on reserve, a condition of the Indian Act and one that was recently the focus of a court ruling in Corbière. In that case the court ruled that band members living off reserve should have the opportunity to vote in some matters where their interests are involved. The requirement to live on reserve prevents a number of band members from voting even when the decisions of the chief and council may impact on resources or assets held communally by the band members.

The ratification process for the Nisga'a final agreement requires approval from three parties: the Nisga'a people, the province of British Columbia and the federal government. The province of British Columbia approved the agreement when it ratified legislation on April 23, 1999 with Bill 51. At that time the provincial government used closure to end debate and push Bill 51 through the legislature.

Now legislation is before us that will ratify the treaty. I welcome the opportunity to address this matter. The government has indicated that closure may again be used to limit debate on this matter. I will wait to address that issue later.

Members of the Reform Party have made it clear on a number of occasions that they have some problems with certain provisions of this treaty and maybe even the treaty itself. This is from a party that prides itself on its grassroots connections, yet it refuses to recognize that the Nisga'a people themselves voted in a referendum to accept this treaty, 61% of whom accepted the treaty and constitution of the Nisga'a final agreement.

● (1305)

One of the complaints of the Reform Party about the Nisga'a treaty is that it changes the Canadian constitution. The Nisga'a final agreement act states:

> Whereas the Constitution of Canada is the supreme law of Canada.
>
> Whereas the Nisga'a final agreement states that the agreement does not alter the Constitution of Canada.

Hopefully that will lay that issue to rest.

Clearly, the Nisga'a treaty does not change the Canadian constitution. The constitution under section 35 recognizes and affirms treaty and aboriginal rights. These rights which are set out in the Nisga'a final agreement for the Nisga'a people continue to be affirmed by the constitution. The treaty is not part of the constitution; rather, it is recognized by the constitution.

To amend the treaty, provisions within the treaty document set out the requirements that must be met to effect such change. The Nisga'a people and the other signatories recognize the real possibility that changes will be made to the treaty and a process is in place to allow this to happen. It is a process that does not require the consent of a number of the provinces across Canada that a constitutional amendment would entail.

The Nisga'a final agreement outlines the amendment provisions in the chapter on general provisions, section 36, and states:

> Except for any provision of this agreement that provides that an amendment requires the consent of only the Nisga'a nation and either Canada or British Columbia, all amendments to the agreement require the consent of all three parties.

For the Nisga'a nation to consent to an amendment to the final agreement, it requires the support of two-thirds of the elected members of the Nisga'a government.

Race based government is another assertion that the Reform Party has used to argue against this treaty. The treaty allows the Nisga'a people to be self-governing and to establish laws in areas where they are in the best position to do so, areas such as protecting their cultural artifacts. At the same time, federal and provincial laws provide minimum standards with which the Nisga'a must comply or surpass.

Moreover, non-Nisga'a people living on Nisga'a land will have representation in areas in which they are affected. Non-Nisga'a citizens will continue to vote for their municipal, provincial and federal representatives, as will the Nisga'a people. The Nisga'a people also have the ability to set rules governing who becomes a Nisga'a citizen. This does not exclude non-Nisga'a people from possibly being included.

The Nisga'a final agreement clearly states that the charter of rights and freedoms continues to apply to the Nisga'a people. Interpretations differ as to how the charter applies to aboriginal people, but the Nisga'a agree as stated in the treaty that the charter continues to apply to them. When I met with representatives of the Nisga'a nation they were clear that in their minds the charter applies to the Nisga'a government. The exact wording of the Nisga'a final agreement states:

> The Canadian Charter of Rights and Freedoms applies to Nisga'a government in respect of all matters within its authority, bearing in mind the free and democratic nature of Nisga'a government as set out in this agreement.

The Nisga'a people will elect members of the Nisga'a government so it will be a democratic style of government.

Another way to look at this treaty and the legislation that we are debating today is the position the Nisga'a people would be in

without such a final agreement. Under this treaty Nisga'a land will no longer be reserve land under the Indian Act. This allows a much greater opportunity in terms of resource management and economic diversification or development.

Under the Indian Act the Nisga'a people required authorization from the Minister of Indian Affairs and Northern Development whenever they wanted to develop a resource or pursue activities that would encourage self-reliance. All of that changes with this treaty.

Furthermore, aboriginal rights and treaty rights are exhaustively set out in the final agreement. We all know that the decision in Delgamuukw supported and encouraged negotiated settlements as opposed to continued litigation. This is exactly what the treaty represents, a negotiated agreement settled by all parties involved.

With conclusive aboriginal treaty rights, this will encourage industry to develop partnerships with the Nisga'a people since there is certainty as to who owns the resources. The forestry and mining industries have suffered in British Columbia because of a lack of certainty that exists regarding resource ownership in the province. The provincial government and the first nations have suffered the economic consequences as companies refuse to invest funds in exploration and development activities when they are unsure with whom they should be negotiating. It has been estimated that as much as $1 billion and 1,500 jobs have been lost in British Columbia because of this uncertainty and the unwillingness of the forestry and mining sectors to invest in such an environment.

• (1310)

For the Nisga'a people this treaty removes that uncertainty. The Nisga'a people should benefit from increased resource development projects on Nisga'a land once the treaty ratification process is complete. The Nisga'a people will be in the position to develop their own resources through whatever avenues they wish to pursue. At the same time, federal and provincial environmental standards will provide guidelines on how these resources are extracted and developed.

I would like to take a few minutes to address timber resources on Nisga'a land. Nisga'a land was heavily logged from 1958 on and the remaining timber is located in areas that are harder to access. Currently there is approximately 230,000 to 250,000 cubic metres of timber being harvested annually on what will be Nisga'a land under the final agreement. The Nisga'a have concluded that if this cut is reduced to 115,000 cubic metres, it could be sustained for 250 years with regeneration. At the current rate it is not sustainable. The sustainable rate of 115,000 cubic metres is not, however, a large amount of timber by British Columbia standards.

When I spoke with the Nisga'a people they indicated that they will be looking at harvesting timber at the sustainable rate of 115,000 cubic metres as established in the treaty. At some point in time however, they may wish to pursue other options such as investing in timber resources off Nisga'a land.

At the same time, the Nisga'a final agreement explicitly states that the Nisga'a nation, a Nisga'a village or a Nisga'a corporation will not establish a primary timber processing facility for 10 years after the effective date of the treaty. This provides for a window of time for Nass Valley timber users to develop their own agreements with the Nisga'a nation or find other suppliers.

Another section of the Nisga'a final agreement that has relevance in relation to the provision I just mentioned is the ownership of water. Under the agreement, British Columbia will establish a Nisga'a water reservation, in favour of the Nisga'a nation, of 300,000 cubic decametres of water per year from the Nass River and other streams wholly or partially within Nisga'a lands. This represents 1% of the average Nass River flow and should enable the Nisga'a people to pursue some industrial applications where industrial water use is required. That will further their economic development opportunities.

This treaty was negotiated on the basis of a nation to nation concept. It also recognizes the inherent rights of aboriginal people, in this case the Nisga'a, and the PC Party recognizes the inherent right of aboriginal people to be self-governing. This treaty meets those expectations and establishes certainty.

We only have to look at what is happening in the fishery on the east coast to understand the importance of signing treaties. The Supreme Court of Canada in Delgamuukw and now in Marshall has shown that aboriginal and treaty rights are important rights for aboriginal people and all Canadians. An exercise in these rights can influence activities of both aboriginal and non-aboriginal people.

Right now in Nova Scotia there is a lot of controversy over the introduction of aboriginal fishers into the fishery and how this is going to be accomplished while maintaining the fishery for non-aboriginal fishermen and protecting the resource. These are complex questions and there are no easy answers. Fishers, both aboriginal and non-aboriginal, with the help of the federal negotiator, are in the process of finding answers to these questions and figuring out how to proceed to implement the supreme court ruling of September 17.

It should be noted that the help of the federal negotiator in this case has really not been productive. What has happened is that non-aboriginal fisheries representatives, aboriginal fishers and chiefs and councils have met and, as a side agreement, have actually worked out and negotiated a temporary agreement for the time being.

The Nisga'a treaty did this same process in reverse. Instead of asking the court to determine what rights they have over what resources, and having to sit down after the fact to negotiate some

kind of an agreement, they negotiated their own treaty. The federal and provincial governments sat down with the Nisga'a people. They carefully reviewed all of the issues that are needed to allow the Nisga'a people to become self-governing, while at the same time settling a land claim and allocating resources. Anyone involved in the east coast fishery can attest to the perseverance such an effort must have entailed.

● (1315)

Finally, I would like to bring attention to the fact that the Nisga'a treaty is a final document that has already been accepted by the Nisga'a people and the B.C. provincial government. Furthermore, this treaty cannot be changed. The final agreement has been signed by the federal government and is now the ratifying legislation that is before us. The legislation can be amended, but the treaty is not part of the constitution; instead being recognized and affirmed by the constitution. Therefore it does not require the acceptance of the provinces to do so. Instead the three parties to the agreement have the opportunity to amend the treaty should it be necessary to do so.

As I said at the beginning, there has been a lot of dialogue already on this treaty. It has taken more than 100 years to arrive at this final goal for the Nisga'a and there has obviously been opportunity for them to evaluate and determine what they are looking for and how this treaty recognizes those goals. As well, the Nisga'a people have been very accommodating in terms of explaining the treaty and answering any questions I have had on provisions within the final agreement.

I encourage all of my colleagues to contact the Nisga'a people should they have questions on this treaty. At the same time, however, it concerns me that the debate on the Nisga'a treaty may be cut off. As I said, the Nisga'a people have had 100 years to formulate and determine what objectives they are seeking in a treaty and now other Canadians need time as well to evaluate what is involved. I recognize that the Nisga'a people are anxious to begin what will be a new opportunity for them, but a reasonable and informed debate should encourage acceptance by people who may not completely understand what is entailed by this treaty.

Perhaps one of the more positive results of the final agreement is that it removes the Nisga'a people from under the auspices of the Indian Act. No longer will the Nisga'a land be reserve land under the Indian Act and no longer will the federal government determine how and when resources are extracted and developed on Nisga'a land. Instead it will be the Nisga'a people themselves who will make these decisions. They will have to live with the consequences and surely they will make some mistakes, but so did the federal government. The opportunity to have the freedom to make those decisions and to become self-reliant outweigh any downfall that may result.

The Nisga'a people have been preparing for self-government for a long time and they have stressed to me that they welcome the new opportunities that await them. They are anxious to begin and this process in the Parliament of Canada represents the final part.

I look forward to an informed, reasoned and unlimited debate on this treaty.

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, it is almost impossible to know where to begin after that speech.

The member made the presumptuous statement that there was no need for a referendum in British Columbia. That issue is before the courts, but he has decided for the courts. Obviously he knows best.

He talks about a nation to nation concept. I wonder if he believes that the Nisga'a nation constitutes a sovereign nation on the same basis as the country known as Canada.

He talks about conclusive agreements and things such as that. Let him talk to the residents of Burnt Church. All of his soothing words will not help there.

If it is not a race based government, then what is it? Is it a public government bill? It is not a public government bill. It applies only to the Nisga'a and no one has a choice as to whether they are a member. It is based on their race. I certainly cannot stand by and listen to that.

The hon. member says that it is non-constitutional. Does he understand the treaty to be under sections 25 and 35 and that the government portion of the treaty forms part of the agreement?

The question I would like him to answer is this. What is his stand on a referendum for the residents of B.C., notwithstanding the fact that he has already made the decision for the courts of British Columbia? The Nisga'a had a vote because the legislation affects them. That is fair. But does it not affect all British Columbians?

The Liberals say that the treaty is too complex to be understood by laypersons. The average British Columbian could not possibly understand it. Does the hon. member agree with that statement? Would he deny everyday rank and file British Columbians a say on a treaty which is going to affect them and be the template for more than 50 other treaties of a similar type?

● (1320)

Mr. Gerald Keddy: Mr. Speaker, I wrote down six questions. I might have missed one or two, so I will start with the nation to nation concept.

It completely and utterly astounds me that Reform members of parliament can stand in the House and continually talk about the constitution of Canada and the charter of rights and freedoms and fail utterly to understand how they apply to Canadian citizenship, to Canadians and to aboriginals in the country. It is totally amazing.

I am sure we will have an opportunity to continue this debate. Quite frankly, I look forward to that because there are a number aspersions that have been put forward by the Reform Party of Canada that simply do not hold water and will continue not to hold water. They need to be looked at and explained one at a time.

Concerning a referendum for the people of British Columbia, the B.C. legislature approved and ratified the treaty. It decided there would not be a referendum for the people of British Columbia. That is the reason there has not been a referendum in the province. It has nothing to do with the Parliament of Canada. I would suggest that it is improbable, impossible and even immoral that the entire Canadian nation should vote on this matter. This is not a matter for the people of Ontario, Quebec, Nova Scotia or any other group to dictate.

We deal with first nations in the country on a nation to nation basis. We may not like that. We may not approve of that. Every individual member of the House may have individual thoughts on that, but first nations are protected under the constitution and we deal with first nations on a nation to nation basis. We deal nation to nation with 630 first nations. That is why we have this treaty.

Anyone wanting to look at the Burnt Church issue will find that it is directly the result of the lack of dealing with the aboriginal issue in the country, the lack of a modern treaty, the result of going back to something that was established in 1760 and the result of those laws being forced upon Canadians in 1999 by the Supreme Court of Canada.

The Reform Party wants to think that we only accept supreme court decisions when we like them. A person going to court runs the risk of losing his or her case.

We allowed the Supreme Court of Canada to decide an issue concerning Burnt Church and the Donald Marshall decision in Nova Scotia that should have been negotiated between the Mi'kmaq chiefs and the provinces of Nova Scotia, New Brunswick, P.E.I. and Newfoundland. It should never have been in the courts.

In Delgamuukw the supreme court clearly stated that it is not the place to settle every issue and difference in the country, that we should be negotiating in good faith to settle differences.

This treaty is protected by the constitution, but it does not affect or change the constitution. That is how it applies. The hon. member should read it over and understand how it is affected by the constitution.

The treaty is complex. Not for one moment has the Progressive Conservative Party said that it is not complex. However, let us be very clear when we state that we approve of full and open debate in the Parliament of Canada and that we do not approve of closure on this bill or any other bill. We support clear, informed and open debate, and will continue to do so.

Mr. Howard Hilstrom (Selkirk—Interlake, Ref.): Mr. Speaker, on behalf of the people of Selkirk—Interlake I would also like to say that this issue is so major for every Canadian that I do not agree with deciding it in undue haste.

If debate is limited, how can Canadians understand what is going on with this issue which involves the Nisga'a people? I believe it does have broader implications for the rest of the country.

• (1325)

I support negotiating treaties with aboriginal first nations people. In my riding there are lands being purchased to add to reserves, which is not causing any problem other than minor questions over some tax issues.

In the case of the Nisga'a treaty, it seems like the Nisga'a people have had their say, which is good, but I do not understand why the other aboriginal people who live in the vicinity of the Nass Valley have not had their say. I do not understand why we are rushing through this debate and why Canadians are being asked to sit quietly in the dark while the Liberal government, which was not elected on this issue, purports to be able to speak for all Canadians.

Treaties, in essence, can only be entered into on a nation to nation basis. In view of that, it is incumbent that we have a full debate here and that the Canadian people fully understand the issue.

Does the hon. member not agree that a full understanding by all Canadians and a full agreement by all Canadians would ensure a peaceful future, not only for the people of the Nass Valley but for their neighbours and in fact all Canadians across the country?

Mr. Gerald Keddy: Mr. Speaker, I agree that all Canadians need to fully understand this treaty and its implications. I support informed, full, clear, open and continued debate on this issue. I stated earlier that the Progressive Conservative Party of Canada does not in any way, shape or form support closure on this matter.

The hon. member for Selkirk—Interlake had several other questions. One of them I had a bit of difficulty following, but it certainly was a bit of a contradiction. He stated that he supported dealing with first nations on a nation to nation basis, and I think the hon. member has a full understanding of how the constitution of Canada applies to first nations and the fact that we do deal with the 630 first nations in Canada on a nation to nation basis.

However, he also thought that the Nisga'a referendum should have had some dialogue or something in the process to allow for comments. Perhaps he was talking about overlapping land claims or other first nations who live in northern B.C. If we accept the

theory that we deal with first nations in Canada on a nation to nation basis, then we cannot say that other first nations should have some say in the treaty that we formulate and go forward with for the Nisga'a. We cannot have it both ways. It can only be one way or the other.

The important thing to understand is that the charter of rights and freedoms will still prevail. The constitution of Canada will still prevail. The Nisga'a government will be a municipal style of government with some provincial rights and some federal rights. At the end of the day we will give the Nisga'a people an opportunity to move forward, to go into the second millennium and have their rightful place as equal partners in the Canadian federation.

Mrs. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, I am very proud to be here to show my support for the proposed legislation to ratify the Nisga'a final agreement. I will be sharing my time with the hon. member for Malpeque.

One of the most impressive characteristics of the Nisga'a treaty is the balance it achieves. The Nisga'a people have demonstrated, over more than 20 years of peaceful negotiations, that they approach issues from a balanced perspective. They have sought to resolve their disputes through discussion, mutual understanding and give and take. This same approach is reflected throughout the treaty.

• (1330)

Today I would like to speak about one area of the Nisga'a treaty where it was particularly important to achieve such a balance and where the parties were successful in doing so. The treaty not only protects the rights of the Nisga'a people, but it also respects the rights of those who are not Nisga'a citizens who will live on or within Nisga'a land.

As Canadians, we are very fortunate because our country is the best place in the world in which to live. In great part that is because of the importance we place on democratic values and our willingness to celebrate and respect each other's differences.

Respecting the rights of the Nisga'a, as well as the rights of those who are not Nisga'a but who will live on or within Nisga'a land, was one of the key objectives sought by the government in negotiating the treaty. The Nisga'a have been living in the Nass Valley and looking after their own affairs for a very long time and we tend to forget that.

Through the treaty, we are agreeing on practical arrangements that provide the Nisga'a with an appropriate form of self-government within the context of our Canadian federation.

The Nisga'a government is for the Nisga'a people. It is designed in a manner so that they will have the opportunity to protect their culture, their language and their property. As such, it is different from other local governments.

Where other local governments are elected by all residents in their area of jurisdiction, under the Nisga'a treaty only Nisga'a citizens may vote to elect Nisga'a government members. There is a very good reason for this. Using a residency criteria to determine Nisga'a electors could erode the protection the treaty is designed to provide. If at some future time residents who are not Nisga'a citizens become the majority, they could effectively control the Nisga'a government and make decisions regarding the allocation or disposition of treaty entitlements. As far as I am concerned, that would defeat the purpose.

Allowing for such a possibility would be incongruent with the spirit and intent of section 35 of the Constitution Act, 1982 which recognizes and protects the existing aboriginal and treaty rights of the aboriginal people of Canada. Only the Nisga'a themselves should have the right to determine Nisga'a government.

At the same time, we all live in a democratic country. The individual rights of Canadian citizens are also protected by the Constitution Act, 1982, including the charter of rights and freedoms. While the Nisga'a treaty provides an opportunity for the Nisga'a to protect their culture, language and property, this is balanced with protection for the rights of those who are not Nisga'a but live on Nisga'a lands.

First and foremost, the rights of all residents on Nisga'a land will be protected by the charter of rights and freedoms which will apply to the Nisga'a government as it does to the other governments in Canada. Residents of Nisga'a lands who are not Nisga'a citizens will not be deprived of their right to vote. They will continue to be eligible to vote in federal, provincial and regional district elections. They will also have the right to vote for and become members of elected public institutions which affect all residents of Nisga'a lands, such as the school boards and health boards.

The final agreement also provides other specific rights to residents of Nisga'a lands who are not Nisga'a citizens. For example, they have a right to be given notice and provided with relevant information when the Nisga'a government intends to make a decision which might significantly and directly affect them. They also have a right to a reasonable period of time to prepare their views for presentation to the government who must then give full and fair consideration to those views.

Let me repeat that those living within the boundaries of Nisga'a lands who are not Nisga'a citizens have the right to a full and fair consideration of their views. That is not all. All persons living on Nisga'a lands will have the same procedures available to them for

appeal or review of administrative decisions of Nisga'a public institutions. These protections are far stronger than those now provided under the Indian Act.

● (1335)

It also deserves to be noted that not all Nisga'a law-making authorities will apply to those who are not Nisga'a citizens but who live on Nisga'a land. For instance, while Nisga'a law-making powers over traffic control will apply to all residents of Nisga'a land, Nisga'a law-making authority in the areas of social services and adoption will only apply to Nisga'a citizens. This only makes sense.

More important, even though those who will reside on or within Nisga'a land but who are not Nisga'a citizens may receive certain benefits of services from the Nisga'a government. The treaty does not allow the Nisga'a government to tax them. Contrary to statements made by those who oppose the treaty but do not seem to know too much about it, the Nisga'a government will only have a treaty right to tax Nisga'a citizens and only on Nisga'a land.

Every aspect of the final agreement has been examined in great details to ensure that the rights of those who are not Nisga'a citizens are protected.

Another example can be found in the chapter on administration of justice which provides for the establishment of a Nisga'a court. A Nisga'a court can only operate if it is similar to a provincial court and approved by British Columbia in accordance with the treaty. The Nisga'a treaty specifically states that the Nisga'a court cannot impose on a person who is not a Nisga'a citizen a sanction or penalty that is different in nature from those generally imposed by provincial or superior courts in Canada without that person's consent.

During the negotiation of the Nisga'a treaty, federal and provincial negotiators briefed and consulted extensively with the residents of the Nass Valley and others who have interests within the area proposed to be Nisga'a land. Their views were taken into account in concluding the final agreement. None of these private properties will become Nisga'a land. Canada's policy is that private lands are not on the table during treaty negotiation.

Indeed, the final agreement requires that the Nisga'a government, on the effective date of the treaty, grant replacement interest to all those who have property interests in areas of Nisga'a land before the treaty came into effect. Not only will these interests be replaced but they are protected from expropriation by the Nisga'a in perpetuity under the agreement.

Members will see that great care was taken during the negotiation of the Nisga'a final agreement to ensure that the rights of all residents on Nisga'a land continue to be protected in the future.

Besides the Nisga'a track record, over more than 100 years stands in testimony that the Nisga'a deal with their non-Nisga'a neighbours in a fair and respectful manner. This high regard is reflected in the recent words of Chief Joseph Gosnell.

Nisga'a citizenship and the ability to participate in Nisga'a government is not restricted to persons who meet the eligibility criteria. Nisga'a government has the authority to grant citizenship to people, extending to them the rights and responsibilities of all Nisga'a citizens. The Nisga'a insisted on this power in recognition that there will be residents who are in every meaningful way full members of the community and should be included in the democratic functions of the Nisga'a government.

In order for the Nisga'a to prosper and attract economic development, their laws and decisions must be open and transparent and their administrative policies on review and appeal procedures clear and fair to all. The Nisga'a final agreement provides a sound basis for the Nisga'a to complete those objectives.

● (1340)

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, I thank my hon. colleague for her fine speech. We all know of her deep interest and personal involvement in the issue.

The Nisga'a deal, the Indian Act, Delgamuukw and the Marshall decision are all part of an ethos that the rest of the House agrees with but that we in this party do not, for many reasons.

Does it not seem odd to her that the money and the resources from the Nisga'a deal will go to the collective rather than to the individual? We have seen that half the budget, $3.5 billion, has gone to over 600 bands in the country. There has been widespread mismanagement by many of these bands, but not all, and the people on the bottom are being excluded.

On the Pacheedaht reserve in my riding, the chief is being excluded from knowing what is happening on the reserve in terms of some very important decisions. When he asked the department to intervene on his and his people's behalf, the department said that it could not because the leadership would not let it. The people on the bottom are being excluded because they do not have the power.

Does the hon. member not think that in order to achieve economic emancipation one requires political independence? Does not the Nisga'a deal, along with the Marshall, Delgamuukw and all of the other decisions in the envelope, represent the balkanization of Canada? How does she square the Nisga'a deal with being a template for decisions dealing with aboriginal treaties and demands by aboriginal people across the country? How are we going to pay for it? How are we going to ensure that together we will be able to move forward with an economic future that will provide certainty, power and a brighter future for both aboriginal and non-aboriginal people?

Mrs. Nancy Karetak-Lindell: Mr. Speaker, we have to understand that to this day aboriginal people have not been given a fair opportunity to exercise their rights within Canada. Unfortunately we have to make agreements and treaties in the modern day scenario to ensure that the aboriginal people who have rights within the constitution have some mechanism other than what we have today to exercise those rights properly.

As the Progressive Conservative member mentioned, treaties like the treaty in Nova Scotia have not worked to this day. For 200 years we have been trying a system that does not work. I am sure we can all agree on that. We have to provide a mechanism so these Canadians can get the opportunity to govern themselves because they have not yet had the opportunity to do so.

I am quite disappointed in some of the comments I heard from opposition members this morning. They do not feel these people can take care of their own affairs under this new treaty. I know from my own area that they have been doing their own governing for many years and they have a system that they want to implement for their people.

As I said earlier, the systems that we have had to date have not worked. We have to provide new treaties so these people can become participants in Canada and have the same benefits other people in Canada are entitled to.

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, I would like to correct one comment made by the hon. member. The Reform Party has never held that aboriginal people are not able to care for themselves. It is in fact just the opposite. We would like to see aboriginal people across the country be able to maintain themselves and be responsible for themselves on the same basis as all other Canadians.

● (1345)

The land claim agreement contains within it the right to self-government under section 35 of the Constitution Act, 1982. According to the supreme court this cannot be changed.

The Deputy Speaker: Would the hon. member please put his question. I have given him lots of latitude. I said that his question had to be very short and he has gone for over 60 seconds. We are out of time. Would he put his question very quickly.

Mr. Philip Mayfield: Could the member explain how this is not amending the constitution through the back door?

Mrs. Nancy Karetak-Lindell: Mr. Speaker, this agreement is within Canadian laws so I cannot see how the member can ask that question.

He made another comment about it not being right. I am not sure how he put it. I cannot repeat his words. However, in the agreement these people have decided that they want to pay taxes like everyone else in the whole country. I do not know how he can be against that.

A group of people has decided to become taxpaying citizens of the country over a phased in period. I do not know what more they can do to prove to others that they want to be part of Canada.

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, as all members of this place are aware, fisheries is important to many of Canada's aboriginal people in coastal communities. As it does in many other areas, the Nisga'a final agreement reconciles and balances the rights of the Nisga'a people with the interest of all Canadians. There is a major section in the document on fisheries. Most important, the Nisga'a final agreement protects the rich fisheries resources of the Nass Valley. Without conservation all of us would suffer.

In my former capacity as parliamentary secretary to the minister of fisheries I had the opportunity to discuss a number of times with members of the Nisga'a community the importance of fisheries and how the Nisga'a final agreement would in fact operate. I asked many questions on all areas and they were very forthcoming and direct in answering them.

This is an agreement to share the fisheries resources and provide a certain future to everyone who relies on the fishery. It also recognized, and very importantly so, a co-operative role for the Nisga'a in fisheries management while retaining the overall authority of the minister to regulate all Nass fisheries.

I would like to explain some of the history that has led to the agreement on the fisheries provisions. The Nisga'a people have traditionally relied on the Nass River salmon fishery along with the other marine resources of the Nass area. They continue to harvest salmon as well as other fish species such as halibut, shellfish and crabs. Those who have visited the Nass Valley know how important fisheries are to the Nisga'a people and the Nisga'a community. Fish is a staple of their diet and is featured at every feast and ceremony.

Since 1992 the Nisga'a have also taken on an increasing role in fisheries science. Through the prize winning Nisga'a fisheries program, developed in consultation with Department of Fisheries and Oceans scientists and funded through the aboriginal fisheries strategies, the Nisga'a have been contributing to fisheries management activities for Nass River salmon stocks. A joint technical committee of Nisga'a and department of fisheries staff co-ordinates the Nisga'a fisheries program.

An example of these activities is the fishwheel program which tracks the number of sockeye salmon returning to spawn. Since

1994 the Department of Fisheries and Oceans began using these estimates to manage Nass sockeye. Before then it was quite common for many more sockeye to escape than were needed on the spawning beds. The Nisga'a effort has helped the department to manage commercial harvests to catch as many fish as possible while still meeting its conservation targets.

● (1350)

From 1977 to 1992 over 800,000 sockeye salmon that could have been safely harvested swam past the fishing fleet and on to the spawning beds. Those fish are there for the future. This practice will benefit all those who make a living the from Nass sockeye fishery, including commercial fishermen. Other Nisga'a programs also provide valuable information to help manage and conserve salmon.

In 1995 the Nisga'a were awarded the Department of Fisheries and Oceans management prize for these efforts. This is what we mean when we talk of fishery stewardship. It is a very good place to begin an enduring relationship such as the one the treaty establishes.

I will talk for a moment about conservation. I said that the Nisga'a final agreement places conservation first. Let me explain how. The final agreement plainly states that the Nisga'a right to fish is subject to conservation. For salmon, the Minister of Fisheries and Oceans can set minimum escapement levels necessary for the health of salmon stocks below which the Nisga'a may not fish.

Both Canada and the Nisga'a wanted to continue the good work of the Nisga'a fisheries program. In this treaty Canada has agreed to contribute $10.3 million to the Nisga'a $3.1 million to create a trust to promote the conservation and protection of Nass area fish species. The careful monitoring of returning salmon runs required by the Nisga'a final agreement will provide the Minister of Fisheries and Oceans with the information he needs to act to protect that fisheries resource, if action should be required.

Conservation remains the first priority. The salmon allocations contained in the final agreement are based on a percentage of the return to Canada, subject to a conservation limit and capped at higher run sizes. These salmon allocations are based on a modest increase over the current harvest levels by the Nisga'a. For example, the allocation for the most valuable species, sockeye salmon, will be 10.5% of the return to Canada, capped at 63,000 fish. There is no uncertainty here. It will be 10.5% and that is it.

The final agreement precisely sets out the Nisga'a share of the Nass River salmon fishery, regardless of changes in the population of Nisga'a, long term changes in the abundance of salmon or other factors. Everyone will know the rules. There will be room for all users of the resource. It is extremely important that everyone knows the rules and that they are laid down.

A separate harvest agreement which is not part of the treaty provides for commercial allocations of pink and sockeye. When there are commercial fisheries for these species the Nisga'a will have a share. The share for sockeye salmon is 13%. The Nisga'a share will have the same priority as commercial and recreational fishers; no more and no less.

An important feature of the certainty we all seek is the accounting system set out in the final agreement. It ensures that the Nisga'a catch is consistent with their share and that the Nisga'a do not harvest from other people's shares.

The fisheries is one of the most important economic opportunities the final agreement provides to Nisga'a people. The salmon harvested under the harvest agreement can be sold in accordance with laws which regulate the sale of fish and with the terms and conditions set out by the minister in the Nisga'a annual fishing plan.

Fish harvested under the Nisga'a treaty entitlements may only be sold when commercial fishermen can also sell those Nass salmon species. I should also mention the Nisga'a have indicated that proceeds from a portion of their commercial harvest will be used to support their fisheries stewardship activities.

The treaty and the harvest agreement result in some reallocation over and above the current Nisga'a harvest. To ensure that the fishery continues to be viable for other fishers, the additional Nisga'a harvest will be offset by a voluntary licence retirement program.

● (1355)

This means that individual catches of salmon fishermen on British Columbia's north coast will not go down as a result of the treaty. As I have said, we have protected the interest of all Canadians through the treaty.

To be clear, let me state again that the Nisga'a final agreement confirms the minister's continued authority for the management of fisheries and fish habitat. The Nisga'a have an advisory role as members of the joint fisheries management committee. This will provide recommendations to the minister to help facilitate co-operative planning and management of Nisga'a fisheries. There is nothing that limits the minister's ability to seek and consider the advice of others in the use of this resource.

Nisga'a fisheries will be regulated by the fisheries act, the regulations, and the annual Nisga'a plan approved by the minister. The fishing plan will include the timing, the method and the location of the harvests. The fishing plan must be integrated as necessary with conservation plans and the fishing plans for other users.

Compliance with the Nisga'a annual fishing plan will be enforceable under the fisheries act and under Nisga'a law. Federal and provincial enforcement personnel can enforce Nisga'a law.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, we all agree that the current treaty process has not worked. We also agree that the rights of aboriginal people have been excluded.

I have a question for the member. Is the Nisga'a treaty not just an extension of our segregationist Indian act of today? Would not a better way of improving the health and welfare of aboriginal people, with which every member of the House would agree, be by not empowering the group selectively but by empowering the individual?

Only by empowering individuals and giving them the tools to stand on their own two feet will they have a chance of contributing to their families and their communities. This will enable them to get back the pride and self-respect that are essential for them to move forward with the rest of us to a brighter future.

Should we not be ensuring that aboriginal people have the same municipal powers as everybody else, the same rights under the laws as everybody else, and the same individual rights as every Canadian? Should we not be ensuring that aboriginal people will be able to share in that like everybody else?

Mr. Wayne Easter: Mr. Speaker, I think members can see the putdown and the background of where the Reform Party is coming from on this issue through that question.

The member talked about aboriginal people moving forward with the rest of us. This is an agreement that talks about moving forward together. I was talking about the fisheries management agreement as an area where we work together in co-operation with the Nisga'a nation so that we as a whole country move forward. We are not in that situation as we have seen by going to the supreme court on the Marshall decision.

This is an agreement worked out with the Nisga'a people so that we can all make better use of the resources and share in the resources of the country. Canada as a whole should be better off as a result.

The Speaker: There are still approximately three minutes remaining. I want to return to this debate after question period. If the member is here he will have three minutes for questions and comments.

STATEMENTS BY MEMBERS

[*English*]

HISTORICA

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, today I thank and congratulate Mr. Charles Bronfman and Mr. Red Wilson, co-founders of Historica, and their supporters.

S. O. 31

They have just launched Historica, a new foundation that will bring more Canadian history into our classrooms. It will act as an umbrella organization for other established Canadian heritage groups and will use television, film and the Internet to help educate people on Canada's history.

The foundation will establish a website where we will be able to access a Canadian encyclopedia. It will include chat rooms so Canadians from coast to coast to coast can talk on line in both English and French. It will also provide a directory of Canadian Internet addresses so students can find direct links to other Canadian history sites.

When polls show that young people are not sure who Pierre Trudeau is and only half can name Sir John A. Macdonald as our first prime minister, I applaud this initiative to promote the study of Canadian history.

It says on the website ''celebrating our past, sharing our future''. What could be more important?

* * *

● (1400)

SASKATOON—ROSETOWN—BIGGAR BYELECTION

Mr. Jim Pankiw (Saskatoon—Humboldt, Ref.): Mr. Speaker, I want to offer a hospitable welcome to a man who has just arrived in Saskatchewan by parachute.

Dennis Greunding, well known to his neighbours in the Ottawa suburb of Orleans, is visiting Saskatoon where he has generously allowed the NDP to put his name forward in the federal byelection for Saskatoon—Rosetown—Biggar.

Mr. Greunding has rented a lovely home in Saskatoon's posh Silverwood Heights suburb. Unfortunately, he has yet to learn that the home he is renting is not even in the riding where he is actually a candidate. Oh well, at least he is in the right province.

I also want to express my heartfelt sorrow to Mr. Greunding who will return to his Ottawa mansion in defeat after the November 15 election. Fortunately this will be the second electoral flame out for the Ottawa based opportunist who ran as a tourist and lost to myself in Saskatoon—Humboldt just two years ago.

* * *

EPIDERMOLYSIS BULLOSA

Mr. Tony Valeri (Stoney Creek, Lib.): Mr. Speaker, I rise today to bring to the attention of the House EB Awareness Week which is being recognized from October 25 to November 1, 1999. EB refers

to epidermolysis bullosa, a rare genetic skin condition that affects children regardless of race or gender.

The rarity of the disease combined with the lack of research and information has left many of the young sufferers feeling isolated and disillusioned.

Today I seek to raise the public's awareness of this devastating disease by applauding the efforts of DEBRA Canada. The Dystrophic Epidermolysis Bullosa Research Association of Canada is a charitable organization founded by a group of EB sufferers, their families and friends.

DEBRA Canada and its president Francesca Molinaro have been tireless in their campaign to raise awareness and further research into this rare disorder.

I encourage everyone to support DEBRA Canada in its goal to raise awareness of EB and provide support to all the children who suffer from this terrible disease.

* * *

TELEPHONE SERVICE

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, would you believe it? On the threshold of the 21st century there are families in Peterborough county without telephone service.

I was given the following directions to one of these homes: ''Follow County Roads 8 and 40 to where the telephone lines stop, then follow the poles to our place''. These homes have telephone poles. They have neighbours with telephones but they are unable to get service.

This is unconscionable in rural Canada today, in the most connected nation in the world. The federal government has put all our schools on the Internet, but kids in these families cannot access it at home. They cannot even phone their friends.

I urge the government to intercede with Bell Canada and the CRTC to see to it that these Peterborough families get telephone service soon.

* * *

[*Translation*]

SMALL BUSINESS WEEK

Mr. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, this week is Small Business Week.

SMBs are the driving force behind our economy and, in Brome Missisquoi, they can be found in farming, tourism and the services sector. They create large number of jobs and are a new way of developing modern economies.

In Sutton, Magog, Knowlton, Farnham and Bedford, our young, small business entrepreneurs are imaginative, hard working, and involved in what they do for a living and in their community.

The Government of Canada is proud of all this country's young entrepreneurs. You are helping to build a better world.

* * *

[*English*]

BREAST CANCER

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, October is Breast Cancer Awareness Month.

Breast cancer is one of the leading causes of death among Canadian women and the statistics are not encouraging. Breast cancer has been increasing by 1.5% every year since 1981. One in nine Canadian women will be afflicted by this disease. But there are encouraging signs.

Many people in this House participated in the CIBC Run for the Cure that raised millions of dollars for breast cancer research. Also support groups are developing for families and the patients affected by breast cancer. We also have new surgical techniques that are less disfiguring and new treatments that we hope can prevent breast cancer in the future.

That is not good enough. We have to find a cure. We encourage the government to increase its commitment to develop more research into breast cancer.

I also encourage women to seek out their doctors to do screening for breast cancer. Women who have breast cancer should make sure their daughters are checked also.

Let us use October not just as a month to look at breast cancer in its entirety, but let us look at October as a start to eradicate it.

* * *

● (1405)

CANADA-CHINA LEGISLATIVE ASSOCIATION

Mr. Reg Alcock (Winnipeg South, Lib.): Mr. Speaker, a little more than a year ago, the House along with the other place established the Canada-China Legislative Association to build a special relationship between the people's congress in China and our parliament.

This week we are joined in Ottawa by the chairman of the Chinese section of the legislative association, Mr. Jiang Xinxiong; the vice-president, Mr. Zheng Yi; and two members of the association, Mr. Tao Xiping and Mr. Wang Shuming.

We have just finished two days of very fruitful meetings. We have had frank and full debate on a wide range of issues from

Taiwan to illegal immigrants. We are building upon the very firm foundation that has been established between our two countries.

* * *

GREAT LAKES BASIN

Mrs. Karen Kraft Sloan (York North, Lib.): Mr. Speaker, 31 concerned citizens from Quebec, Ontario and United States are in Ottawa today to meet with parliamentarians to raise issues about the Great Lakes basin.

Some 321 million pounds of toxins were released by legal permit in 1996 into the Great Lakes. Research and monitoring budgets have been substantially reduced and regulations weakened.

These concerned citizens are calling on parliamentarians to protect human health and restore the ecological integrity of the Great Lakes basin.

This is a call to action we ignore at our peril.

* * *

[*Translation*]

NATIONAL PARKS

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, just recently, we learned that national parks, which come under the authority of the federal government, are in terrible shape. Parks Canada is standing by and watching the sad spectacle of many species of wildlife disappearing into oblivion.

The problem is generalized, and not limited to one or two parks. This is a real crisis. One expert is not hesitating to blame Parks Canada for the disaster.

And yet, the government has tabled a bill to create marine conservation areas, for which Parks Canada would have responsibility.

How can the government think about adding to the responsibilities of an agency that has obviously shown itself unable to handle its existing mandate properly?

Parks Canada must first halt the disappearance of threatened species in existing national parks before the government can think—

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

* * *

[*English*]

THE ENVIRONMENT

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.): Mr. Speaker, the environment minister may be proud of his green thumb but it is his iron fist that Canadians are worried about.

After his ridiculous statements about the special tax on sport utility vehicles, the minister is now worried about emissions from cows and pigs. That is right. Just when we thought the junk science on global warming could not get any more weird, it just has. Now the ranchers and farmers who raise our tasty four-legged friends are the new environmental villains.

This brings a completely new dimension to the Liberal gas tax proposal. Will the minister introduce an anti-flatulence tax, a dollar for every animal that passes wind?

If the minister is concerned about the global warming myth, I have some advice. Tell his Liberal caucus not to exhale.

* * *

MAURICE RICHARD

Ms. Eleni Bakopanos (Ahuntsic, Lib.): Mr. Speaker, last night in Montreal a special event took place.

[*Translation*]

Yesterday evening, we paid tribute to a hero of Ahuntsic, of Montreal, and of the entire hockey world, Maurice Richard.

Maurice Richard is an example of tenacity, of hard work, and of hockey professionalism. He is also a hero for people such as my brother and all the young people of his generation, but it transcends generations.

In short, he is a model on the ice and off it as well.

[*English*]

I say thank you to Maurice Richard for being a role model for all young people in the country, and for also assuring that our national sport, hockey, continues to be honoured in the same way and to be reflective of the type of team and sport spirit we want in the country.

[*Translation*]

Congratulations, Maurice, and thanks.

* * *

[*English*]

DIWALI

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton—Springdale, Lib.): Mr. Speaker, today on Parliament Hill the south Asian community is celebrating Diwali, the festival of lights.

Diwali signifies victory of light over darkness, victory of knowledge over ignorance, victory of goodness over evil and victory of life over death. It is a celebration of eternal light.

• (1410)

Diwali is a national festival celebrated by a large segment of the south Asian community around the world.

Today I would like to thank the Prime Minister, ministers and MPs who have already confirmed their presence at this evening's celebration of this great event by the members of the Indo-Canadian community in room 237-C between 4.30 p.m. and 6 p.m.

* * *

NATIONAL HOCKEY LEAGUE

Mr. John Solomon (Regina—Lumsden—Lake Centre, NDP): Mr. Speaker, the NHL and the players will not do anything to keep pro hockey in Canada. If they are not prepared to co-operate, then the federal taxpayer should not either.

For the government to even consider for one minute spending one more dime of tax revenues to bail out the NHL would be a monumental travesty of justice when thousands of farmers are going bankrupt in the worst farm crisis since the depression. If the government helps millionaire hockey players and owners out of a currency imbalance but will not help farmers out of an international subsidy war, then something is terribly wrong in our country.

To put additional tax dollars into pro sports before food, health, education, housing or yes, even some tax relief, would push Canadian priorities so far out of balance that voters would never forgive the Liberals' stupidity.

The government's own polls say tax aid for pro hockey is the lowest spending priority for Canadians. Some 94% in my own riding survey opposed subsidizing the NHL more than the millions we already provide to it. One fellow said it best: ''Farm aid, yes; hockey aid, no''.

* * *

[*Translation*]

TRANSPORTATION OF NUCLEAR WASTE

Mr. Maurice Godin (Châteauguay, BQ): Mr. Speaker, a few days ago, I received in my riding office a copy of the resolutions of the cities of Delson, Saint-Constant and Châteauguay addressed to the Prime Minister of Canada on the subject of the transportation of nuclear waste from Russia and the United States via the St. Lawrence seaway.

In my riding, some 100,000 people live along the St. Lawrence in the municipalities of Delson, Sainte-Catherine, Saint-Constant, Kahnawake, Châteauguay, Mercier and Léry and are very concerned about the possibility of environmental accidents. In addition, these cities draw their drinking water near or from the St. Lawrence.

This government, which is spending millions on consultations with the public in certain areas would be well advised to put an end to its silence—at no cost to itself—acknowledge receipt of these resolutions and put a stop to this project that represents a danger to the people living on the shores of the St. Lawrence.

* * *

[*English*]

IRVING OIL

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, recently New Brunswick's Irving Oil set a higher standard for all fuel manufacturers in Canada by introducing a new brand of low sulphur gasoline for Canadian consumers.

As a New Brunswick MP and the environment critic for the PC Party, I am proud that New Brunswick's own Irving Oil is the first to meet Environment Canada's new target levels of 150 parts per million three years ahead of schedule.

This healthy investment also indicates that Irving Oil will likely meet its commitment to Environment Canada's next target level of sulphur reduction to 30 parts per million well ahead of the scheduled deadline in 2005.

Elderly people and individuals suffering from heart or lung disease are particularly sensitive to air pollution. This clean air initiative will go a long way in the battle to help all Canadians breathe a little easier.

Congratulations to Irving Oil for its foresight and conviction. Canadians are grateful for its commitment to the environment and human health.

* * *

[*Translation*]

WOMEN'S HISTORY MONTH

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, for the eighth year in a row, Canadians are celebrating Women's History Month in October.

October was chosen to commemorate the historical importance of the Persons Case. On October 18, 1929, following a long political and legal fight by a group of five women, the British privy council made a decision declaring that the term ''persons'' in section 24 of the British North America Act also included members of the female sex and that therefore women were eligible for Senate appointment.

In this Year of La Francophonie, the theme of Women's History Month is ''Yesterday and Today: Francophone women in Canada''.

Nearly 7 million people live in French in Canada, and more than half of them are women. I am proud that the federal government is paying special homage to francophone women throughout the country for their exceptional contribution to the evolution of Canadian society.

ORAL QUESTION PERIOD

• (1415)

[*English*]

APEC INQUIRY

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the Prime Minister has repeatedly said he was not personally involved in the security arrangements for the APEC conference. Now there is concrete evidence before the RCMP complaints inquiry quoting RCMP Superintendent Wayne May as saying ''The Prime Minister of our country is directly involved''. Yesterday the Prime Minister's human shield, the Deputy Prime Minister, was completely unable to answer this contradiction.

Why is the Prime Minister's story in direct contradiction to evidence presented to the RCMP complaints inquiry?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the inquiry has been going on for more than a year. There have been thousands of pages of documents and a lot of witnesses. The inquiry is ongoing. Let the inquiry do its job. It is as simple as that.

There cannot be two inquiries, one in the House of Commons and the one that is now taking place. I have confidence that Mr. Justice Hughes will look at all the facts and report to the public.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the inquiry is doing its job and one of the things it turned up was this evidence from RCMP Superintendent Wayne May, who said, and I will quote again, ''The Prime Minister of our country is directly involved''. Superintendent May had no reason to make up that statement.

Is the Prime Minister saying that Superintendent May is the one who is lying?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, Mr. May was a witness. If they want to call him back it is for them to decide.

I know exactly what I said yesterday, and I repeat, let the commission do its work. I repeat, and the evidence is there, that I never gave any instructions and never discussed anything on security with anybody with the RCMP.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, we know that the Prime Minister cannot explain why he chose to put the protection of the image of a foreign dictator ahead of the rights of Canadian students, so we are not asking that question.

We are asking a simpler question, to explain the contradiction between the Prime Minister's story and evidence that has been presented to this inquiry. We are not getting any answers there either, so perhaps a change of venue would help.

The Prime Minister says that he has all of this faith in the RCMP complaints inquiry. If he is so sure of his story, will he repeat it under oath in front of that inquiry?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, when a member of parliament, when a minister and when a prime minister is in the House of Commons talking to the people of Canada, all the electorate of Canada, it is as good as having the Bible here.

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, I am repeating the Prime Minister to himself: ''I am telling you I never talked about security with anybody of the RCMP''. These are very choice words of a very experienced lawyer, but unfortunately the facts do not bear out that statement.

Why will the Prime Minister not turn up in Vancouver, testify under oath and be subjected to proper cross-examination?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, they have heard a lot of witnesses. I repeat what I said, and it was sustained by all the people who were involved and who have testified. We have given 10,000 pages of documentation. Everybody who was requested to testify has testified.

I repeat in front of the nation and in front of God, if you want, because my name is Chrétien and I have no problem with that, that I never discussed security with anybody with the RCMP.

• (1420)

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, we seem to gain a sense of how the Prime Minister sees himself.

The Prime Minister said ''Let the commission do its job''. The key question for this commission is where the influence came for the RCMP to undertake the actions which they did. I believe that they came from the Prime Minister. Why will he not appear in front of the commission so that the commission can do its job?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I said, and I repeat, the RCMP had a job to do and they did the job. Now they are explaining whether or not they made a mistake.

I wanted and everybody in Canada wanted to make sure that every leader who came to Canada was secure in Canada. It was the responsibility of the RCMP. I let them do their job and they did it.

If somebody has committed some mistake the commission will report to the Canadian public.

[*Translation*]

AIR TRANSPORTATION

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, by casting serious doubts on the government's intentions as far as the rule of ownership is concerned, the Minister of Transport is deliberately creating confusion. The shareholders of Air Canada will need to reach a decision before long and they must have all of the information in hand with which to make that decision an informed one.

Does the Minister of Transport commit to clarifying his point of view as far as the rules of ownership are concerned before the all-shareholder meeting scheduled for next November 8?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, I will be speaking on that subject before the committee an hour from now.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I hope we will learn something during the committee meeting, later on.

Last year, when the bank mergers were being debated, the government used excessive concentration as justification for the 10% rule on bank ownership, citing public interest. In the case of the airlines, the eventual outcome would be a monopoly. So the danger of concentration is quite real.

Should this same government not apply the same logic once again, and restrict ownership to the same 10% level, in the name of the public interest?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, I have already said, I will be addressing this issue in committee this afternoon.

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, although Onex's plan to acquire Air Canada and Canadian Airlines is contrary to existing legislation, its president, Gerald Schwartz, is not hesitating to invest much time and money promoting it throughout Canada.

Can the Minister of Transport assure us that the hope of acceptance for his proposal on which Onex's president is relying is not the direct result of personal guarantees received from certain members of the government since the beginning of this affair?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, he had no discussions with members of the government on this topic.

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, will the Minister of Transport not admit that, every time he talks about his intention to amend the ownership rules, he is siding with Onex, as the president of Air Canada pointed out in the *The Globe and Mail* this morning?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, what is very important is that shareholders of Air Canada and Canadian International be allowed to make a choice about the companies' future. Then we will look at the proposal to determine whether it is in the public interest.

* * *

[*English*]

APEC INQUIRY

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the Prime Minister said that the APEC inquiry can recall May. Maybe he would explain why federal government lawyers were opposing the application to recall May.

Unlike his officials, the Prime Minister cannot find the right venue to clear the air on his APEC involvement. The Prime Minister was in Vancouver last week, not to testify before the inquiry, but to attend a Liberal fundraiser.

He talked yesterday about APEC security matters, not in front of Judge Hughes, but in front of reporters.

Why is the Prime Minister not willing to do like his officials and volunteer to testify before the APEC inquiry?

• (1425)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the commissioner is a very experienced person who has looked at all the needs. He has requested that some people testify and they have testified. We have given him all the information he has asked for. I let him do his job. He is there and the lawyers of all the parties are there. Let them do their job and they will report to the Canadian public.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, since the APEC conference two years ago Indonesians have managed to throw out two dictators, yet Canadians are still waiting for answers.

Did the Prime Minister ever discuss with his own staff the presence of protesters at APEC? If so, does that not make him responsible when his staff discuss the matter with police?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, a witness by the name of Mr. Bartleman asked me about Indonesia. I invite the lady to read the testimony. She will find that there were perhaps some words that were not completely parliamentary. Read it and you will get your information, and stop making innuendoes based on nothing in Indonesia.

The Speaker: I remind hon. members to please address the Chair.

VETERANS AFFAIRS

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, last week I asked the Minister of Veterans Affairs about merchant navy compensation. The minister, along with his other colleagues, took great pleasure in trivializing this issue by refusing to give the veterans a straight answer. Will the minister inform the House today when they can expect a just compensation package?

Hon. George S. Baker (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.): Mr. Speaker, we are presently reviewing the matter concerning our veterans, our merchant navy veterans and the entire benefit structure for our veterans. The hon. member is just jealous that her party did not do it when it was in power.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, the Liberals have been in power for 38 years since 1945 and they did absolutely nothing until March of this year. When we were only in power for 16 years we put those merchant navy men under the civilian war veterans allowance act.

This is a serious situation. I ask the minister once again if he will inform the House of when the merchant mariners can expect a compensation package of $20,000. Will he do that immediately, before November 11?

Hon. George S. Baker (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.): Mr. Speaker, when this question came up when the hon. member's party was in power the leader said no at that time and the leader is still saying no: no to being a member of the House, no to joining the united alternative, no to running in the byelection. Joe Who has become Joe No.

* * *

● (1430)

ABORIGINAL AFFAIRS

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, the Nisga'a treaty is nothing less than sovereignty association. The intergovernmental affairs minister tried to deny this in the spring, but now the cat is out of the bag.

In an interview yesterday, the Bloc Quebecois said that the treaty could provide an example for the future relationship of the citizens of a sovereign Quebec with the rest of Canada.

Why does the government not admit that this is sovereignty association, nothing less? Why is it countenancing it here in parliament?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, something we could never do is banalize what would be the breakup of Canada.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, apparently the minister did not understand the question. I will ask it again.

In the spring he said that the Nisga'a treaty was not sovereignty association. Yesterday the Bloc said it finds it a very interesting treaty and it intends to use it as a model for its sovereignty association project.

I again ask the intergovernmental affairs minister why the government is prepared to accept it in the Nisga'a treaty when it rightly denies it in Quebec?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, there will be no Nisga'a land in the United Nations. The Nisga'a will not be an independent state in the United Nations. Quebec will also not be an independent state in the United Nations.

* * *

[*Translation*]

AIR TRANSPORTATION

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, in recent years, the government has intervened, in particular by awarding of the best international routes to its friends at Canadian International Airlines. Today the minister is apparently preparing to change the rules of ownership, again to the advantage of Canadian International Airlines.

Has the government not shown, on two separate occasions, through its treatment of Canadian International Airlines, that it is prepared to do everything to save that company and that, as far as it is concerned, the die is cast?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, I will show in committee this afternoon that our policy favours the Canadian people, not a company, but the people of Canada, the travellers of Canada.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, what message is the Minister of Transport sending the shareholders of Air Canada when he says he is prepared to change the law to accommodate Onex and Canadian International Airlines? Is the message not to the effect that it is more important to be a friend of the government in doing business with it than to comply with the law?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, it is very important that the shareholders of Air Canada and Canadian International Airlines decide on the future of these companies.

Following a decision, if we receive a proposal, we will look at it in the public interest.

[*English*]

ABORIGINAL AFFAIRS

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, the Minister of Intergovernmental Affairs should know that in 16 areas the power of the Nisga'a government will be paramount to that of the provincial and federal governments.

In the Marshall decision, the court arrived at its decision based on misinterpretation of a key government witness. The Nisga'a treaty is much more complex than the Mi'kmaq treaty. It has more than 50 unresolved issues yet the government is prepared to sign off on it. The government is handing the courts a blank cheque.

After all the chaos created by the Marshall decision, why is the government rushing through a treaty in which so many specifics remain unresolved?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I want to relate to the member and to the House what this party has been saying for the last number of months.

The first myth is that the charter does not apply to the Nisga'a government. That is wrong.

The second myth is that the rights of Nisga'a women are unprotected. That is wrong as well.

The third myth is that the treaty provides for taxation without representation. That again is wrong.

If we are going to have a debate in the House, these members have to start from the premise of reading the treaty itself line for line.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, the minister proved once again that this is question period not answer period.

The Mi'kmaq treaty placed restrictions on the Mi'kmaq right to trade. The supreme court twisted that to allow for a race-based priority fishery. The Nisga'a treaty allows for a race-based priority right to fish on the west coast.

The Marshall decision has created havoc on the east coast. With 50 unresolved issues, the Nisga'a treaty will create havoc on the west coast.

● (1435)

Why is the government perpetuating the chaos of a flawed court decision by proposing flawed legislation?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, let me go back to the myths of the Reform Party. One of the myths that the Reform Party is trying to perpetuate is that the treaty does not recognize federal and provincial laws. That is wrong.

[*Translation*]

AUDIOVISUAL PRODUCTIONS

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, in the CINAR affair, the Minister of Canadian Heritage is accusing the Bloc Quebecois of making unfounded allegations and is carefully avoiding to answer any of our questions.

How can the minister explain that she continues to clam up whenever we ask questions, on the pretext that an investigation is being carried out, while her department officials are giving private briefing sessions to certain journalists acknowledging that there are problems at Telefilm Canada?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, if the reference is to briefings for journalists, these are certainly not secret briefings.

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, I repeat, department employees admit the existence of questionable practices at Telefilm Canada, while the minister is refusing to give any answers here to questions from the opposition.

Since Laurier Lapierre, chairman of the board of Telefilm Canada, appears to be implicated in this, does the minister not feel that she ought to ask Mr. LaPierre to step aside temporarily, in the name of ethics, until the matter has been clarified?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, for about a week now, I think, the hon. member opposite has been making allegations against CINAR and the members of Telefilm Canada. I believe that he ought to follow the lead of his leader in Quebec City, who said that these questions required reflection and that the RCMP needed to be left alone to do what has to be done.

* * *

[*English*]

ABORIGINAL AFFAIRS

Mr. David Chatters (Athabasca, Ref.): Mr. Speaker, natives have now resumed logging on provincial crown land based on the Marshall decision.

Would the minister of Indian affairs please clarify for the House whether, in his opinion, the Marshall decision gives aboriginals the right to log on crown land, yes or no?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, we are now in the process of negotiating with the provincial governments and the first nations people. Because of the Marshall decision, we will define during the negotiations exactly what those aboriginal rights are.

Mr. David Chatters (Athabasca, Ref.): Mr. Speaker, that hardly constituted an answer to my question.

Section 92(a) of the Canadian constitution clearly gives provincial ownership and rights to manage natural resources. In the minister's opinion, which takes precedence: the constitutional right of the provinces, or a 239 year old numbered treaty that was struck before Canada even existed?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, if he would read the constitution he would know that provincial governments and federal governments both have a fiduciary responsibility to first nations people.

* * *

[*Translation*]

PROFESSIONAL SPORT

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, if we listen to the Minister of Industry, it is clear that the Canadian government will not be coming to the assistance of professional sports clubs. But yesterday the Secretary of State for Amateur Sport opened the door to indirect assistance.

My question is for the Minister of Industry. How does the minister explain the remarks of the Secretary of State for Amateur Sport, who continues to say that the government will provide indirect assistance for professional sports clubs? Whom are we to believe, the Minister of Industry or the Secretary of State for Amateur Sport?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, National Hockey League teams are facing a problem. It is a problem on which we have spent a great deal of time. We have held talks with other levels of government. I know that all members are concerned about this problem, but we do not yet have a solution.

* * *

[*English*]

IRELAND

Mr. Pat O'Brien (London—Fanshawe, Lib.): Mr. Speaker, during the past months a frustrating stalemate has stalled the peace process in Northern Ireland. Indeed, it threatens to destroy it and the peace process there is at a critical stage right now.

Would the Minister of Foreign Affairs tell the House what actions the Government of Canada has taken to help ensure that the peace process will ultimately be successful?

● (1440)

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, the most important initiative was the visit that the Prime Minister took to Northern Ireland this last summer, where he lent his presence and the broad support of Canada behind the process. At the same time, he announced a $1 million contribution to the International Fund for Ireland which is designed to help reconciliation in that country.

In addition, we have General de Chastelain working on the decommissioning environment. We have Professor Shearing working on the Patten Commission and Professor Hoyt working on the inquiry into bloody Sunday. These are three very distinguished Canadians who are actively involved in trying to bring together the two sides in that process.

In this case, Canada is very much showing that we deeply desire peace in Northern Ireland.

* * *

AIRLINE INDUSTRY

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, for months the government has said that it would rely on the private sector for a solution to Canada's airline industry problem. Now we understand that the transport minister will decide on what is an acceptable deal.

Will the minister tell Canadians exactly what government policies and current laws he will change to accommodate either of the two offers before him?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, we have always said that it was up to the private sector to decide on business arrangements that were acceptable to them. Once a proposition is decided on by the shareholders of Air Canada and Canadian Airlines, it will have to be submitted to the government for approval to see whether or not it meets the conditions that I have outlined a number of times.

I hope the hon. member can wait, but in a few minutes I will be giving more information to her and will certainly entertain questions in a more detailed fashion.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, Canadians watch question period more than they watch a committee meeting. I would like to know if the minister, who has had both the Onex proposal and the Air Canada proposal before him for a week and has had a chance to look at them, knows whether these deals meet his requirements.

Is the minister prepared to support or reject either one of the two offers that have been placed before him?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, the hon. member may be right that more Canadians watch question period than committees. I think I should announce the fact that the committee proceedings will be carried live, in both languages, at 3.30 p.m. eastern time.

AGRICULTURE

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, responding to the member for Halifax last week, the Minister of Agriculture and Agri-Food referred to changes in crop insurance safety nets, NISA, AIDA and undoubtedly other four letter acronyms. What he failed to inform the House was whether or not this new-found federal flexibility would actually result in any new money, particularly for hard-pressed, cash-strapped prairie farmers. The farmers want a straightforward answer.

Could the minister tell the House whether there will be any new money for any of these programs?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, in the debate in the House yesterday I informed the House that we are continually looking for other ways, new ways and continuing ways to support Canadian farmers.

The government has shown that it has done that in the past and will continue to support the farmers in every way we possibly can as resources become available in the future.

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, if the minister needs a new acronym to justify the expenditure may I suggest the Canadian advancement for Saskatchewan husbandry, otherwise known as the cash program.

The premiers of Manitoba and Saskatchewan will be meeting with cabinet ministers later this week. Farmers on the verge of desperation want to know whether the government is going to extend a helping hand. With a projected federal surplus, farmers know the way is there. What they do not know is if the will is there.

Once again I ask the minister if there is any willingness on his part to assist in this endeavour?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, we have clearly shown our willingness and we have shown the way. We put in place a program, not even a year ago, that is putting over $900 million, along with $600 million from the provincial government, into the hands of farmers.

If we look at the election platform of the hon. member's party, in 1997 it said that the additional money that it would put forward to the ministry of agriculture and to the agricultural industry in Canada was $11 million. That is a long way from $900 million.

* * *

HOMELESSNESS

Mr. Gilles Bernier (Tobique—Mactaquac, PC): Mr. Speaker, the minister responsible for homelessness secretly hired 18 new staff members in May at a cost of over $1 million. Neither the minister nor her million dollar staff have produced anything to help the homeless. A million dollars could have provided shelter for 30,000 homeless Canadians. Is it more important to the minister to spend $1 million on staff or to help provide shelter for 30,000 Canadians?

• (1445)

Hon. Claudette Bradshaw (Minister of Labour, Lib.): Mr. Speaker, I inform the House that the minister responsible for the co-ordination of homelessness has hired one staff person. All other staff members were sent to me on loan because they were experts in this field.

Mr. Gilles Bernier (Tobique—Mactaquac, PC): Mr. Speaker, if it is on loan it is still costing $1 million. The minister's staff includes three correspondence assistants even though she already had six as the Minister of Labour and six program assistants even though she has no programs to administer.

Will the minister put her million dollar staff to work producing a homeless strategy, or will she let thousands of Canadians freeze on the streets again this winter?

Hon. Claudette Bradshaw (Minister of Labour, Lib.): Mr. Speaker, I hired one staff person. All the other staff was given to me on loan.

The staff members that were given to me on loan have all the reports that were written on homelessness. They have also have all the recommendations I have received this summer from communities and are putting those recommendations in place.

I assure the House that they have taken their work very seriously. We are concerned about what is happening with the homelessness situation and we will work on it.

* * *

ORGANIZED CRIME

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, my question is for the Minister of Justice and Attorney General of Canada.

Money laundering, corruption and other criminal activities pose a serious threat to the stability of the emerging democracy in the Soviet Union and contribute to organized criminal activities in Canada.

In light of the recent G-8 meeting in Russia, would the minister explain to the House what steps the government is taking to control the activities of multinational criminal organizations?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member raises a very important issue. Let me reassure the House that the government is committed to the fight against transnational organized crime both at home and abroad.

For example, in June 1997 the government amended the criminal code to ensure that we could investigate and prosecute those involved in organized criminal activities. Earlier this year the government reformed the extradition act to expedite the extradition of alleged criminals from this country. In addition, my colleague, the Minister of Finance, will reintroduce in coming weeks Bill C-81 to combat money laundering.

* * *

THE ENVIRONMENT

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.): Mr. Speaker, we are only a week away from the sixth conference on the Kyoto agreement, and Canadians still do not know how the government plans to meet the UN imposed emission targets. The only thing Canadians have heard from the government on global warming is that it does not like sport utility vehicles or flatulent livestock.

Does the minister plan to break the promise made by the Prime Minister that there will be no new taxes to meet his Kyoto targets?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, once again the official opposition has missed the bus. The Bloc asked the question yesterday and I answered this very point.

The fact is that we now have in place committees of 450 people from the private sector, the provincial governments and the federal government who are working together to work out a strategy. The position taken by the Canadian government is virtually identical to that announced yesterday by Chancellor Schroeder of Germany. We are on track to achieve our Kyoto targets.

* * *

[*Translation*]

HOMELESSNESS

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, yesterday, the Minister of Labour admitted that the federal government had made cuts and that this had contributed to increased poverty.

My question is for the Minister of Labour. Since this is the first time that a minister in this government has admitted that federal government cuts have hurt the most disadvantaged and the homeless, can she tell us what she intends to do about the situation?

Hon. Claudette Bradshaw (Minister of Labour, Lib.): Mr. Speaker, during my travels this summer, I heard that cuts at the federal and provincial levels had had an impact on poverty and the situation of the homeless in Canada.

This government asked me to play a co-ordinating role. I spent the summer visiting communities across Canada, because we want to do something about the homeless. We will do so in partnership with committees, municipalities and the provinces.

* * *

• (1450)

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, the government says that it is concerned about poverty, but its actions say otherwise.

Alain Boudreau, a young seasonal worker, is getting $50 a week in employment insurance benefits because the method of calculation takes only his last 26 weeks of work into account.

If the calculation were based on a year, Alain would receive $272 in benefits. This makes a world of difference for a young person starting out.

My question is for the Prime Minister. Does he think that $50 a week is enough to live on?

[*English*]

Ms. Bonnie Brown (Parliamentary Secretary to Minister of Human Resources Development, Lib.): Mr. Speaker, we have to remember that EI is not an industry or a business. It is an income support program for those who qualify. Those who are eligible apply for it and receive benefits based upon the earnings they have been taking home from the jobs they have had.

If the member would like to bring the particular details of this case to my attention, I will investigate it with him.

* * *

[*Translation*]

HOMELESSNESS

Ms. Diane St-Jacques (Shefford, PC): Mr. Speaker, on March 25, the minister responsible for the homeless promised to put a strategy in favour of these poor Canadians in place within 30 days. It is now 215 days since the promise was made.

Could she tell us where the strategy and the money are?

Hon. Claudette Bradshaw (Minister of Labour, Lib.): Mr. Speaker, for 31 years I have worked in the fight against poverty.

When I went to Toronto, I promised to meet mayor Mel Lastman within 30 days, certainly not to come up with a long term solution for the homeless in that time frame.

* * *

[*English*]

HEALTH

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, my question is for the Minister of Health. Some 30% of Canadians

live in rural communities yet only 14.3% of general physicians practise there. Fewer than 3% of all specialists operate in rural communities.

What immediate action will the minister take to correct the tragic situation for health care in rural Canada?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the government is working actively to assist provinces in meeting their responsibilities to make services accessible to Canadians no matter where they live, including the one-third of Canadians who live in rural and remote parts of the country.

For example, we have appointed for the first time an executive director of rural health to work with me in developing health policies that will respond to this real challenge.

Just this past weekend we funded a very successful national conference on strategies for rural health and rural research. We put aside money in the budget for rural health strategies. We are committed to getting the job done.

* * *

THE ENVIRONMENT

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.): Mr. Speaker, we still have not heard from the minister on the government's position on the UN imposed emission targets.

All we have heard is that the minister will either throw Canadians out of their cars with a gas tax or out of their jobs with a carbon tax.

Will the minister end the mystery today and table the government's proposal to meet the Kyoto emission targets?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, contrary to what the hon. member said, the agreement in Kyoto was arrived at by 160 countries. It was not imposed by the United Nations.

Further to what he said with respect the issue of taxation, all members of the government have made perfectly clear that we do not believe a broad based carbon tax would be an appropriate way to go.

There are however many other other measures, including incentives whereby we can work together to achieve the Kyoto targets. These targets are very important for us to achieve.

* * *

[*Translation*]

GENETICALLY MODIFIED FOODS

Ms. Hélène Alarie (Louis-Hébert, BQ): Mr. Speaker, last week the newspapers carried an Agriculture and Agri-food Canada advertisement looking for a geneticist to plan, set up and direct a transgenic products program.

My question is for the Minister of Agriculture. Are we to take this job advertisement for someone to plan, set up and direct a program for genetically modified food products as confirmation that such a program does not exist within his department at the present time?

• (1455)

[*English*]

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the centres of excellence and the considerable amount of research staff that we have in Agriculture Canada are always working to find new ways of technology, advancing science and improving science which has been the standby and safeguard for the advancement of the agriculture and agri-food industry in Canada.

We have those kinds of scientists and we do that kind of work. When the work is finished and in the process we check it based on safety and the best science available today. That is how the decisions on the results of that work are based.

* * *

EQUALITY

Mr. Gordon Earle (Halifax West, NDP): Mr. Speaker, the throne speech stated that our diversity was a source of strength and creativity.

The government overlooked an experienced and qualified black judge in Her Honour Judge Corrine Sparks during a recent appointment in Nova Scotia. The government has fanned the flames of racism with its inept handling of the Nova Scotia fisheries dispute. The government has failed miserably to promote visible minorities within the federal public service.

What is the government doing to address racial inequities both in its own policies and racism within the ranks of hiring of the public service?

[*Translation*]

Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, contrary to what the hon. member says, our government has indeed taken steps to make the public service even more inclusive. As soon as we were apprised of the problems, my predecessor set up an external advisory board headed by Mr. Perinbam to advise the government on how to achieve an even more inclusive public service.

I do not think that our government has anything to learn from the New Democratic Party on this score.

* * *

HOMELESSNESS

Ms. Diane St-Jacques (Shefford, PC): Mr. Speaker, on March 24, the Minister responsible for the homeless stated in the House that it was her responsibility to ensure that all Canada's children have a safe bed to sleep in.

Unfortunately, the minister has not kept that promise. Why is she condemning homeless children to yet another winter out on the street?

Hon. Claudette Bradshaw (Minister of Labour, Lib.): Mr. Speaker, I would like to assure all the poor children throughout Canada that there is someone here who speaks for them. I can assure them that I will continue daily to work to ensure that children have a warm bed to sleep in every night.

* * *

[*English*]

NATIONAL PARKS

Mrs. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, a decade ago the government made a commitment to establish more national parks.

Could the Minister of Canadian Heritage explain how this commitment made a decade ago will be fulfilled?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I thank the hon. member for her question. In particular I was pleased to participate with the hon. member for Nunavut in a celebration in Pond Inlet where the Government of Canada formally signed an agreement with the Inuit of the eastern Arctic to establish three new national parks.

Auyuittuq, Quttinirpaaq and Sirmilik national parks could not have happened without the help of the hon. member and the Inuit people. We thank her and the Inuit people for a very progressive pro-management agreement in three new national parks.

* * *

FOREIGN AFFAIRS

Mr. John Nunziata (York South—Weston, Ind.): Mr. Speaker, my question is for the Minister of Foreign Affairs. The minister leaves later today to lead a delegation of foreign ministers to meet with the military dictatorship in Pakistan.

Could he indicate to the House the position he will take on behalf of the Commonwealth? If the military junta does not provide for a timetable for a return to democracy, could he indicate to the House what the position of the Commonwealth and the position of Canada will be?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, I thank the hon. member for the question. I should also say that I appreciate having his company on the trip. I know it will be a great asset. It is very important that members of parliament be involved in these matters.

I will answer the question simply. I want to point that this mission was authorized by the Commonwealth to take the message that under the Harare declaration we do not accept military overthrows of democratically elected governments. We would like to see the regime there establish a clear set of timetables to develop how it will restore democracy and equally so protect the rights of people who have been arrested during that period of time.

* * *

• (1500)

DANGEROUS OFFENDERS

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, Glen Galbraith, a convicted sex offender, became the 49th unlawfully at large prisoner from Sumas Community Correctional Centre since January 1998. This long time drug addict and career criminal sexually attacked two teenaged girls from Victoria, British Columbia.

Did he tunnel out? No. Did he scale a fence? No. He packed his fishing rod and his golf bag and he jumped in his own car and took off.

My question is for the solicitor general. Since his last stint was nine years, why has this government failed to prepare this sex offender for release?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, this offender was granted day parole by the National Parole Board. When it was discovered that he did not return, a Canada-wide warrant was issued for his arrest. I can assure my hon. colleague that the RCMP is working with all police forces across the country to apprehend this individual as soon as possible.

* * *

[*Translation*]

PRESENCE IN GALLERY

The Speaker: I wish to draw hon. members' attention to the presence in the gallery of Her Excellency Madam Esperanza Aguirre, Speaker of the Senate of the Kingdom of Spain, and her delegation.

Some hon. members: Hear, hear.

[*English*]

The Speaker: I would also like to draw the attention of hon. members to the presence in the gallery of Mr. Jiang Xinxiong, leader of a delegation from the National People's Congress of China.

Some hon. members: Hear, hear.

● (1505)

The Speaker: Order, please. Before we resume debate we will pay tribute to one of our former members, Mr. Ian Wahn, who passed away. The spokesperson for the Liberal Party will be the member for St. Paul's.

* * *

THE LATE HON. IAN WAHN

Ms. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, I rise to pay tribute to a former member for the riding of St. Paul's, Ian Wahn.

He was born in Herbert, Saskatchewan, schooled in Swift Current and obtained his Bachelor of Law degree at the University of Saskatchewan. After that he obtained a Rhodes scholarship to Oxford University in England and then his M.A. there in jurisprudence. He was called to the bar from Osgoode Hall Law School in Toronto in 1943. By that time World War II had broken out and Mr. Wahn served with the Queen's Own Rifles of Canada in both the Netherlands and Germany. He earned the rank of captain by the end of the war.

In 1942 he married Pearl Lychak who died in 1988. They had two children, Ian and Gordon.

Mr. Wahn was first elected to the House of Commons in 1962 having defeated Progressive Conservative Roland Michener who then was Speaker of the House. He was re-elected in 1963, 1965 and 1968. While in the Commons he served on many committees, including banking and finance, justice and legal affairs, industry and energy, privileges and elections. After he was re-elected in 1968, he served as chairman of the national defence and external affairs committees.

As a member he sponsored bills to reform the laws relating to immigration, divorce and birth control. He authored the Wahn report from the committee on Canadian-American relations on Canadian control of the economy and culture.

In 1972 Mr. Wahn lost his seat to Ronald Atkey who had won the seat for the Conservatives under Robert Stanfield. He returned to his law practice afterward working with the firm of Borden and Elliot and in 1961 helped form the firm of Wahn, Mayer, Smith, Creber, Lyons, Torrance & Stephenson, now known as Smith Lyons.

This morning I asked the member for Davenport who had served in his constituency association in 1964 about his remembrances. He felt that Mr. Wahn served a valued role as a parliamentarian. He called him a small *l* liberal of the first order with a true understanding of democracy. He said that Mr. Wahn had a skill for organizing community meetings and citizen fora and for explaining and obtaining feedback on some of the most complex issues that affected the country. He had regular meetings from November until June each year with invited colleagues from Ottawa.

He was viewed as a first rate bridge between Ottawa and Toronto. He had a highly developed social conscience which resulted in effective representation on behalf of his constituents on issues such as pensions, disability and services for immigrants.

It was in the services for new immigrants that he made a huge impact. The Deputy Prime Minister reminded me that a large number of the constituents in St. Paul's in those days were of Chinese origin. Mr. Wahn would say that some of his constituents thought he was Chinese but when they found out that he was not Chinese they voted for him anyway. I think he had earned his stripes in the way of immigration services and by being an excellent constituency representative.

As we now strive for antidotes to the cynicism and apathy about government, politics and politicians, we must endeavour to look to the example of the true constituency MPs like Ian Wahn. Every day he demonstrated a true respect for the role of the citizen in a working democracy.

As the member for St. Paul's, the success of Ian Wahn in the area of citizen engagement and social justice provides a daily inspiration to me.

Mr. Werner Schmidt (Kelowna, Ref.): Madam Speaker, I rise in the House today to pay tribute to the late Ian Wahn. While I did not have the pleasure of meeting Mr. Wahn, it is my understanding that he was a dedicated parliamentarian for 10 years, from 1962 to 1972.

● (1510)

While in the House of Commons he served on several committees, including banking and finance, justice and legal affairs, industry and energy, and privileges and elections. Additionally, he served as chairman of the national defence and the external affairs committees.

He was an accomplished lawyer both prior to and after his parliamentary career. His professional success flowed naturally from his academic achievements. He was a Rhodes scholar, having received both his B.A. and M.A. from Oxford University. He later returned to Canada and finished law school at Osgoode Hall in Toronto. He was a patriot and veteran who served with the Queen's Own Rifles of Canada during the second world war. He earned the rank of captain by the end of that war.

It is with great respect that I pay tribute to the memory of Ian Wahn. I extend my condolences to the family and friends of a true gentleman, scholar and patriot.

[*Translation*]

Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, just over one month ago, on September 14, 1999, Ian Grant Wahn died at the age of 83.

A native of Saskatchewan and a lawyer by profession, Mr. Wahn served in Holland and Germany during World War II. From 1962 to 1972, he made his career in federal politics. He was elected four times to represent the Toronto riding of St. Paul's as a Liberal, defeating Progressive Conservative Roland Michener, who would go on to become Governor General of Canada.

During his political career, Mr. Wahn's interests included finance, justice and industry. During his last term of office, he chaired the Standing Committee on National Defence and External Affairs.

In a tribute to his father, one of his two sons spoke of his charisma, his kindness and his consideration for others. His greatest desire was to help correct what he felt to be wrong. It was therefore not surprising that he introduced bills that reflected his social vision with respect to abortion, divorce, birth control, and immigration.

On behalf of the Bloc Quebecois, I pay tribute to a politician who, for ten years, devoted his energies to the service of his fellow citizens. His children, his grandchildren and his friends can be proud of him.

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Madam Speaker, on behalf of the NDP caucus, I would also like to pay tribute to Mr. Ian Wahn and to offer condolences to his family at this sad time.

We pay tribute to Mr. Wahn because although none of us had the opportunity to know him, we note that he had a very distinguished career serving this House of Commons and serving his country in both peace and war. He also had a distinguished academic and legal career.

We gather all these things up and give thanks for the life and work of a distinguished Canadian citizen.

Mrs. Elsie Wayne (Saint John, PC): Madam Speaker, I join with my colleagues in the Progressive Conservative caucus to pay tribute to the late Ian Wahn.

He has quite properly been described as a gentleman politician and a Canadian patriot. A Rhodes scholar, he answered his country's call and served in Holland and Germany with the Queen's Own Rifles of Canada during the second world war.

After the war he worked as a lawyer. He worked on such projects as the trans-Canada pipeline. But his sense of public service drew him to public office where he accomplished exemplary work in the field of immigration. While he sat on the opposite side of the House from our members, he won the respect of both sides with his outstanding character, kindness and diligence.

Canada is a better place because of his lifetime of service. We join all members in extending our condolences to the Wahn family. They can be very proud of their father and their grandfather.

* * *

POINTS OF ORDER

COMMENTS IN CHAMBER

Ms. Angela Vautour (Beauséjour—Petitcodiac, PC): Madam Speaker, I rise on a point of order.

A question was asked today regarding a serious problem with a New Brunswick UI recipient. The member for London North Centre stated in the House in defence of his government ''The people of Ontario are paying your bills'', meaning New Brunswick. He is the chair of the national Liberal caucus. I believe a discriminatory comment like this means he should resign from that position because he does not represent the national all Canadian—

● (1515)

The Acting Speaker (Ms. Thibeault): That is not a point of order. We are getting into debate.

GOVERNMENT ORDERS

[*English*]

NISGA'A FINAL AGREEMENT ACT

The House resumed consideration of the motion that Bill C-9, an Act to give effect to the Nisga'a Final Agreement, be read the second time and referred to a committee, and of the amendment.

Mr. Mike Scott (Skeena, Ref.): Madam Speaker, I rise today to speak to the Nisga'a treaty, which is arguably, in my opinion and in the opinion of many of my colleagues, one of the most important bills the House will ever deal with, certainly the most important bill that I will likely deal with as a parliamentarian in my time in office and in my time in Ottawa.

I have spoken to the Nisga'a treaty in previous debates in the House at length. I have talked about many different aspects of it. I

could go on today to talk about such issues as the costs of the treaty. The government originally tried to persuade us that the cost of the treaty would be $200 million. It now admits that it will be $500 million. However, an independent study indicates that in fact it is probably more like $1.3 billion and counting.

I could talk about such issues as resource allocation and forestry concerns in British Columbia. People in the forest industry have reviewed this agreement and they say, contrary to what the government says, that this agreement does not provide certainty, does not provide a level of comfort for the forest industry and in fact creates greater uncertainty than existed before.

I could talk about fisheries issues, such as the creation of a new Nisga'a only commercial right to fish, which will be exclusive. We have said to the government in the past that we have no objection to increasing Nisga'a participation in the fishery, but do it the right way, do it by buying existing boats and licences and conveying those so that everybody is participating on a level playing field, rather than creating a Nisga'a only right, based on blood lines, which will give the Nisga'a exclusive access to a resource which other Canadians will be denied.

The government continues to refuse to listen. It will not listen to advice from the official opposition. It will not listen to British Columbians. It does not care what British Columbians think. In an interview two days ago the minister said that this is not an issue about British Columbia, it is an issue that goes beyond British Columbia. We do agree with him on that, but the immediate impact is going to be felt in that province, which happens to be my province.

The minister said that he frankly does not care what British Columbians think, he is going to ensure that this treaty passes anyway. That is the height of arrogance. How does this government expect to win public support for this kind of initiative when the minister of the crown who is responsible for the treaty displays that kind of attitude?

I could talk about other issues, such as the fact that the agreement grants the Nisga'a central government legislative supremacy in at least 14 areas that go beyond the reach of this parliament or the provincial legislatures. Consider that for a minute. It goes beyond the reach of this parliament. That means that for all times Nisga'a laws will prevail over federal or provincial laws in the event of a conflict.

Our friends in the Bloc Quebecois have certainly picked up on this. In an interview yesterday the member who is the aboriginal affairs critic for the Bloc Quebecois said they are supporting the treaty largely because they see very interesting similarities between the Nisga'a treaty and what they see as their vision of sovereignty association for Quebec with the rest of Canada.

The government will rightly deny the Bloc and the PQ that kind of relationship, that kind of accommodation, but it will provide it to the Nisga'a people in northern B.C.

● (1520)

If the government truly believes it is a good idea, is it prepared to offer the same accommodation to Lucien Bouchard as it has offered to the Nisga'a people and the Nisga'a government in northern B.C.? Is the government prepared to offer that exact same accommodation?

I suggest there is no way that the government would offer that same accommodation. If it is good enough for B.C., why is it not good enough for Quebec? I will tell the House that the government will never go down that road when it comes to Lucien Bouchard and the sovereignists in Quebec, but it certainly is going down that road in British Columbia. The implications are enormous.

I could go on to talk at length about that. I could talk about the unconstitutional nature of the treaty. There are two separate legal challenges in British Columbia right now, with more coming. At the heart of this agreement is the constitutionality of it. The federal government, by agreeing to convey and cede legislative authority in 14 areas, is doing something that it has no constitutional right to do.

I would refer members of the House to a Supreme Court of Canada decision which was rendered in 1950 in the Lord Elgin Hotel case in which the supreme court said that the constitution of Canada does not belong to parliament, it does not belong to the provincial legislatures, it belongs to the people of this country and the parliament of Canada has no right to cede legislative authority in any area.

Sections 91 and 92 of our constitution exhaustively set out legislative jurisdiction and authority in this country between the federal government and the provinces. The Liberal government is trying to use extra constitutional means to get around that to provide supreme legislative authority to the Nisga'a central government in at least 14 areas.

We say that is a mistake. It flies in the face of what the Supreme Court of Canada said in 1950 in the Lord Elgin Hotel case. It flies in the face of what Canadians said in 1992 when they said no to the Charlottetown accord.

The government does not really care about what Canadians think and what Canadians say. That is obvious. Ever since the Charlottetown accord was defeated the government has been constructing backdoor ways of doing all the things in the Charlottetown accord that Canadians said no to. That is what this Liberal government is about. As a Canadian I am very offended that the government would act in that manner. I know that people in British Columbia are extremely offended.

I can tell members that in the debate on the Charlottetown accord in my province of British Columbia, leading up to the vote on the referendum, the major consideration for many British Columbians

in deciding whether to accept or reject the Charlottetown accord was the aboriginal self-government provisions that were contained in that accord. If that clause was not contained in the Charlottetown accord it is very likely that support for the entire concept would have been much higher, certainly in British Columbia and maybe in many other areas of Canada.

The government is intent on constructing, brick by brick, the Charlottetown accord in the face of Canadians who said no to it. I do not understand how the government could be so arrogant as to do that, but that is what it is about.

I want to talk about how this is going to affect individual people. I heard the minister of Indian affairs say two or three times that the Nisga'a treaty is a way of bringing the Nisga'a people into Canada. I have to ask myself the question: Where were they before the treaty? Were they outside Canada? I do not think so.

On Friday evening I happened to have an opportunity to have coffee at the Vancouver airport with a lady by the name of Mazie Baker, who is a member of the Squamish band. She had the same questions for me. She heard the minister of Indian affairs saying that this was a way of bringing the Nisga'a people into Canada. She asked: ''Does that mean I am not a Canadian? Does it mean that until the Squamish band signs a treaty with the federal government I am not a Canadian?'' She was always under the impression that she was a Canadian and she wanted me to ask the minister on her behalf whether she was.

I do not understand how the minister could make a statement like that without thinking about how it would impact and how it would get people like Mazie Baker thinking. Mazie also asked me, as many other native women have in British Columbia, why the government is prepared to concentrate power in the hands of the Nisga'a central government or any government to the extent that it has.

● (1525)

This is a problem that does not exist with native people alone. We have the problem nationally. We always have to implement checks and balances whenever we have governments to ensure that power is not too closely held. As a matter of fact, that is one of the main planks of the Reform Party's policy. We think that power is too concentrated in Ottawa. We have some constructive ideas about how to decentralize and spread that power base out over a wider area, rather than having it concentrated in the PMO's office like it is right now.

Grassroots people ask us why the federal government is prepared to ignore our rights as individuals in favour of collective rights only. They have no problem with the concept of collective rights, but they want their individual rights to be recognized. They ask what they will get out of the treaty process as an individual, whether they will be able to own a piece of land and make personal decisions about what to do with that land with their family.

They want to know if they will get some kind of cash benefit that will be real and meaningful which they can use as a means of getting a head start and maybe starting a small business. They say that they will not get that. What they will get is a government above them which will have a tremendous amount of power and control over resources, land, cash and so on. They are not happy with that prospect.

We talked to native women from across Canada, but particularly in British Columbia. I met in the spring with Marilyn Buffalo, who is the head of the Native Women's Association of Canada. Marilyn expresses the view very well that aboriginal women in Canada, particularly those who live on reserve, do not enjoy very much in the way of rights. They certainly do not have the same rights as non-aboriginal women living off reserve.

In the event of a marriage breakdown, a non-aboriginal woman has the protection of the law for access to the marital home and a guarantee that she is half owner of family assets, including the marital home. On reserve, because there are no private property rights, there is no opportunity to ensure that those rights are guaranteed for aboriginal women.

In the event of a marital breakdown, most often it is the woman and children who are out on the street. The Nisga'a treaty, which is supposed to address the problems existing today in Canada, does nothing to address that. I argue that it will make it infinitely more difficult in the future for the federal government to correct the situation, if it ever chooses to do so, because of the legislative authority that will be granted under this agreement for all time.

I hear from native people all the time concerning their rights and the lack of accountability which they encounter. Many times we get calls, letters and faxes from grassroots native people living on reserve asking for our help. We have received serious questions and in some cases serious allegations about the misuse of band funds, the misuse of assets and about nepotism.

When they write a letter to the minister of Indian affairs he writes back telling them it is a matter for the band to resolve. The government takes a hands off approach, but at the same time that same ministry is directing huge blocks of funding into that same band leadership with very little in the way of strings attached or accountability. Most often the grassroots people who we hear from have difficulty getting the money together to make a phone call because they are so broke. They do not have resources and they are not getting access to the resources on reserve. They are not getting the accountability they are looking for.

I cannot understand why the government time after time ignores the pleas and cries for help from those people. In having coffee Friday evening with two members of the Squamish Band, Mazie Baker and Wendy Lundberg, I could sense their level of frustration when they asked ''Why is it that when we write to the minister it falls on deaf ears? Why is it that we cannot be heard?''

● (1530)

They came to Ottawa in the spring when Bill C-49 was debated to testify before the Senate committee on aboriginal peoples. They tried to encourage the Senate to make amendments to that legislation which would protect their rights. They made a very cogent presentation to the Senate and to the House of Commons Standing Committee on Indian Affairs and Northern Development. Both committees ignored them. Their rights were not protected. The amendments they proposed were not accepted. They travelled all the way here and went back empty handed.

They are still crying out for help. They want their individual rights respected and protected but they are not getting it. They have told me they have looked at the Nisga'a agreement. They see it as a further entrenching of the status quo, making it infinitely more difficult to ever see their individual rights and the individual rights of other people respected.

Increasingly we see grassroots Nisga'a people writing letters to the editor and expressing their views. When the ratification vote took place it was a mere two months after the deal was publicly unveiled. Until that time it was secret deal. Neither the grassroots Nisga'a people nor the rest of the non-aboriginal people in British Columbia had any real idea of what the deal contained.

They had a period of only eight or nine weeks after the deal was unveiled to consider an agreement that was 220 to 230 pages long, with 400-odd pages of appendices, before they were required to vote on it in a referendum.

I remind the House that the vote showed that just over 60% of the Nisga'a people supported the deal. It is very important for members of the House to be reminded that many Nisga'a people had trouble with the agreement for one reason or another and did not support it.

It is beyond me why the government wants to think of the Nisga'a people, or any aboriginal band for that matter, as some kind of homogeneous group that thinks the same way, wants the same things and agrees on the same set of principles, conditions and so on. Nothing could be further from the truth. They are every bit as much individual as we are.

That leads me to the main point I want to make. The government and previous governments have encouraged aboriginal people over a long period of time to see themselves as separate and apart from the rest of Canada, to the extent that aboriginal people, particularly aboriginal leaders, look at the principle of equality as some kind of a threat or negative thing.

This is unfortunate. Nothing could be further from the truth. True equality is not only the best way to preserve harmony in society. It is the very best way that we know of to guarantee democratic rights to individuals, to provide individuals with economic opportunity, and to ensure that native people are treated in a manner that allows them to get on with their own lives and to make personal decisions about what they want to do instead of being herded on to reserves and told that if they want to be identified as a Nisga'a, as a Tsimshian or a Tsuu T'ina they have to live on reserves with no property rights and in abysmal conditions. That is the only way they can maintain their identity.

We say that equality is about equality in law and allows plenty of room to respect and celebrate cultural differences. I do not think there is a person in this place who does not respond to the fact that we as Canadians have a very rich heritage. The unique languages, customs and traditional dress of aboriginal people are part of our Canadian culture. We see it expressed in many different ways, but celebrating one's cultural diversity should not lead to segregation in law, which is what the federal government's position has been for a very long time.

● (1535)

As my leader pointed out this morning in his speech, in 1968-69 the federal Liberal Party under the leadership of Pierre Trudeau seemed about to break from that kind of thinking. It seemed to be on the verge of a new way of proceeding forward but lost its courage. In losing its courage it has broken faith with grassroots aboriginal people. Many of the very serious and abysmal conditions we see on reserves today could have been avoided had the Liberal Party not done that. We urge its members to reconsider following through on 19th century thinking.

As my leader said this morning, we should think outside the box and look for another alternative that puts individual rights over collective rights and puts the opportunities that may be accorded by the federal government in the hands of individuals, not in the hands of collectivities.

Ms. Libby Davies (Vancouver East, NDP): Madam Speaker, having listened to the member for Skeena I find it incredible that so much misinformation continues to come forward from that member and other members of the Reform Party. There are many contradictions in the arguments they put forward in debate.

Just a few moments ago we heard the member for Skeena state that he and the Reform Party believe that aboriginal people such as the Nisga'a people should get on with their own lives and that they should be treated with respect, dignity and equality.

If the member, his leader and other members of the Reform Party really believe that, why would they deny the Nisga'a people the treaty when they finally sat at the table as equals with respect, dignity, due process and open public process to negotiate the treaty?

It seems to me that the Reform Party is absolutely hypocritical in its approach to this question. On the one hand the Reform Party claims to be upholding the rights and equality of aboriginal people,

but on the other hand it is prepared to sabotage the agreement. I would like the member to comment on that.

It was quite astounding this morning to listen to the leader of the Reform Party say that he wanted to show another way for treaties in the future. He wanted the Nisga'a people to adopt what in effect was the market ideology. That is what he was calling on the Nisga'a people to do.

If the member believes in the individuality and rights of aboriginal people, surely he must admit and acknowledge that they have their own position, history, experience and arguments to determine their own future. Why would the Reform Party say that it is its way or no way, that it is the market ideology or otherwise the Reform Party will trash them? I would like the member to comment on that.

Mr. Mike Scott: Madam Speaker, I reject the suggestion that the Reform Party, myself personally or anyone connected with the party is intent on trashing anyone. That type of mischaracterization is not at all helpful to the debate.

As soon as one objects to a policy direction of the government when it comes to aboriginals or immigration, it seems the conduct of its members is to come after one's personality, character, motives and morals. They question those because they do not want to debate the substance of the issue.

I would like to correct the record for the hon. member who has spoken about public forums. There were no public forums in advance of the treaty being unveiled, none whatsoever. I happen to live in the area for which the treaty was negotiated. We begged the negotiators to bring this process out into the open. They said no. They had signed a document that secretized this process and they said they would stick to that. They would not make it public.

• (1540)

In terms of market ideology I know the hon. member, being a member of the NDP, is firmly committed to socialist doctrinaire, but surely she must recognize that this doctrinaire has failed everywhere it has been tried in the world.

How many times do we have to see failure before we get to the point where we say maybe it does not work? Why would the Government of Canada be encouraging an economic system that is an obvious failure everywhere it has been tried and be foisting it upon the Nisga'a people?

I suggest the hon. member should consider very carefully that what is in the long term best interest of the Nisga'a people is something that works. Surely after 132 years of policies and treaties that do not work members of the House should be interested in something that does.

I would make one further point. If treaties were so good for aboriginal people, one should be able to make the argument that those parts of Canada covered under treaty and all the aboriginal people there should be better off than in British Columbia where they are not covered by treaties.

For the hon. member's benefit, if she has not visited reserves in other parts of Canada, they are not better off. I would argue that in many cases they are worse off where they have treaties. She should not tell us that treaties are the answer. They certainly have not been the answer for 132 years.

[*Translation*]

Ms. Raymonde Folco (Laval West, Lib.): Madam Speaker, I sense that the member for Skeena cares deeply about these issues, but I wonder whether his information is accurate.

[*English*]

A few minutes ago the member told us about aboriginal women and how they did not have equal rights. I would like to remind him, or perhaps even inform him because I am not at all sure he has read the treaty, that the rights of aboriginal women are fully protected under Canada's legal framework through the treaty.

We are talking about subsection 35(4) of the Constitution Act, 1982, which guarantees treaty rights equally to men and women. Let us also not forget that the Canadian Charter of Rights and Freedoms applies to all decisions of the Nisga'a government. All decisions have to be accepted in an indirect way through the charter of rights and freedoms.

I would also like to remind him that political rights are provided equally to men and women under the Nisga'a final agreement and the Nisga'a constitution.

Finally, and this is also an important part, federal and provincial human rights legislation will apply to the Nisga'a government and to the Nisga'a people.

We talked about marital breakdown. Unfortunately it happens all too often. In the case of Nisga'a men and women the British Columbia family relations act will determine the division of all matrimonial property, and not Nisga'a law. We see once again that Nisga'a women, just as Nisga'a men, are protected by the constitution of Canada, by provincial laws and by Canadians laws. I would like the member to reply.

Mr. Mike Scott: Mr. Speaker, I thank the hon. member for her questions. I believe by the tone of her comments that she is truly interested in this subject as well. I thank her for that. I would like to respond to her questions.

On the issue of women's rights it is true the agreement says that provincial jurisdiction or provincial laws will apply. The hon. member has to understand that before there can be a division of

marital assets there has to be a property right attached to them. Right now on reserves in Canada it is the band council that decides who will live in which house because those houses are not individually owned by anybody. They are owned by the band.

There is a potential for the creation of some kind of private property right in the Nisga'a agreement but there is no commitment to it. Without that commitment we cannot guarantee those matrimonial rights to Nisga'a women.

The member talked about charter rights. Yes, it does say that in the agreement, but that is something the Minister of Indian Affairs and Northern Development in my view is using to mislead or misrepresent the agreement. The preamble to the Nisga'a agreement states that the charter of rights and freedoms will apply. That is true. We certainly concede that. It is there in black and white, but we must also understand that section 35 of our constitution recognizes and affirms aboriginal rights. Those are collective rights.

● (1545)

Section 25 of our constitution requires the courts to take into consideration those rights in the event of a conflict between the charter rights of individual Nisga'a people and the collective rights of the Nisga'a as a people. It is not only that the courts must take that into consideration, but they must give a higher priority to the collective right over the individual right.

I urge the member to get out her constitution and read section 25 and section 35. It is very easy to come to the conclusion that our charter rights are put in peril by the section 25 requirement of the courts to say that section 35 will trump individual rights. I urge her to take a look at this because it is very important. If we do not do that, then in five, ten, fifteen years from now we will see that the fallout from that will be some court cases that are going to be seen to be patently ridiculous by most Canadians. Nisga'a individuals will be losing challenges at the supreme court when their charter rights are violated. They will not be on the same level playing field as all other Canadians. That is really unfortunate.

[*Translation*]

Ms. Raymonde Folco (Laval West, Lib.): Madam Speaker, I am extremely pleased to speak to the House today in support of Bill C-9, the bill introduced by the government to implement the final Nisga'a agreement.

The Nisga'a people live in the Nass valley in northwestern British Columbia and have lived there for hundreds if not thousands of years. When the European settlers reached their land, they found a well-organized and self-governing society. That society met its own needs by harvesting the abundant resources of the land on which it lived and by trading with its neighbours. It boasted a rich culture and traditions.

When British Columbia became a province and joined Canada in 1871, aboriginal people made up the majority of its population, yet they had no recognized rights in the political decision making process.

Passage of the Indian Act resulted in the introduction of a band-based administrative regime being imposed upon the first nations, which were henceforth required to submit to close supervision by federal representatives. Potlatches were also outlawed by the government, despite being a tradition at the core of the political and social system of the first nations. As well, children were separated from their families and sent far away to Church residential schools.

Despite these dramatic changes, the Nisga'a and other first nations of British Columbia have survived as a culture and as a people. They cherished their traditional values and their identity and held on to their profound belief that they still held the rights of ownership over their traditional lands.

As early as 1880, the leaders of the first nations demanded treaties that would establish a fair relationship between their people and governments. The Nisga'a were at the forefront among the first nations of British Columbia in exerting pressure on the governments to negotiate treaties. I would remind the members of this House that the Nisga'a have always used diplomacy and peaceful means to achieve this end, even though governments continued to reject their requests.

In 1927, parliament amended the Indian Act to make it illegal for Indians to spend or collect money in order to advance their claims. Thus, native people were denied a right enjoyed by all other Canadians.

When these provisions of the Indian Act were repealed in 1951, the first nations began again to organize themselves in order to pursue their claims for recognition and the ability to negotiate treaties.

In 1968, the Nisga'a, under the leadership of the chief at the time, Frank Calder, initiated proceedings in the courts that led in 1973 to a decision by the Supreme Court of Canada. In this decision, which was extremely important, the court found that the Nisga'a could have had ancestral titles at the time before settlement. However, the justices were divided equally on the matter of the continued existence of these titles.

● (1550)

Further to this decision, the federal government adopted a policy on global land claims, and in 1976 began negotiating a treaty with the Nisga'a.

In 1982, when the Canadian constitution was patriated, the rights of the native peoples of Canada were finally recognized. Section 35 of the Constitution Act, 1982, recognized and confirmed the existing ancestral rights and the treaty rights of the native peoples of Canada.

However, section 35 does not contain a definition of the rights included in ''existing ancestral rights'' that remain to be determined through negotiation or recourse to the courts.

The purpose of these treaties is to reconcile the historic rights of native peoples with a contemporary context, recognizing that they were living here and governing themselves before the arrival of the Europeans.

Yes, Canada's native peoples have unique rights, which are protected by section 35 of the Constitution Act, 1982. These unique rights have to do with their earlier occupation of this land.

Those who claim that the Nisga'a treaty establishes a government that creates inequality should take a closer look at what it has really accomplished. This treaty spells out clearly the rights the Nisga'a will have in the future.

It was pointed out that Canada's first nations were among the most disadvantaged groups in our society. In all areas, especially literacy, employment, health and development, conditions in their communities were far below Canadian standards. It is inexcusable that a group of persons should be at such a disadvantage in a country like Canada.

The Nisga'a treaty will help ensure that the Nisga'a truly have access to the benefits and privileges to which they are entitled as Canadians, while retaining their identity as aboriginals.

This is what the Nisga'a treaty accomplishes. This treaty recognizes that the history of the Nisga'a precedes the establishment of Canadian sovereignty and it does so in a manner fully consistent with the equality provisions of the charter.

It confirms the unique rights of the Nisga'a, while respecting the rulings of the highest courts of the land. In so doing, it establishes a fair balance between these rights and the interests of other Canadians and makes these rights an integral part of Canada's constitutional and legal framework.

In my view, Canada is not a country where native peoples must stop being native peoples in order to be Canadians. By means of this treaty, we will show that it is possible to be Canadian, while continuing to live in the Nisga'a culture. That is my vision of Canada.

This treaty establishes the rights of the Nisga'a in a number of areas, particularly those having to do with land and resources. It also sets out a practical set of legislative rights to which the three parties to the negotiations, the federal and provincial governments and the Nisga'a, have agreed. The Nisga'a government will be subject to the Canadian Charter of Rights and Freedoms, and the Criminal Code of Canada will continue to apply on Nisga'a territory, as will federal and provincial legislation.

The legislative jurisdictions set out in the treaty are designed to enable the Nisga'a to protect their culture, their language and their property.

Equal rights for women, for example, will be protected by both the Charter and the treaty itself, regardless of what the hon. member has just said in his speech. Provincial divorce legislation will also continue to apply.

The Nisga'a Final Agreement protects the rights of the Nisga'a while recognizing the rights of the non-Nisga'a. The legislative powers of the Nisga'a will be restricted by the provisions of the final agreement, which will also guarantee that special mechanisms are in place to protect the rights of the non-Nisga'a living on Nisga'a land.

Criticism that this treaty gives the Nisga'a the power to take away the rights of other Canadian citizens is simply absurd. For example, the final agreement calls for the Nisga'a to be entitled to a water reserve. This water supply represents only 1% of the average flow of the Nass River. In order to use this water, the Nisga'a must apply for a permit from the British Columbia government as any person must. Anyone can apply to use the other 99% of the flow.

● (1555)

As regards fisheries, the Nisga'a's treaty guarantees the sharing of this resource between the Nisga'a and Canadians. In fact, under the provisions on fisheries in the Nisga'a treaty, the Nisga'a's right to fish is itself subject to preservation measures.

If, for example, conservation measures required a moratorium on fishing, the Nisga'a would not fish, even for domestic purposes, because the Minister of Fisheries and Oceans has the final say on managing fisheries in the Nass region. The Fisheries Act will continue to apply to both the Nisga'a and other fishers. In each of its provisions, the Nisga'a treaty protects the rights and interests of all those who work and live in the Nass region or visit it.

The government knows very well that ratification of the Nisga'a treaty is the step that must be taken in order to look to the future rather than remain prisoners of the past.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Madam Speaker, I congratulate my colleague on her speech.

As all members are aware, we are joining with the government majority in supporting the Nisga'a treaty, because we believe that it is only fair to do so. We certainly believe that the treaty is fair. It will offer the protection of a number of important pieces of legislation, including the Criminal Code, to which my colleague referred. The treaty interests me because I have already had an opportunity to discuss it when I was a member of the Standing Committee on Citizenship and Immigration, of which I have very fond memories. Unfortunately, I must inform the member that I

will no longer be serving on this committee. I can see her disappointment already.

My question for her is this: The Nisga'a treaty recognizes the right to a form of citizenship for Nisga'a residents. I myself introduced an amendment to the Citizenship Act in the previous parliament asking that citizenship in Quebec be recognized. As members know, there is such a thing as Quebec citizenship. We wanted this amendment so that we could present explanatory material about it during swearing-in ceremonies.

Setting aside her somewhat indecent haste, I ask my colleague whether she would agree to support such an amendment, since the Nisga'a are being allowed a form of citizenship. I think it would be only right to recognize citizenship in Quebec as well.

Ms. Raymonde Folco: Madam Speaker, the only response I can give to the hon. member is that when we were both on the Standing Committee on Citizenship and Immigration, we disagreed on various issues.

Today, what I am here for is to answer questions on the bill before the House, and that is the only answer I can give.

I believe that the hon. member's question is not relevant to the debate we are having in this House today, but I will be pleased to meet with him in private to discuss citizenship and immigration issues.

[*English*]

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Madam Speaker, I would like to thank the hon. member for her intervention and her analysis of the treaty.

There is one thing that concerns me. This is the first modern day land agreement where self-government rights are actually contained within the land claim agreement. As a result of this, section 35, as it has been interpreted by the supreme court, means that the rights contained in the land claim agreement can never be unilaterally reclaimed in the future by the government that gave these rights.

• (1600)

From these rights flows the ability to create legislation. Up until this point, legislation has been the prerogative of the federal and provincial governments only.

How can the hon. member square this with the government's claim that there is no constitutional amendment through the back door when through this means the constitution will be irreversibly affected without the consent of the province, according to the amending formula?

[*Translation*]

Ms. Raymonde Folco: Madam Speaker, my understanding of this clause is not the same as that of the hon. member who has just spoken. He tells us the federal government will not have the possibility of reclaiming the lands it has just confirmed as belonging to the Nisga'a.

Once a treaty is finished, it seems to me it is good for life. In other words, it is an agreement between the Nisga'a of British Columbia and the Canadian government. I do not see what pretext the Canadian government could use to go back on its word, to go back on its signature and withdraw terms of a treaty it had agreed to sign with the Nisga'a people. In my opinion, there is no question of the government going back on its decision. Once legislation has been enacted, that is that; it must be respected. I cannot see any reason whatsoever for reference to the constitution. This treaty will be given effect by this House without any recourse to the Constitution of Canada.

[*English*]

Mr. Philip Mayfield: Madam Speaker, I believe the member has missed the point.

The federal government already has an agreement with the provinces and with Canadians in the constitution that there is an amending formula. Now it has made an agreement to a different amending formula without referring to the constitutional means of doing this.

The government cannot have it both ways and still square its actions. Canadians have a right to expect that the constitution will only be amended according to the amending formula agreed upon.

We now see in this treaty that there is a means of amending the constitution without the proper amending formula. In my mind, this is amending the constitution through the back door, not through the regular means that the provinces and the Canadian government have agreed to use.

I would like the member to comment on this. This is a bastardized way of dealing with the constitution that is inappropriate.

Ms. Raymonde Folco: Madam Speaker, the fact that I do not agree with the hon. member does not mean that I do not understand the hon. member's question. I understood it clearly enough, but I disagree with the conclusion that he draws from it.

What I have said is that this is not a constitutional issue. The fact that I did not see it as being a constitutional issue does not mean that I have misunderstood.

The agreement that will be signed in the House and passed as legislation in the House does not necessitate directly or indirectly an amendment to the constitution of Canada. I can only repeat that so many times.

Perhaps the hon. member has made his own interpretation of the law, but that is his interpretation. It is not my interpretation nor the interpretation of my party or the government.

Ms. Louise Hardy (Yukon, NDP): Madam Speaker, I will share my time with the member for Vancouver East.

The NDP supports the treaty. The major problem that we see is that as a treaty it will not be honoured. We just had the example before us in the supreme court where the Marshall decision came down over a treaty from 1760 because that treaty was not honoured. The Northern Flood Agreement was a treaty that was not honoured and it forced native people into dire poverty when there was great wealth made off an appropriation of their land and resources.

● (1605)

We see treaties as a devolution of power which is bringing power down to the grassroots level and putting it in the hands of the people who are directly affected by decisions being made. This will help the Nisga'a people because that is what they need. They need power, they need their land and they need their resources to be able to get on with their lives and make decisions on how they will carry on.

What we are going to see as soon as the treaty is ratified is the whole implementation process. As I said, my biggest fear is that the implementation will force the Nisga'a people back into negotiation and that they will, in fact, have to take that to the court in order to have their treaty implemented as was desired. That is the biggest fear I have and I hope that does not happen. I believe that as Canadians we should be honouring treaties; that Canadians do not see themselves as conquerors; that in effect we have to make compensation for what was taken away.

The Indian people of this land had a race-based decision made in favour of them. That legislation was the Indian Act. It took away their language, their land, their culture and even their children. What we did was kick them out of their home and through negotiations we basically said that maybe they could come back into the basement. We said that we would make a little room but that they should not expect too much. I think that is a real shame on our part.

I honestly believe Canadians want to make reparation and compensation for the wrongs that were done, wrongs that can never be changed. We cannot give them back their children or their land, but the least we can do is give them back some of what they held.

On an international level, what Canada is doing is not all that wild or crazy as some members of parliament would have us think. There is the Nordic autonomous regions which are self-governing areas within Denmark and Finland. They are based on the historical and ancestral rights of a different culture within a country. They have their own parliament and some have their own flags, their own stamp and their own government. They are in charge of making laws that will determine the destiny of their people, but they do not have power over foreign affairs, defence, or the monetary system. Their federal or state government will pay for any decisions that they implement. The Governments of Greenland, the Faro Islands or Aland must therefore come up with money that they need to implement the laws that they have instituted.

One of the group of islands, known as Aland, their citizenship is determined by birth, by language and by culture, and they have to be able to speak the language of the people. If someone wants to become a citizen he or she has to stay on Aland for at least five years and be able to speak the language adequately. Interestingly enough, a person can lose his or her citizenship there if he or she leaves for a period of five years.

Throughout the world there is a wide variety of approaches to accommodating different cultures and different groups within a larger body.

On a national level, when it comes to treaties and the recognition of different cultures, different language and different histories within Canada, we have recently seen the creation of Nunavut.

The Yukon recently signed an umbrella final agreement which began the implementation and the final claims agreements of the 14 first nations, with 8 of them having been completed and signed off self-governing agreements at this point. They are governments with land, with laws and with the ability to decide how they will educate their children and how they will carry on as a group and have community rights. This was fought quite bitterly in the Yukon. It was through my whole generation that the claims were negotiated to get to a point where we could make real change for the first nations people.

Since these claims have been signed, the sky has not fallen in, the world has not gone to pieces and the first nations people and non-first nations people get along better than ever. The ability for a people to set their own ways and determine their lives has made a big difference for everybody in the Yukon.

● (1610)

Coming closer to the Nisga'a treaty, it actually fits in very well with the document by the former minister of Indian affairs entitled *Gathering Strength—Canada's Aboriginal Action Plan*, which was to say that we would negotiate rather than litigate. Again and again we are seeing that every time first nations people go to court it costs them and their people. That is money being diverted away from education and health and into the courts, a place where nobody wants to go.

With the very clear decisions of the supreme court, it has become more and more important to negotiate, rather than letting the courts make very black and white decisions over people's lives, decisions where repercussions, such as we have seen on the east coast over the Marshall decision, can be avoided. The really harmful reactions and violence by desperate people could have been avoided if our government had been willing to negotiate before it

got to a crisis point. Unfortunately, it is certainly not over on the east coast.

The Marshall decision should give us a warning that it is critical to respect treaties that were based on friendship and peace. They were not based on anyone being conquered. They were based on the philosophy that we would share the land. Obviously the pilgrims and settlers who came to North America were not going back.

The treaty states that the Nisga'a people can make laws but only for the Nisga'a people. They can only tax Nisga'a people. Their laws will not apply to anyone who is not a Nisga'a, nor can they tax anyone who is not a Nisga'a person. There are laws such as travelling on highways that will apply to non-Nisga'a residents. This only makes sense.

We will be dealing on a nation to nation basis with the Nisga'a people. They will not be lesser than. By getting rid of the Indian Act, they will no longer be people who are considered unworthy to even make their own wills, to have marriage ceremonies and to make even the most basic decisions over their lives that so many of us take for granted but which have been denied to them. Historically, they were not even seen fit to vote in the country.

The really good element of the treaty is getting rid of the Indian Act and empowering the Nisga'a people to get on with their lives and to live their lives in dignity.

I look forward to the legislation coming before the committee and to having a very close look at every detail of it before it is ratified.

The New Democratic Party wholeheartedly supports the vision of the Nisga'a people, of the provincial government and of the federal government that would negotiate the treaty in order to free these people to live their lives.

[*Translation*]

The Acting Speaker (Ms. Thibeault): It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Brandon—Souris, Agriculture; the hon. member for Beauséjour—Petitcodiac, Fisheries.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Madam Speaker, I am honoured to speak in the House today on what is truly a very historic occasion, the first day of debate on the Nisga'a treaty.

I thank my colleague, the hon. member for Yukon, for her very thoughtful comments, particularly as they relate to the international situation concerning aboriginal land and what has taken place in other jurisdictions. She has shown us, in a very thoughtful way, that what is happening here in Canada is very much in context with what is taking place in other parts of the world.

As a person from British Columbia, I must say that the work, endurance and patience of the Nisga'a leadership and the Nisga'a people has really been outstanding. They have been negotiating the treaty for more than 20 years. For more than 100 years, they have been moving through a process, sometimes with huge conflict and huge oppression, to get to get to this point today. The leadership that has been shown and the support that has come from the grassroots of the Nisga'a people is something that really makes this a historic occasion.

● (1615)

I want to begin my remarks by quoting Nisga'a Tribal Council president Joseph Gosnell. Yesterday as he arrived in Ottawa he called on the Reform Party leader to ensure that the members of the Reform Party caucus stopped making incorrect allegations about the Nisga'a treaty which is currently before parliament. I thought it was very significant that the tribal council president was making this statement:

> We understand that the role of the official opposition is to oppose government initiatives—

That is part of our democratic tradition. He continued:

> —and we have no fear of a genuine debate in parliament. However we also believe that it is the responsibility of all members of parliament to provide accurate information, and not to attack the Nisga'a treaty on the basis of allegations that are just not accurate.

I wanted to read that into the record because I had hoped that on the opening day of debate of this historic treaty that it would be an honourable debate, that it would be a debate where yes, there would be criticisms and there would be issues, but it would be a debate based on facts and real information.

Instead, the leader of the Reform Party, the Leader of the Opposition, chose not to listen to the wise words of the Nisga'a Tribal Council president. What he and the hon. member for Skeena, the Reform Party spokesperson on aboriginal issues, chose to do less than an hour ago was to continue their campaign of misinformation and allegations of grossly inaccurate information. They chose to continue a campaign of fearmongering and divisiveness within the community.

I want to say shame on the members of the Reform Party for doing that. Shame on them for not sticking to the facts and having an honourable debate in the House. What they chose to do today is really a contempt of this process and of parliament. I wish it had not happened that way, but that is the way it seems to be going.

It is one thing to debate and have an intelligent criticism, but it is something quite different to deliberately manufacture and peddle misinformation and completely false allegations about this treaty.

I would like to go over a couple of things that were said this morning by the Leader of the Opposition. First, he said that it was their sole interest to establish a new and better relationship with the aboriginal community, among the aboriginal community. Then he went on to say that it is not in the long range interests of the Nisga'a people to have this treaty. This was repeated by the hon. member for Skeena.

Then the Leader of the Opposition characterized the treaty as being a perpetuation of a 19th century approach. I would say that it is the Indian Act that is the case and the experience of a separate law for separate people.

Mr. Mike Scott: Madam Speaker, I rise on a point of order. I believe I heard the hon. member in her intervention refer to me and say that I was deliberately misrepresenting or deliberately misleading. I refer you to Beauchesne's where it clearly says that hon. members cannot use that kind of language in the House of Commons. I would ask that you ask the hon. member to withdraw and apologize.

The Acting Speaker (Ms. Thibeault): If indeed the hon. member for Vancouver East has said such a word, I would ask her to withdraw it.

Ms. Libby Davies: Madam Speaker, I do not believe I said such a word. If I did, I certainly did not intend to use unparliamentary language, but I do believe that inaccurate information is being presented in the House and that is a matter on the record. I certainly did not intend to use unparliamentary language and I will withdraw any language that I used that is unparliamentary.

I would like to go through some of the arguments that were used this morning by the Reform Party. One of them was that this is a perpetuation of a 19th century approach. I want to state very clearly that I think what we have seen in the past through the Indian Act would represent that.

● (1620)

If nothing else, this treaty represents a genuine attempt by all of the parties involved, the Nisga'a people, the provincial government and the federal government, to produce a modern day treaty within the constitution of Canada, within the laws of Canada, to provide self-determination and a sense of pride and future for the Nisga'a people. For the leader of the Reform Party to suggest otherwise, I believe, is a misrepresentation.

We also heard from the Reform Party this morning that this treaty will now become the template, the one size fits all for all future treaties, including the 50 in British Columbia and however many there are in Canada. This is completely wrong. This has not been stated anywhere.

This treaty went through a very good process. I hope it is reproduced and used as a model for other treaties. The treaty itself is something that stands on its own merit. It is not written in this treaty or in any other policy or legislation that it will be replicated. I want to put that to rest.

We also heard that the Nisga'a treaty will somehow mirror what has been a very tragic situation with the fishing industry on the east coast, that we will see a parallel with the Nisga'a treaty. Again the Reform Party is dead wrong in the line it is peddling on that. The Reform Party is misleading people and presenting information that is simply not the case. In actual fact, this treaty clearly outlines that if other groups are prevented from fishing for whatever reason, then that will also apply. It is clearly very erroneous information.

We also heard from the member for Skeena that this treaty is going to cost a huge amount of money. I think he mentioned the figure of $1.2 billion. I may have that slightly wrong but it was of that magnitude. Again I want to say that this information is inaccurate and simply not correct.

The treaty provides for a total of $253 million in a one time payment over 15 years from the federal government to the Nisga'a people. There are also contributions from the B.C. government in terms of a land value of $108.6 million and $37.5 million in forgone forestry revenues. Again, the arguments are false.

We also heard that this has been a secretive deal and a closed door process. This treaty had many public hearings and fora. More than 40 hearings alone were held by the parliamentary committee in British Columbia. Anyone who wanted to be heard could state their case and opinions on this treaty. Again, it is misinformation.

At the end of the day we do have a choice here. We have a choice to negotiate treaties in good faith in our modern day world and recognize aboriginal people as full citizens, or we can continue with chaos and litigation in the courts. I think most members of the House have made the correct decision. It is unfortunate that the Reform Party has chosen not to do the honourable thing.

Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.): Madam Speaker, I thank the member for her intervention and her ongoing intelligent and clear thinking on this matter and her study of the issue. She is representing an alternative view in British Columbia from the one that we have heard repeatedly from the Reform Party on this bill and a number of other bills relating to aboriginal and first nations people.

As a woman from British Columbia and a member of parliament, she is addressing issues generally from her constituents but more broadly for people from British Columbia as well. I say this to her because the Reform Party keeps alluding to the fact that it is concerned about women, that it speaks for women's issues and wants to protect women's rights. I would like to quote from some

sections of the treaty with respect to women's rights and ask her if she agrees with the provisions of the charter and the treaty or the Reform Party.

● (1625)

The preamble of the bill states:

> Whereas the Nisga'a Final Agreement states that the Canadian Charter of Rights and Freedoms applies to Nisga'a Government in respect of all matters within its authority, bearing in mind the free and democratic nature of Nisga'a Government as set out in the Agreement;

Section 28 of the charter provides that notwithstanding anything in the charter, the rights and freedoms referred to are guaranteed equally to male and female persons. Likewise in section 35 of the constitution there is a provision on aboriginal treaty rights. Section 35(4) in contemplating concerns over the protection of aboriginal women's rights states:

> Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

Does the member believe these provisions to protect women, or does she believe the Reform Party which seems to be trying to scare aboriginal women and women in general in British Columbia?

Ms. Libby Davies: Madam Speaker, I thank the hon. member across the way for his thoughtful comments. Obviously he has done quite a lot of research on some of the questions that have been raised by members of the Reform Party. Again they are are speaking very loudly and on numerous occasions are somehow suggesting that the rights of Nisga'a women will be diminished under the treaty. Nothing could be further from the truth.

I agree entirely with the member's comments in terms of the Canadian constitution, the charter of rights and freedoms, and the treaty itself which clearly lays out an enhanced citizenship for Nisga'a men and women. This is really what the treaty is about. It is the heart and soul of the treaty to recognize full citizenship and full equality. If we cannot get that straight, then I think Reform members need to go back to their researchers or wherever they get their information and check their facts.

When I first heard them put out this line that the Nisga'a treaty was somehow denigrating the rights of women, I was really shocked. I wondered whether this could be the case. I checked to find out if that was correct and of course it was completely false.

We need to be very clear on the record that the rights of aboriginal women within the Nisga'a treaty are fully protected. The treaty itself enhances the sense of citizenship and participation for all Nisga'a people.

Mr. Derrek Konrad (Prince Albert, Ref.): Madam Speaker, the member said that she feels the debate should deal in facts. She mentioned the oppression the Nisga'a had been under. I would like her to put some factual evidence before the House to document the oppression the Nisga'a have suffered under the provincial NDP governments, the federal Liberal governments and the federal PC governments that have governed this country and that province for a number of years.

Ms. Libby Davies: Madam Speaker, we are at this point today because of what has historically happened to aboriginal people. This agreement is so historic because it is moving away from a paternal colonizing administration and legislation that did oppress aboriginal people in this country. The treaty will move us beyond that and move the Nisga'a people forward to the future.

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Madam Speaker, I will be sharing my time with another government MP. It is a pleasure to join the debate. I pick up with interest and pleasure the remarks of the very thoughtful hon. member for Vancouver East.

It is a fact that the Nisga'a treaty is not and never was a template. Government MPs spent six months telling the Premier of British Columbia that it was not a template, that it rested on its own particular historical facts. They are very warming facts. The Nisga'a paddled their own canoe a long distance to Victoria. They waited 100 years and negotiated for 20 years in goodwill and good spirit, with great patience and great dignity.

● (1630)

I think we have to pay tribute to the Nisga'a negotiators and Joe Gosnell, who emerges as one of the outstanding figures of our contemporary public life, but also the government negotiators. They are not the same in the case of every treaty. I met the government negotiators in this particular case and I was impressed by their dedication, their hard work and their open mindedness.

The Nisga'a treaty is a special case. It deserves in my view and it deserved in the past quicker treatment than we have given it. I think for more than a year after the signature is too long a delay considering the time that has been spent already in the past on this matter.

What are the features that are so distinctive in this treaty? One is the element of negotiation—and I have spoken on that and will have more occasion to come back to that—in good faith and in the spirit of goodwill. The phrase was borrowed from international law. The World Court used it. The Supreme Court of Canada picked it up in a recent judgment, but it is the essence of the continuing process involving 50-odd treaties still to come in British Columbia. We expect the parties, government and the Indian people, to negotiate in good faith. The Nisga'a did it.

We also expect adequate public hearings, which is a matter that relates to the time, the opportunity and the place. The member for Vancouver East has detailed far better than I could the extensive character of the hearings, having regard to the remoteness of the area involved. It is not a city where one can take a taxi from one end to another in a matter of a few minutes. A remarkable job was done by the House committee on aboriginal affairs and others.

I would also stress the fact of absence of countervailing interests properly proved and adduced before the relevant authorities who negotiated and the House committee. That is a crucial issue in it.

I would stress again the point which is in the treaty itself. The Nisga'a people here showed admirable self-restraint. They accepted and put in the text that it is subject to the Canadian constitution and to the charter of rights.

If anybody had any doubt on this particular point and to make assurance doubly sure, the government caucus from B.C., the senators and the MPs sought assurances from the then minister for aboriginal affairs and her parliamentary secretary that we would put this beyond any question by even the most unreasonable of people. That is why there is an express mention in the enacting legislation by the federal parliament. Incidentally similar guarantees were incorporated in Bill C-49, the Native Land Administration Act, as a result of the representations by B.C. MPs and senators which were gracefully accepted by the minister.

I would like to pay tribute to the former minister concerned and her parliamentary secretary who is still with us for listening and paying attention to these representations.

The constitutional issue has been raised. It is not in my view relevant as an element of criticism of the Nisga'a treaty because, as I have explained, the matter has amply been taken care of, but references were made to sections 25 and 35 of the charter of rights.

I am reminded of Chief Justice Bryan who was a medieval judge. When people asked him about a law he said ''You do not have to tell me what it says. I wrote the law. I know what it is about''. It is a fact that has been noted that Senator Perrault and I, when the original draft of the charter appeared, suggested that this matter should be included.

However it should be noted that sections 25 and 35 create no new rights. They are what is called saving clauses. They save rights that already exist, whether customary or under existing treaties. No more, no less. There is a Latin phrase for it, ex abundanti cautela, but it simply means one says what already exists. One leaves it to subsequent events in a pragmatic, common law way to define the actual content and extent of those rights in concrete cases.

• (1635)

There has been reference to subsection 35(3) and the issue of back door amendment. It was an amendment made to the charter a year after its enactment. I was out of the country at the time, but when I returned I remember discussing it with the new justice minister who succeeded the present Prime Minister. I said ''There are treaties that are unknown quantities. Is there any problem here?'' We agreed as a matter of interpretation that it would be a most unreasonable interpretation to say that we could change the constitution in this way. It would be an absurd interpretation but we at least adverted to it.

It is in response to these sort of fears, unreasonable as they may be, that the B.C. caucus spent some three or four months discussing with the previous minister of Indian affairs and the parliamentary secretary the inclusion of the provisions that the treaty, notwithstanding that it already says it in terms, because of the federal enacting legislation is legally subject to the constitution and to the charter of rights.

It is there. It is part of the travaux préparatoires which courts must take into account in interpreting the treaty. It has been said in this parliamentary debate, not merely by myself but I think by all members on the government side who preceded me, members of the New Democratic Party and members of other parties, that the parliamentary intent is that it is subject to the constitution and the charter of rights. The words are clear but that it is also parliamentary intent.

Let me come back to the larger issues that are involved. It is a historic process for B.C. It is the first B.C. treaty. How fortunate that the people involved in it, the Nisga'a people, were reasonable people, and that they negotiated in good faith. I expect similar behaviour or similar conduct from those involved in the subsequent treaties. It was a model of negotiation.

Another aspect is that it is not simply a negotiation in good faith. It is also the concept of good neighbourliness. It is a phrase that the English court of appeal threw out in 1935, that one must act in relation to one's own rights as one would expect them to be applied if one were a neighbour. The World Court has picked up the concept of good neighbourliness. It is also by the way part of the French civil law, but it returns again I think in the context of the Nisga'a treaty.

There is an appreciation here that there is no such thing as absolute rights which are conceived in a vacuum. All rights exist in a social context. It is a recognition that there may need to be the balancing of rights with other rights. I think it is the core of the Nisga'a negotiation process.

We are into concepts of comparative equity when good citizens, good neighbours work together and try to work things out by negotiation if there are differences. If there are differences they

cannot surmount then the effect of the application of the constitution and the charter is that the constitutional principles and due process of law including judicial review are there.

I anticipate that treaties such as this one will be before the courts over a long period of time. I do not mean by this antagonistic litigation. I mean where parties seek the advice and interpretation of the courts when we have what is at the core of the English concept of equity, a continuing process of working together by the parties, trying to interpret general principles in terms of accommodation of interests of a larger community which, in Canada, includes the so-called two founding nations that are really relatively recent arrivals, the original nations and others.

It is in this spirit that I welcome the debate as it has emerged and I welcome the assurances we have had from many people intervening in the debate that they regard this as an optimistic sign. There is no reason for fear. This is a process of full community engagement that we are entered upon.

Mr. Gerald Keddy (South Shore, PC): Madam Speaker, the hon. member who just spoke referenced several issues that deal with the constitution and the charter of rights and freedoms. The Constitution Act, 1982 states very clearly in subsection 52(1):

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

● (1640)

It is my understanding that the constitution of Canada applies to the Nisga'a treaty and that the charter of rights and freedoms applies to the Nisga'a treaty. That can be argued in several different directions and the Reform Party has done that in several instances.

I would like the hon. member's opinion on whether or not the charter of rights and freedoms applies and whether or not the constitution of Canada applies.

Mr. Ted McWhinney: Madam Speaker, I am happy to give categorical assurance that the member is correct. The constitution and the charter apply and to the extent of any inconsistency would override action to the contrary.

Mr. Jason Kenney (Calgary Southeast, Ref.): Madam Speaker, with respect to the question just put to my hon. colleague from Vancouver Quadra I would like to quote from a article published in today's edition of the *National Post* by a gentleman known to the member for Vancouver Quadra, Mel Smith, former principal constitutional adviser to the Government of British Columbia for over 15 years. He referred to the deal and wrote in part:

> This represents a significant diminishment of the legislative powers given to senior governments by the Canadian Constitution, to a new kind of government unknown to the Constitution.
>
> To be specific, the Nisga'a agreement would make Nisga'a laws constitutionally paramount on at least 17 province-like subject matters. This would include Nisga'a laws on: education. . .higher education. . .the delivery of health services, child and family services; business, trades and professions. . .land use; land registration; laws related to Nisga'a fish, aquatic plants and wildlife entitlements. The list goes on.
>
> Couple this diminishment and divestment of legislative powers with the fact that these aboriginal government rights cannot be retrieved in the future, and. . .the treaty makers have stepped beyond the bounds of the Constitution. They have, in these respects, given away forever the constitutional right of the B.C. Legislature to make laws applicable throughout the province. This they simply do not have the right to do.

How would the member for Vancouver Quadra respond to the thoughtful argument brought forward by Mr. Smith, former principal constitutional adviser to the Government of British Columbia?

Mr. Ted McWhinney: Madam Speaker, I thank the hon. member for his question. I know Mr. Smith very well and respect his quality as a constitutional adviser to two premiers of British Columbia.

The facts are that the Nisga'a treaty involves a delegation of power, but it cannot override the constitutional division of power, section 91 and section 92, and the two levels of government they have created. It does not create a third level of government. The Nisga'a never asked for this, but it does not in any case so create.

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Madam Speaker, it is a great honour for me as member of parliament for Western Arctic to rise in the House to participate in the important debate on the proposed bill to ratify the Nisga'a final agreement.

We have before us for ratification an historic reconciliation between Canada and the Nisga'a people, a people whose culture, language, lands and way of life predate the creation of Canada itself. Indeed, the existence of the Nisga'a people and their rich cultures stretches back tens of thousands of years to the very beginning of human memory.

We must also acknowledge that since the first tentative intrusions by European colonists 150 years ago the Nisga'a have patiently asserted their right to have their collective existence recognized and respected. This agreement recognizes the modest yet fundamental rights necessary to secure their existence as a people: rights to land, self-government and an economic base.

● (1645)

Like so many other first nations, the Nisga'a have sought partnership and accommodation within the Canadian federation. It

has been a long and often difficult road. The agreement symbolizes Canada's acceptance of the Nisga'a as an integral part of Canada and of the Nisga'a willingness to join Canada as partners.

For more than 100 years, the Nisga'a people have patiently and peacefully advocated their rights. While doing so, they have fought in wars on behalf of the country. They have waited for the right to vote. They have waited to have recognized their right to speak their own language and to freely practise their spiritual traditions. They have had to struggle for the right to control the education of their children. Finally, the moment has arrived for the Parliament of Canada to recognize, to accept and to welcome their existence as a people and partners in the federation by ratifying the agreement.

In other words, what the agreement represents is a recognition of the fundamental human right of the Nisga'a people to survive as a people and to continue to reflect their unique place in the human family. This is a right protected by international human rights instruments. As the nations of the world have collectively matured, we must now recognize that colonization is the fundamental violation of a people's right to exist. Today we understand that the collective rights to land and to self-government are an integral part of the right of first nations to express their collective identity and existence as a people within the constitutional framework of Canada.

These are rights that people around the world are entitled to. Each people has a right to a measure of self-government and a right to economic and social development.

In the struggle for recognition of the rights of aboriginal peoples, the Nisga'a have a unique and special place in the history of Canada. We all owe a debt of gratitude to the Nisga'a people for their courage, their persistence and their leadership in the struggle for aboriginal rights in the country. It is an important part of Canada's political development.

It is the Nisga'a people who approached the first colonial government in British Columbia in 1887 to seek recognition of their traditional land title and to suggest the negotiation of a treaty. It was the Nisga'a who petitioned the privy council in England in 1913 for a settlement of their basic rights. It was the Nisga'a who persevered through some shameful years in Canada's history when first nations were legally barred from even pursuing justice in the courts. It was the Nisga'a who seized the first opportunity to resume the quest for legal justice. When these discriminatory laws were finally repealed, it was the Nisga'a who devoted time, resources and their heart and soul to bring the Calder case finally to the Supreme Court of Canada in 1969.

I was a young girl when I was first struck by the power and the conviction of the Nisga'a people. It was a turning point in my mind that aboriginal people are not a powerless, homeless, lawless and without leadership people. I felt that power, in the words of Frank Calder, a great Nisga'a leader and great Canadian leader.

Because of the Nisga'a and the Calder case, the Canadian legal system finally recognized that the aboriginal people have aboriginal title, that is, traditional collective rights to land. It was in response to the Calder case that the federal government established a modern land claims policy to create a process to finally seek some accommodation with the first nations of this land.

There have been many successful agreements reached under federal land claims and self-government policy. This agreement addresses both issues in a fair and balanced way. Modern agreements such as this one allow first nations to participate meaningfully in the political, economic and social development of the country. These agreements allow first nations to live in Canada, not as a conquered peoples, but as true partners in Confederation.

It is finally the turn of the Nisga'a to benefit from these policies and to have recognized certain basic and fundamental rights.

I must also mention that the agreement achieves the very important objective of providing a clear and precise legal framework for the exercise of Nisga'a rights. It does so in a way that complements and respects federal and provincial jurisdiction, while allowing some space for local self-government by the Nisga'a people in matters that directly affect them. The lands of the Nisga'a will no longer be reserved under the Indian Act. The Nisga'a final agreement provides for fee simple ownership and integration of Nisga'a tenure into the provincial land registry system.

• (1650)

In the area of natural resources, the Nisga'a final agreement provides Nisga'a citizens with the right to harvest fish and other resources subject to conservation interests and legislation enacted to protect public health and safety.

The Nisga'a may make laws relating to environmental assessment and protection. Federal and provincial laws prevail to the extent of conflict. To avoid duplication, the agreement provides for the negotiation of a harmonization agreement. In the meantime, federal and provincial assessment processes will continue.

The Nisga'a government will have authority to make laws in areas affecting Nisga'a government, citizenship, language and culture. The Nisga'a government will be required to consult all residents within Nisga'a lands who are not Nisga'a citizens about the decisions that significantly or directly affect them.

As an example of what we have achieved, the agreement explicitly provides that it is a full and final settlement of Nisga'a aboriginal title and other rights protected under section 35 of the

Constitution Act, 1982. What clearer demonstration of legal certainty and final settlement could one ask for?

As can be seen from these few examples, the Nisga'a final agreement provides a careful balancing of rights and powers. This has been achieved as a result of a thorough and detailed process of negotiation that began in 1976 when the federal government first accepted the Nisga'a claim for negotiation. Each and every aspect of the Nisga'a final agreement has been carefully considered and discussed by representatives of the Nisga'a, the province of British Columbia and the Government of Canada.

My colleagues, the former Minister of Indian Affairs and Northern Development and the current Minister of Indian Affairs and Northern Development, have each carefully considered the agreement and have recommended its ratification by parliament. As parliamentarians and as Canadians, we can all take pride in the agreement and support its ratification without hesitation.

The Nisga'a have placed their faith in the Government of Canada to respect the agreement and to open a new chapter of our history together. We must respond by ratifying the agreement and getting on with the business of faithfully implementing it in partnership with the Nisga'a people.

The agreement lays a pragmatic and solid foundation for the future. It contains the essential ingredients for a new relationship that the government committed itself to in ''Gathering Strength'', our response to the report of the royal commission on aboriginal peoples.

The Nisga'a final agreement is the latest in a series of important settlements with first nations across the country.

While the situation of each first nation is unique, each successful agreement such as this one encourages first nations and governments all across the country to talk to and accommodate each other as we build the country together.

I urge all parliamentarians to support the ratification of the Nisga'a final agreement, to recognize the strength in diversity and to welcome the collective existence of the Nisga'a people within Canada. I extend my congratulations to the Nisga'a people and my best wishes for the future.

Mr. Mike Scott (Skeena, Ref.): Madam Speaker, the Reform Party is continually charged with misrepresentation of the facts. I ask the member to look at chapter 16 on taxation at page 217 of the agreement if the member has it in front of her. Maybe she does not have it in front of her or is not familiar with it, but certainly we in the Reform Party are familiar with it. Chapter 16 at page 217, paragraph 3, states:

> From time to time Canada and British Columbia, together or separately, may negotiate with the Nisga'a Nation, and attempt to reach agreement on:
>
> a. the extent, if any, to which Canada or British Columbia will provide to Nisga'a Lisims Government or a Nisga'a Village Government direct taxation authority over persons other than Nisga'a citizens, on Nisga'a Lands;

That is taxation without representation any way it is sliced. The words are in the agreement. They are not the Reform Party's interpretation. I just read it for the hon. member.

● (1655)

Does she agree with that concept of taxation without representation, or would she agree with us that the agreement should be amended so that condition or that clause is removed?

Hon. Ethel Blondin-Andrew: Madam Speaker, I do not believe that the agreement should be amended. The member opposite should get a life. We could nitpick about the agreement and various aspects of the agreement. He should read the list of facts and myths. A number of things have been alleged. Anyone can read it. It involves taxation as well.

I think the hon. member, quite honestly, is not as well intended as I would like him to be. If the hon. member took some time to spend with the Nisga'a people, they could put a very convincing case to him as they have to me as an aboriginal person.

Over the years I have learned from the Nisga'a people. Many people across the country have learned from the Nisga'a people, except for the member that represents them.

Mr. Mike Scott: Madam Speaker, I resent the hon. member suggesting that taxation without representation is nitpicking. I suggest that the hon. member read her history with respect to the American war of independence. That is how the people who were in the colonies known as the Americas broke away from Great Britain. It was over that very issue. I can say that it is a fundamental principle of democracy to not have taxation without representation. The hon. member is not very well-schooled if she believes that is nitpicking.

Does she believe that the principle of taxation without representation incorporated into the agreement is the right way to go or not? Could she just answer the question?

Hon. Ethel Blondin-Andrew: Madam Speaker, what I am not well-schooled in are the so-called principles and learnings of the Reform Party. I do not come from the school of Mel Smith who draws the template for all Reform's agenda on the aboriginal people. I am glad to say that I do not have that background and I never will.

I am happy to say there were numerous consultations. I am glad the government supports the Nisga'a agreement. If the member of parliament had some sense of reality, he would as well.

Mr. Jason Kenney (Calgary Southeast, Ref.): Madam Speaker, I have a lot of respect for the minister and member from the Northwest Territories, but unfortunately not in this debate because she has been asked two direct questions and has refused to answer them.

The question is very simple. Does she agree with the principle in chapter 16 of the agreement which provides for taxation without representation? Does she think that is a principle which ought to be incorporated into laws that govern Canadian citizens?

Hon. Ethel Blondin-Andrew: Madam Speaker, the Nisga'a people have been afforded certain responsibilities and authorities. Otherwise, what would be the point? Why have an agreement if there will be no difference and it will be the status quo?

The federal and provincial taxation authorities are not affected by the Nisga'a authority and there are no other Nisga'a government taxation authorities in the final agreement. Even the municipalities and the school boards have the authority to levy taxes. Are we saying that we will diminish the document, the Nisga'a agreement, to that of a school board or a municipality? That is his opinion and one he is entitled to, but I, frankly, do not believe in that.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, I am very pleased to take part in what no doubt will be perhaps a contentious but, I am hoping, a very useful and positive debate at the end of the day.

[*Translation*]

It is a pleasure for me each time I rise to speak in the House. Unfortunately, my French is not perfect.

[*English*]

Bill C-9 is an act to give effect to the Nisga'a final agreement. My Nova Scotian colleague from the South Shore has spoken very eloquently about our party's position regarding the legislation.

● (1700)

I welcome the opportunity to address some of the issues concerning this very historic Nisga'a agreement. I congratulate the last speaker, the hon. member from Yellowknife, who gave a very impassioned and informative debate. I know that she feels integrally connected to this debate and to the people through her own heritage and I have a great deal of respect for her work on this bill and for her work in this place.

The Nisga'a people have roamed over the land of North America since the mists of antiquity. The Nisga'a final agreement was ratified only this year, but the history of these people goes back for generations and centuries. The Nisga'a people approved this agreement, as did the provincial government of British Columbia, when Bill 51 completed the legislative process in April of this year.

That is not to say that this was a process that went smoothly. There was a great deal of acrimony and the debate itself was eventually brought to closure by the British Columbia government. The NDP Government of British Columbia received a great deal of criticism over its handling of the debate. Let us hope for the sake of democracy that that type of attitude is not mirrored by the current government in Ottawa.

The end of the debate on the treaty occurred in a very cursory way some would argue. We are hoping that will not be necessary here and we look forward to a detailed, informed and open debate in the House on Bill C-9.

The Nisga'a treaty, as I mentioned and as previous speakers have alluded to, is a very historic document that will be debated, and it is certainly our responsibility as parliamentarians to give an open minded approach to all the views of all the people we represent in the House. It is also our responsibility to deal with reality and not myth when it comes to a treaty of such significance. Nor should we ever in the House try to pit groups of people against one another in a debate of such importance and of such far-reaching implications.

We have seen quite recently with the decision of the Supreme Court of Canada in the Queen v Marshall case the implications of treaties that are signed. In that instance we now realize that a treaty that was signed over 230 years ago has modern application and modern impact on the people of this country in 1999. Therefore, it is not a great leap of faith to say that the Nisga'a agreement that will be signed, ratified and passed through this House will certainly have the potential to affect future generations of Canadians and certainly the Nisga'a people.

There are 5,500 Nisga'a people, with approximately 2,400 of them living in the upper Nass Valley region of British Columbia. Under the treaty they will have title to 1,930 square kilometres of land and will receive $190 million as a cash settlement to be paid over a number of years. Those are the very basic cursory points of the treaty. It is a very complicated treaty that touches on a number of elements of everyday life and human existence, but the settlement itself is a step toward independence and self-sufficiency on the part of aboriginal people in this country.

The Nisga'a final agreement will be the first modern day treaty in British Columbia, but this is certainly not the first time the Nisga'a people have been involved in groundbreaking activities. This fact was alluded to as well by the previous speaker.

It was a 1969 decision in the Queen and Calder v the Attorney General of British Columbia case, and subsequently in 1973 a ruling from the Supreme Court of Canada in that case, which opened the door to the negotiated land claims settlement for the Nisga'a. It was Frank Calder, a Nisga'a aboriginal, who initiated the court action on the basis that aboriginal title in the Nass Valley had never been extinguished. The supreme court, while not ruling that aboriginal title to the land actually existed, said that aboriginal people who had owned the land prior to European settlement and that had provided them with the basis on which to argue for land claim agreements did in fact exist.

The federal government at that time realized the implications of the ruling and initiated a comprehensive land claim policy with the intent of negotiating land claim agreements where aboriginal people claimed they had traditionally lived.

Sadly, this is often the case that we see again today in this country. It is sad that very rarely negotiations between the federal government and our first nations people result in a peaceful and equitable agreement. More often, and I am not saying this in a partisan way, governments in this country tend to litigate rather than negotiate.

● (1705)

Again I hearken back to previous comments and reference the Queen v Marshall, where now the country, in particular in this instance the east coast of Canada, has been thrown into a huge chasm of confusion and misunderstanding as to what rights have actually been granted by the Supreme Court of Canada. I certainly recognize that that is a debate for another time between this place and the Supreme Court of Canada as to who should be making laws in such an important area that has such broad implications and such broad effect throughout the land.

The Nisga'a final agreement will be a modern day treaty in British Columbia and will represent the 14th in Canada's history. Other modern day agreements include the James Bay and Northern Quebec agreement, the Northeastern Quebec agreement, the Inuvialuit final agreement, the Gwich'in agreement, the Nunavut land claims agreement, the Sahtu Dene and Métis agreement and the seven Yukon first nations final agreements.

I would like to reference two other pieces of legislation that have been debated recently concerning aboriginal people in Canada which share some similarities to the piece of legislation before the House today. They are Bill C-39, which was an act to amend the Nunavut Act and the Constitution Act, 1867, and Bill C-57, which was an act to amend the Nunavut Act with respect to the Nunavut court of justice and to amend other acts in consequence.

These acts were instrumental in the creation of Canada's newest territory, Nunavut. With respect to the application to today's debate, I would suggest there is a groundbreaking and very innovative approach being taken to the modern application of the Canadian justice system in this new territory. Again, although time does not permit us to get into the greatest of detail in this regard, it is a very forward looking and inclusive system of justice that blends two of these cultures into a very workable and modern approach to justice in this country. It brings about some of the concepts of restorative justice, which is a system that in many ways is borrowed from our aboriginal people, which is very inclusive and community oriented, the concentration being on including the victim and the community and having a face to face, in some instances confrontational, approach between the perpetrator of a crime and those who suffered.

We have always taken a very traditional approach to justice in this country, borrowed from the British model, that puts the state in the place of the victim, often very much to the detriment of the victim, making it a very sterile and sometimes non-inclusive approach to the healing that needs to take place. Aboriginal people have taken a much more hands on and inclusive approach that I believe is the spirit of this new justice system that will be in place in Nunavut and, to a large degree, brought about by the effect of the Nisga'a agreement.

The Nunavut land claims agreement was not a self-government agreement at all. Instead, it established a public government system that is similar to that which is in place in Nunavut today. That agreement also established a judicial system whereby the Inuit people in Nunavut could install a system that would better address the objectives of the Inuit people themselves. There is a more inclusive blend of aboriginal or Inuit justice with our modern day justice system which also includes and recognizes that all Canadians must be bound by the same laws of the land.

I think it is very encouraging and exciting from a justice perspective to look at the way we are able to blend these two cultures and make them work in a more effective way which in fact enhances all Canadians. In particular, I know that those involved in justice throughout the land will be watching very closely to see the modern application of this justice system in Nunavut.

The same can be said with respect to the establishment of this treaty, since the Nisga'a will have the opportunity to set up the Nisga'a court system. They may very much desire to watch closely the system that is just getting under way in Nunavut. The Nisga'a nation itself will no doubt benefit from that experience.

● (1710)

The provisions of this treaty will allow the Nisga'a government to appoint the judges of the Nisga'a court. The treaty will also provide for the means of supervision of judges of the Nisga'a court by the judicial council of the province of British Columbia or by similar means. We are seeing a very proactive and inclusive approach which will allow our current justice system to blend with this new system of justice.

Furthermore, the Nisga'a people will be provided with their own policing services. The police board of the Nisga'a government will assume this responsibility. In all of these cases, however, provincial and federal laws will continue to apply. The Nisga'a rules must comply and must work hand in hand with our existing federal laws.

I do not want to leave anyone with the impression that this will be some form of an abrogation from the law. It is simply a melding of a new system of justice that will hopefully enhance our current system. I would suspect that in the future other provinces may very well borrow some of the concepts that may come about as a result of the implementation of this new justice system.

Labour relations and industrial relations will not be governed by Nisga'a law. Instead, they will remain under the jurisdiction of provincial and federal legislation and apply evenly across the country.

I refer to the remarks of the hon. member for South Shore who alluded to the fact that there are many merits to this legislation. That is not to say that there is not room for improvement. As with all legislation that is brought through the process and brought to this House, there will be ample opportunity, even by virtue of the process that we are embarking on today by having this type of open debate, to bring forward ideas.

One would hope that the government would be open minded enough to be prepared to change the legislation through ideas that might emerge on the floor of the House of Commons, but I suspect more appropriately at the committee where members of the opposition will sit down with the government in the normal course of affairs to discuss this treaty in further detail. I know that all members of the opposition and the government are looking forward to embarking on that process.

The Nisga'a people will no longer operate under what have often been described as the onerous and even regressive rules of the Indian Act. Instead, the Nisga'a final agreement will set out in detail how the Nisga'a nation will continue to operate and the authority and accountability that the Nisga'a Lisims government will entail. This is something that the Nisga'a people have been working toward for over 100 years.

The earlier legislation that the Conservative Party supported regarding first nations land management outlined exactly why it is important for first nations to move out from under the Indian Act itself, particularly in regard to areas covered under resource management.

Under the Indian Act first nations must request authorization from the federal Minister of Indian Affairs and Northern Development to develop resources on a reserve. With the Nisga'a final agreement and the earlier First Nations Land Management Act this will no longer be the case and will no longer be necessary under the legislation. The Nisga'a people will be able to determine how, when and where they will use their resources. Not only will the Nisga'a people profit from this increased autonomy, I would suggest so too will the province of British Columbia.

Forestry and mining companies that have often been very reluctant to invest in resource activities in recent years, particularly after the Delgamuukw decision which ruled on aboriginal title, will now view doing business in this particular part of British Columbia in a different light.

With the uncertainty that existed, which continues to exist, concerning who owns land and resources in much of the province of British Columbia, the resource industry has been very slow to invest in exploration and development, costing as much as $1 billion in lost revenue because of this atmosphere of uncertainty. Stability and economic confidence will hopefully be one of the main results in this sector of resource management coming from this particular bill.

● (1715)

As well, the Nisga'a people will have a greater opportunity in the area of resource development, but this is only a small part of what the final agreement entails. We all know that autonomy and the ability to be the masters of their own destiny is very much the wish of not only the Nisga'a people, but Canadians from coast to coast to coast.

The province of British Columbia is subject to aboriginal land claims. This will be the first agreement to combine a land claims agreement and self-government agreements under one umbrella, one that also includes taxation. There has been much debate, as there was moments ago, over the issue of taxation. Under this agreement the Nisga'a people will begin to pay taxes over a phased in period of eight to twelve years. In the long term this should allow the Nisga'a nation to become increasingly self-reliant and less dependent on the federal government for funding and service provision. This is certainly a concept that all Canadians would embrace.

We know as well in the maritime provinces that a feeling of dependency, a feeling of being less empowered and less entitled to the future profits and profitability of this country is very intimidating and stifling. I am not drawing a direct parallel between those who live in the maritimes and those on first nations. But I can say that this feeling of uniformly sharing in the country's wealth is something we should all be very quick to encourage. I am hopeful that this agreement is a step in that direction.

I want to reference very briefly the consultation. We are embarking on an exercise in consultation simply by debating this, but I am led to believe that there were over 500 separate consultations before coming to the final draft and agreement which was inked by the Nisga'a people and the Government of British

Columbia. Some would argue that that is a large number of consultations. However, an agreement that has such far reaching and important ramifications is one that requires a great deal of consultation. One only has to quickly reference the agreement itself to realize that it is a very involved and detailed agreement that speaks to many of the intricacies of the relations that will exist between the Government of Canada, the people of British Columbia and the Nisga'a people.

The Nisga'a final agreement is without a doubt a historic document that details aboriginal rights for the Nisga'a people. It is a comprehensive and extensive outline of the rights and responsibilities that the three parties will be subject to once the agreement has been ratified, which is the road we are on at the present stage.

The treaty is recognized and affirmed by section 35 of the Canadian constitution, but it does not become part of the constitution. There is need for clarity here as well. This does not exclude the Nisga'a people from the application of the constitution. This does not empower them with special rights outside of the constitution. This is simply an agreement that will be bound and subject to the application of the Canadian constitution and charter of rights.

I specifically reference sections 1, 15, 24 and 25 which speak to the general application of rights and freedoms in this country. The charter speaks of rights and freedoms not being construed so as to abrogate or derogate from any aboriginal treaty, or rights, or freedoms which pertain to aboriginal people across the country. This is not a derivation or a step away from the law of the land that applies to people throughout the country. The Constitution Act, 1982 will be in full force and effect and in the final analysis will be something that will work very much together with this agreement.

The treaty is recognized and affirmed by section 35 of our constitution. A process for amending the agreement is outlined in the treaty and requires the consent of the Nisga'a nation and the federal or provincial governments, depending on the amendment. This is an important clause. As with all agreements, we know that an evolution will occur.

● (1720)

Oftentimes circumstances will arise, court cases will appear on the horizon and they may exist now. It is fair to say that these court cases could have a devastating or perhaps a very positive effect on future agreements. However there is a section in the agreement which speaks to the amending formula.

For the Nisga'a nation to approve an amendment, two-thirds of the elected representatives of the Nisga'a government will have to accept the amendment. As I said earlier, the legislation represents what is, it is hoped, an open agreement at the end of the day when it comes to friendly amendments, but time will tell.

The final chapter in the long process of this agreement is before us. It is a process that began in 1887 when the Nisga'a people first travelled to Victoria to present their proposal for self-government.

The 1997 court ruling in the Delgamuukw case emphasized the need for negotiated settlements with aboriginal people. In Delgamuukw the court suggested that continued litigation was not the appropriate or most effective means of reaching an agreement.

The Nisga'a final agreement demonstrates that negotiated agreements can be reached and that negotiators deserve credit for their perseverance in continuing that long process. As a result we have an agreement that is workable and which is before the House today. It should be seen as a signal, a positive sign for Canadians, aboriginal and non-aboriginal, that we should continue on this path of co-operation in building this beautiful country our ancestors have left to us.

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, I congratulate the hon. House leader of the Progressive Conservative Party on his very eloquent remarks in support of the Nisga'a treaty.

I underline the point that he made with respect to the Delgamuukw decision. Of course when we hear representatives of the Reform Party saying to scrap this treaty and go back to the beginning, that effectively ignores the mandate we have been given as parliamentarians by the highest court of the land in Delgamuukw to honour and respect the rights of Canada's first nations.

Would the hon. member care to comment on the suggestions that have been made, particularly by the member for Skeena, the member who has not met with leaders of the Nisga'a by the way since 1995, long before the treaty was signed. He has refused to meet with the leadership of the Nisga'a for the last three or four years. It is unbelievable when he represents that community. He has said that the treaty provides for taxation without representation. He said it entrenches inequality for aboriginal women and that it provides for a race based government.

The fact is that the treaty itself states that the Nisga'a Lisims government may make laws in respect of direct taxation of Nisga'a citizens on Nisga'a land, full stop, and that there can only be taxation of non-Nisga'a citizens if the provincial or federal governments delegate that authority to the Nisga'a people.

I wonder if the hon. member would like to comment on that gross misrepresentation by the Reform Party and also on the Reform Party's suggestion that in some way this entrenches inequality for aboriginal women.

Mr. Peter MacKay: Mr. Speaker, I thank the hon. member for his question. He has a history of a long and distinguished career in

this place. He comes from the province of British Columbia, so obviously he has more insights than most on this issue.

With respect to the commentary and the statement about taxation without representation, I think many will find it somewhat offensive. When they get into the nuts and bolts of the agreement they realize that there is a provision for representation. The taxation scheme that is set up is a fair one. Although there is certainly a nuance here with respect to how the taxation may differ from our current system, I would say that confrontation without consultation or information, which is at the base of some of the comments that we have heard in this Chamber, is equally offensive.

The last thing we need or that anyone should desire is to bring in any element of racism about this particular agreement. We should be concentrating on the facts, not perpetrating mistruths or exaggerating effects that this agreement will have. Let us talk in reality. Let us deal with the facts that will move this agreement forward in a positive way.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, first of all the hon. member said that public consultation meetings were held. I do not ever recall seeing him in the northern part of British Columbia. I am not aware that he has ever made a trip there.

• (1725)

For his own information there were no public information meetings ever held to solicit any input from the public until the agreement was already announced. Then the provincial government had a dog and pony show that went around the province supposedly to get input from ordinary British Columbians. Subsequent to that, not one word of the agreement changed, not one word.

That public consultation was hollow. It is the kind of consultation we expect from the provincial NDP government. It is the kind of consultation we expect from the federal Liberal Party. It is interesting to see that these parties are all on the same page when it comes to public consultation. It is just a matter of putting on a show for people and saying that they have consulted but they are not interested in legitimate public input on these issues.

My question for the hon. member goes to the issue of taxation without representation. The member is a lawyer. The member knows that agreements mean what they say they mean.

On page 217, in chapter 16 of this agreement under taxation it is stated:

> 3. From time to time Canada and British Columbia, together or separately, may negotiate with the Nisga'a nation, and attempt to reach agreement on:
>
> a. the extent, if any, to which Canada or British Columbia will provide to Nisga'a Lisims Government or a Nisga'a Village Government direct taxation authority over persons other than Nisga'a citizens, on Nisga'a lands;

That is absolutely a contemplation of providing the taxation authority to a Nisga'a government over non-Nisga'a residents living in the Nass Valley. That is taxation without representation as the member knows full well that the non-Nisga'a residents living in the Nass Valley will not be able to run for office. They will not be able even to vote for the representative they want.

I ask the hon. member to respond to that. Does he not agree that these words mean what they say they mean?

Mr. Peter MacKay: Mr. Speaker, let me start off by saying that I very much enjoyed my recent trip to Castlegar just over a month ago. I had a wonderful visit in Victoria. I really enjoyed the time I spent in Prince George as a student planting trees in the beautiful province of British Columbia. I take exception to the member's suggestion that I am not familiar with area.

With respect to the specific question of representation and taxation, we do know that this process and the 500 consultations I referred to in my remarks represent time that was spent after an initial agreement had been put in place. Time was then taken to consult, to negotiate and in some instances renegotiate parts of the agreement. The agreement itself in the section to which the hon. member has referred is not fixed. It speaks of the ability for future consultation or reworking.

As for there being no representation, certainly the agreement addresses that by allowing there to be direct voting for school boards, for any kind of boards that are going to be set up within this particular region. That is a direct ability for persons to vote for whom they want to represent them.

I am not sure what the member is speaking of when he says that there will be no ability. No, a person cannot vote for the band chief. But a person is going to have input into those boards that will be regulating everyone living within that territorial area of British Columbia.

It is not correct to say that this is taxation without representation. The representation is there. The clauses of the agreement speak to future changes that might come about. This is a very workable agreement. It is pliable. It is open. It is something I am surprised the hon. member is not supporting.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I would like to congratulate my fellow member, the Progressive Conservative Party's House leader, for his excellent speech.

I would like to ask him whether he shares my opinion that it is essential that all members in this House support the Nisga'a treaty, essential, therefore, that the example set by Quebec in the early 1980s be followed. Quebec's National Assembly—and I know all

members will remember this fact—recognized native rights at the start of the 1980s.

When we listen to the debate and consider the speeches by the Reform Party, with its usual narrow-mindedness, and then the open-mindedness of the Progressive Conservative Party, is this not proof—and the member could confirm this—that no agreement is possible and that no united alternative could be contemplated on this basis?

● (1730)

Mr. Peter McKay: Mr. Speaker, I thank my colleague from Quebec. Unfortunately, I am unable to answer his question in French.

[*English*]

I would be very quick to recognize that the province of Quebec has an exemplary record in many instances in dealing with aboriginal people. It has been a leader in many areas when it comes to issues of negotiation. It has a different law in many ways with respect to the application of the civil law. Perhaps in some ways it is more well versed in this type of negotiation under the civil law as it applies.

I embrace the idea that solidarity is what is perhaps most needed when it comes to an issue such as this one. A very important signal will be sent to aboriginal people in Canada in the spirit of this particular agreement. The last thing we want to see is more contentious and divisive debates. The last thing we want to see is a decision coming out of the supreme court which basically forces the government in many instances to negotiate with a gun to its head.

We know that the record of the federal government in taking cases involving aboriginal people to the Supreme Court of Canada or the federal court is an absolutely abysmal one. I suggest the hon. member is on the right track when he clearly states that negotiation in good faith is what is most needed and desired.

That is certainly the spirit of this agreement. It is why members of the Progressive Conservative Party are supporting it. We are looking forward to getting it to the committee where we can perhaps bring about some necessary changes and move the matter forward for the benefit of all.

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, I will be sharing my time with the hon. member for Kootenay—Columbia. I am pleased to have the opportunity to speak today to Bill C-9, an act to give effect to the Nisga'a final agreement. I am fairly sure the final agreement will become known as the phantom legislation that changed the nation. I say that because we will not get a look at the real treaty which makes all the difference.

It might be of interest to know that the agreement, the accompanying appendices and taxation agreement are 50 millimetres thick in either English or French, while the ways and means motion before the House is in both official languages and is only 1 millimetre thick. That means that parliament was able to study roughly one-100th of the total material referred to.

The treaty which the bill implements is the first of its kind. It is meant to be a template for the remaining 50-plus treaties to be negotiated in British Columbia. It would create and constitutionalize features of government, taxation, representation, fisheries and resource management that are unique in that they are based on race.

This is not public government. It is a private government which is not based on residency but on citizenship in the Nisga'a nation. Other people cannot obtain Nisga'a citizenship no matter how long they reside on their lands. They will always be guests with none of the rights that accrue to citizens.

Just for interest sake, I would like to refer to a statement made to the special rapporteur and presented to the United Nations working group on indigenous populations: ''It is the first time in our life that we are standing on lands that the white man has a right over and we as indigenous people are merely guests. I am therefore very grateful to the people of Switzerland for allowing us to be here''. That appears to be the type of thinking we are up against.

● (1735)

People other than the Nisga'a cannot obtain Nisga'a citizenship. It is not open to anyone except by hereditary means. They will not have any part in the election of the legislative body that sets the level of taxation levied or the amount of fees for services that are to be set. They will be at the mercy of a system that, no matter how well meaning the participants are, will deny their democratic rights and will do it for all time.

If the legislation creating Nisga'a government were outside the constitutionally entrenched land claim as it should have been, the treaty would be more acceptable. Furthermore, if it did not form part of a final agreement, it would be possible to test drive the proposed government model. One would not buy a car without driving it first to see if it fit one's needs, runs well and has a guarantee that would cover the cost of repairs if it fails to live up to the sales pitch.

In spite of these concerns this new governance model is not open to amendment in the House. Time allocation will likely be used to limit debate. There is no way to make changes that may be found to be necessary for a government which is founded on the failed practices of the 19th century.

In the legislation before us today we are told that it will help build the economy. This is stated not as a fact but as an article of faith without the slightest evidence to support it. The sad history of

Indian affairs on which the agreement is based does not give me, and it should not give it to any member of the House, any reason for confidence.

Every member of the House knows, unless in complete denial, that conditions on Indian reserves which constitute a society apart from the mainstream are abysmal. The commonly accepted indicators point to complete failure. Time and time again statistics show that all social indicators on Indian reserves are much worse than for the general population. Infant mortality rates are higher than for the general population. Drug abuse is rampant. Diabetes is a scourge. Rates of incarceration, unemployment, inadequate housing and lack of economic activity all bear witness to the failure of the system that has been in place since the 1800s.

To digress for a moment, I draw the attention of the House to the interim report of the Standing Committee on Indian Affairs and Northern Development on aboriginal economic development. In its report the committee calls on the government to invest in social housing in Indian communities and in northern communities inhabited largely by Inuit.

I want the House to see and understand the contradiction in terms evident in such a statement. Social housing is neither a driving factor nor an indicator of economic development. If it is anything at all it is an admission there is no economy to stimulate or to build on. That the Liberal government thinks that social housing is an indicator of an economy rather than an indicator of abject failure shows that it has no idea what success is or how to achieve it. Therefore we must take its predictions of growth in the Nisga'a economy with a grain of salt, and I should suggest with much more than that.

In the agreement a collectivist approach rather than a private enterprise approach is entrenched. Therefore all indicators of failure will be entrenched.

The treaty is being presented as a fait accompli by the government in partnership with the Government of British Columbia. We know the Liberals are supremely confident that they and the B.C. New Democrats have it right and that the public has no need to look into what they have created. Historically this has been the modus operandi of the Liberals when faced with the big questions facing Canada.

Thirty years ago Prime Minister Pierre Trudeau introduced his white paper on Indian affairs which accurately defined the difficulties facing Indians because of the walls created by discriminatory legislation like the Indian Act. He proposed solutions to the problem that were visionary in their day and were breathtaking in their scope. His minister of Indian affairs at the time was in complete agreement with the prime minister. That Indian affairs minister is our current Prime Minister.

We need to ask what caused the failure of this grand vision for aboriginal people. What led to such a complete rout of the government of the day and the utter rejection of its vision, which continues to this day and which it rejects?

● (1740)

I believe it was caused by the Liberals' propensity to create grand doctrines all the while talking only to themselves. It is this predilection to shut the public out of the process and then spring some grand design for the public good on an unsuspecting public that caused it to fail. In thirty years nothing has changed. The Liberal government still has not learned anything about democracy and the need for wide consultation.

If the agreement is so good it should stand up to public scrutiny by B.C. residents in the same way it was put to members of the Nisga'a band. They should not be denied a voice in the affairs that concern them so directly. I suggest members of the House support the amendment proposed by the Leader of the Opposition in which he calls on the government to withdraw the bill and refer the subject matter to the Standing Committee on Aboriginal Affairs and Northern Development.

I turn to a clause in the bill that to some extent sheds some light on the mindset of the government when we address these issues. The preamble to Bill C-9 states:

> Whereas Canadian courts have stated that this reconciliation is best achieved through negotiation and agreement, rather than through litigation or conflict;

Then it goes on with a number of other whereas clauses. This clause serves no purpose in the legislation other than to tell the world that the Liberal administration had to be spanked by the supreme court and sent to its room. We would surely agree with that sentiment on this side of the House. However, it is our contention that the Liberal government is regrettably the senior level of government in Canada at this time and ought to behave in an adult fashion and not go to its room so easily.

Let us look at the taxation agreement as an example of what I mean. In section 37 under land claims agreements it states:

> If within 15 years of the effective date, Canada or British Columbia enacts legislation giving effect to another land claims agreement applicable in northwest British Columbia that provides that all of the lands that were set apart as Indian reserves of an Indian band whose members were represented by a party to the agreement cease to be reserves, and provides in the land claims agreement that is referred to in that land claims agreement:
>
> (a) tax powers that are not available to Nisga'a Lisims Government or Nisga'a Village Governments; or
>
> (b) tax exemptions that are not available to Nisga'a Government or Nisga'a Villages;
>
> Canada and British Columbia, on request of the Nisga'a Nation, will negotiate and attempt to reach agreement with the Nisga'a Nation to provide appropriate adjustments to the tax powers of Nisga'a Lisims Government, and to the tax

exemptions available to the Nisga'a Nation and Nisga'a Villages, taking into account the particular circumstances of the other land claims agreement.

The rather lengthy legal text I read means just one thing. There is none of the vaunted finality in the agreement in respect of taxes at least. If any other band negotiates a better agreement, and that is inevitable, the federal and provincial governments must come to the negotiating table at the request of the Nisga'a government to add to the powers and exemptions that were not included in this agreement.

For the reasons I have stated I will be opposing the legislation and I call on other hon. members to vote in favour of the amendment proposed by the Leader of the Opposition.

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, the member for Skeena, a colleague of the hon. member, indicated on a number of occasions that he believed the Nisga'a treaty in some way entrenched inequality of aboriginal women.

In view of the provisions of subsection 35(4) of the Constitution Act, 1982 that guarantee all section 35 rights, that is the aboriginal treaty rights in the constitution including Nisga'a rights under the treaty, equally to male and female persons, how could the member possibly argue that it is in any way unequal?

Mr. Derrek Konrad: Madam Speaker, I thank the hon. member for Burnaby—Douglas for the opportunity to speak to this issue. There is already inequality on Indian reserves. Otherwise Indian women would not be speaking out about the need to look after their equality.

During debate on the last piece of legislation that went through the House, Bill C-49, the government and all other parties insisted that women were being equally treated.

● (1745)

It is our understanding that women's rights will not be looked after carefully in the agreement. This is not the way in which rights should be handled. When the agreement says that it respects the free and democratic nature of Nisga'a government, what is it really trying to say? It is not just a straight statement of fact. There is a qualifier in the ways and means motion which I think a good lawyer will find a way around.

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Madam Speaker, I would like to ask my colleague about the agreement and property rights.

Nowhere in the agreement does it give Nisga'a people individual property rights. It is one of the fundamental aspects if a marriage breaks up, or there is desertion or anything like that. Without property rights being entrenched in the agreement, would that not put a severe handicap on the spouse who has been deserted?

Mr. Derrek Konrad: Madam Speaker, the hon. member has stated the case very well. Most of our rights have sprung from the ability to own, deal with, dispose of, or invest in private property and not property held in a collective. That is a good point. How will the collective deal with the individual rights when two individuals go to court to try to work out some form of an agreement where their property will be assigned to one spouse or the other?

Mr. Gerald Keddy (South Shore, PC): Madam Speaker, it states very clearly in the Nisga'a final agreement that the rights of Nisga'a men and women are equal and protected under the law. It states that very clearly. Let us put aside the assertion that somehow there is inequality between men and women in the agreement.

The other assertion that needs to be set aside is that this is not a democratic process or is not democratic enough, or it could be more democratic. The Nisga'a government went before its own people and 61% of the voters in Nisga'a lands voted in support of the agreement. Looking at the total number of people in the Nisga'a lands, 75% voted for the agreement. The Reform Party itself agreed to change the way that party works. Some 25% of Reform Party members voted for that and it was good enough. I would like a comment from the member.

Mr. Derrek Konrad: Madam Speaker, where we see a real lack of democracy on the issue is that it is an agreement that affects all people in British Columbia. The people of British Columbia were denied a voice in the implementation of the treaty. They heard about it secondhand. I said that in my speech. Other members have said it and they will say it time and time again. The people of British Columbia were denied a voice in the democratic process. Their rights were overlooked.

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Ref.): Madam Speaker, should there be settlement with the Nisga'a and other aboriginal people? Absolutely.

There are undeniable historical grievances and they have to be settled and settled fairly. The question is in what manner should they be settled? A number of steps need to be taken.

There needs to be a deadline for claims to be submitted. This is necessary for two reasons. We cannot reach settlement if new claims are continually popping up. Also, we cannot reach fair and final settlements if the aboriginal communities themselves have overlapping claims.

The Nisga'a represent only one of more than 50 aboriginal groups in British Columbia and a third of those are not currently

involved in negotiations. There is absolutely no way to reach realistic settlements when we do not even know what some of the groups might be willing to settle for.

● (1750)

With the Nisga'a treaty not yet complete, the Gitanyow band are now claiming that much of the Nisga'a treaty land is their traditional land and they are preparing a court battle over the title. Guess who is going to pick up the legal bill for both sides?

The total potential settlement package has to be affordable. It is no good coming up with a package if the total cumulative effect of that package and all the others to follow absolutely destroys or bankrupts an economy of an entire province. It has to take into consideration the cost of financial settlements, the cost of land settlements and the future cost of lost revenues primarily through lost natural resource revenues. Here we have the first of what I believe is a huge deception on the impact of the proposed treaty.

Provincial promotional material designed to sell the treaty to the public implied the cost was $312 million. That was extremely inaccurate and I believe deliberately misleading. That figure is only the actual cash component of the direct financial compensation to be paid. It did not include such considerations as the value of the land to be transferred or lost provincial forestry revenue.

The provincial government attempted to pacify British Columbians by claiming that most of the costs would be borne by Canadian taxpayers, not B.C. taxpayers. Last time I heard B.C. was still in confederation and we are Canadian taxpayers, and it is damned expensive at that.

The public must be consulted on the process and on any potential settlement. Settlements cannot be made piecemeal. Before one treaty is signed the public should know the bottom line and that means the total cost and impact of all settlements. There has been very little consultation with the public at large and virtually no indication that what has been heard has impacted on the outcome.

An agreement in principle was reached in 1996. From that time until now, despite a considerable amount of concern raised by the public, not one single word of the agreement has changed as a result of the public meetings that were held.

As I mentioned earlier the Nisga'a are one of over 50 aboriginal groups in B.C. The proposed settlement will be the floor and not the ceiling for all future settlements.

Given the cost of the Nisga'a treaty, I want to look at two components of the treaty: the financial costs and control of B.C.'s forest resources.

An actual financial analysis of the treaty has now been completed and it places the cost at approximately $1.3 billion. The total Nisga'a population represents 3.74% of B.C.'s aboriginal population. Of those, only one-third live on Nisga'a land and receive any kind of benefit from this treaty.

This treaty becomes a template for all future settlements. The final cost of all settlements would exceed $35 billion. If we think that is far fetched, then we should ask ourselves what aboriginal group is going to settle for less than the provincial and federal governments are willingly giving to the Nisga'a?

Under forestry, using the same proportional arguments as the financial concerns, this treaty would ultimately give an aboriginal population representing less than 5% of the B.C. population harvesting rights for almost 20% of the provincial annual allowable cut.

We simply cannot afford either one of these situations.

Treaties when signed have to lead to equality and finality. The settlement must be available to individual aboriginal people. To do otherwise extends an already existing feudal type system that will ultimately fail, just as it is failing now.

At this time the federal government alone spends $9,000 for every aboriginal man, woman and child on a reserve in this country. Despite this, many aboriginal people on those reserves live in a state of abject poverty. The reason is that much of the money is used up by the bureaucracy and what is left is passed on to certain band leaders. In some cases not so much as one single dollar makes its way to those truly in need. Under this agreement individual rights and access to benefits are still non-existent.

Under the Nisga'a agreement a central government will own all of the land and control all of the money and resources provided for by this agreement. For an individual to voice criticism is to risk exclusion from the benefits of those government owned and controlled holdings. It is a top down mechanism and it is fatally flawed. It totally ignores the principles of public scrutiny and equality of citizens. The Nisga'a agreement empowers government instead of people and that is a certain formula for failure.

● (1755)

Many people will remember studying the old English feudal system of medieval times where the lord owned all the land and everything that grew on it. The peasants were allowed to live on the land, to put up their dwellings and to raise crops, all of which belonged to the lord. They had no ownership or rights of any kind other than what he allowed. It was a very oppressive, undemocratic system full of flaws and resentment that came to a deserving end centuries ago. So why is this House considering going into the 21st century proposing the same kind of system for Canada's aboriginal people?

We have already seen examples of this. The Stoney band situated west of Calgary has a total of 3,300 people living on three different reserves. Many of those people live in absolute squalor, some in the basements of condemned homes. This is despite the fact that the Stoney band has an annual income of $50 million. That money goes first to the three band leaders who collectively draw half a million dollars in salary plus unlimited expense accounts while many of their people live in despair. Is this a system that is going to solve aboriginal problems? I do not think so.

Some might argue that these leaders are elected and can be thrown out of office if they do not do a good job. Well, I am an elected member of parliament. If someone does not like what I do, they can speak out against me. They can stand for election and try to beat me in the next election. If they do, fine. If they do not, life goes on. But what if I owned the house of that person who complained and tried to beat me out? What if I owned their bank account? What if I controlled all of their principal activities on the land? They could still run against me and if they win, that is fine. But if they lose, they have a problem.

That is the inherent problem with the current reserve system. Much of the government funds that the band leaders receive and will continue to receive even under this agreement are based on the reserve population. It is in the interest of the band leaders to keep the reserve population up and discourage band members from leaving.

Non-Nisga'a people living on land handed over to them will not have a vote on decisions affecting them. They say they will have a vote on the school board. They will not have a vote on anything that deals with their taxation. They will not have any property rights. They will not be able to vote for the Nisga'a government itself. They will not be allowed to run for government office. Never mind the school board. I have heard the flippant answers that come from the other side. They will not be allowed to run for government. They will not be allowed to vote for local government, the kind of government that deals with their taxation on any property that they happen to reside upon. But they will be subject to those taxes the government decides to impose on them and that is taxation without representation.

Promotional material in support of the Nisga'a agreement states that the Nisga'a will be subject to all provincial and federal taxes. That is not true. While the Nisga'a agreement does terminate some special treatment for members after eight to twelve years, it also leaves in place many exemptions such as property tax, taxes on capital and many others. Nisga'a corporations are tax exempt, as is their forestry. The Nisga'a along with all other status aboriginals however, will continue to get such benefits as free post-secondary education and be user fee exempt on various medical services. These benefits are race based and the ultimate goal of settlement must be the full equality of all Canadians.

I have more, Madam Speaker. I am not even going to get to my fifth point because of the little time left. It is unfortunate, when we are trying to get as many speakers on as possible, that this government has already said that it is going to cut off this debate.

And using the word debate is a sham. This is not a debate. The government does not intend to change one piece of legislation, not one clause, no matter what evidence comes forward. It is going to put something through, an agreement that with its appendix is thicker than the Ottawa phone book.

Mr. Grant McNally: Madam Speaker, I rise on a point of order. I apologize for interrupting my hon. colleague but he is making such important points I think it would be important for at least one member of the cabinet to be in this place to hear such an important debate on Nisga'a.

The Acting Speaker (Ms. Thibeault): That is not a point of order.

Mr. Jim Gouk: Madam Speaker, I conclude by pointing out that we are debating a piece of legislation that has incredible impact on British Columbia, a document that is thicker than the Ottawa phone book, and yet the government will not even consider a single change to it. If this government wants to make even a pretence of being democratic, it will agree to hold hearings in British Columbia, listen to the concerns of British Columbians and make sure the final agreement is fair to all.

• (1800)

Mr. Darrel Stinson: Madam Speaker, I heard a lot today, especially from the other side, about consultations in the province.

I want everybody to know that we got in touch with Victoria in regard to these so-called consultations. Not one piece of advertising went out to the people. As a matter of fact I took it upon myself to put out advertisement. Until that point in time nobody even knew this was going on. This is how open and democratic the NDP is in the province of British Columbia. It is, as the hon. member said, almost like this government.

In regard to these consultations and polls that were taken in and around the province of British Columbia, did the hon. member have any direct input into them?

Mr. Jim Gouk: Madam Speaker, it is important for us to understand that we are here to represent people.

I had a two hour live televised debate with a provincial minister from the NDP government. During that debate I offered to pay for a scientific poll of his riding if he would agree to a vote according to the results. He refused, but I did the poll anyway.

In his riding and in the neighbouring riding of another NDP member, the poll turned out that the majority of people opposed it.

What is more interesting is that we did a breakdown inside the poll, as polls often do, and identified which of the people who were contacted were NDP supporters. Seventy per cent of the people who identified themselves as supporters of the provincial NDP said that they wanted a referendum and a voice on this. That government did not listen and we now have this government not listening.

I have documents from the previous federal minister of Indian affairs and the provincial minister of Indian affairs. They have both told the people that they hoped they would recognize their tenure, but that if they did not they hoped they would be offered compensation. That is a typical example of what is happening to British Columbians on this issue. It is also happening to ranchers.

We got another briefing note by the Department of Agriculture and Agri-Food for the minister stating that 1,000 farms in the Okanagan alone would be affected by the Nisga'a agreement, yet these governments are all prepared to walk through it. I do not know if it is because of guilt from the past, but they refuse to listen to reason. The irony is that not only is the agreement bad for non-aboriginals in British Columbia, it is not even good for the Nisga'a.

Mr. Gerald Keddy: Madam Speaker, I have listened to the Reform's debate and, quite frankly, it seems that we come around to this point every time where the Reform wants to take this wrecking ball approach to public policy debate. If nothing is working, we tear it all down to the base common denominator and then somehow build some constructive process on top of that after there is nothing there to start with.

There has been a fair amount of talk about the Supreme Court of Canada. We have gone to the supreme court far too many times in dealing with first nations in the country. Every time we have gone to the supreme court we end up with a decision that binds us by law to abide by and to live with.

When the member looks at the Sparrow, Delgamuukw, Simon, Gladstone, Smokehouse and all of the supreme court decisions of the last decade and some from the decade before, would he advise us to continue to go to the supreme court? I have heard the comments about what is happening on the east coast of Canada.

Or, are we not far better off to sit down in a public policy debate with first nations, the federal government and the provincial governments and establish some type of a treaty process, that may not be perfect for everybody but is perfect for the majority, and come to some concrete examples and terms of a decision that all Canadian can live by?

Does the hon. member not think that this is a much better process than allowing the Supreme Court of Canada to dictate Canadian laws to Canadians?

• (1805)

Mr. Jim Gouk: Madam Speaker, the hon. member wants to have public debate and public claims on this, yet the public has not been included. If all of the public were included we would have a much better agreement.

It is interesting that he mentions the Delgamuukw case. I keep forgetting whether it is his party or the NDP party, they are so intermingled these days. When the Delgamuukw case began in British Columbia, it was won by the provincial government. However, by the time the decision came down in came the NDP provincial government which encouraged the people to appeal. It then fired all the lawyers who had won the case and conceded a number of points they had won. The court finally had to hire back those lawyers as friends of the court in order to have somebody speak on behalf of British Columbians.

Yes, Delgamuukw is a big problem, but one of the governments that was an author to the damn report is the reason for it.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Madam Speaker, I will be splitting my time with the member for Nanaimo—Cowichan.

I stand today on behalf of the people of Okanagan—Coquihalla to speak to Bill C-9, an act to put into effect the Nisga'a final agreement. This is a very significant issue today and it is very important that members of parliament be able to represent their constituents.

What we are seeing today and what we will see throughout the debate is an attempt by the federal Liberal government to not allow the debate to go forward. It will use every means possible at its disposal, including closure on debate, and every tactic it can to not have a full hearing on the Nisga'a final agreement. The people of British Columbia have not been able to express their views on the Nisga'a final agreement.

It is very important, particularly for the members of our party, but certainly all members from British Columbia, to speak on the issue and to reflect what their constituents have been telling them because the deal is very significant. It is probably one of the most significant agreements for the aboriginal people in Canada for quite some time.

The deal will hand over to 5,500 Nisga'a ownership over an area of land that is one-half the size of the area that I come from, the Okanagan Valley. The Okanagan Valley is home to over 200,000 people as compared to 5,500. Along with ownership of the land, these 5,500 individuals will get the rights to resources such as timber, water and minerals, and a major say over the wildlife resource management.

The Nisga'a will also get cash payments. According to an independent analysis done by R.M. Richardson and Associates, the

total cost of the deal will be a minimum of $1.3 billion or $260,000 per Nisga'a. The agreement is dramatic because the federal government intends to make Nisga'a the blueprint for over 50 other agreements that will come down the road.

It is no wonder that the people of British Columbia are concerned. Let me point out that to date I alone, as the member of parliament for Okanagan—Coquihalla, have received literally thousands of names on petitions from people who are concerned about the agreement. They want questions answered. That is why it is important to have a full hearing of this debate, even though the Liberal government is going to throw up every roadblock it can to prevent that from happening.

In the grassroots plebiscites in the province of B.C., over 90% of British Columbians opposed the deal. It is also worthwhile pointing out that only 60% of the Nisga'a people agree with the Nisga'a final agreement.

The whole idea of agreements like this is to help solve the lingering social and economic problems facing aboriginal people in the country. If the agreement was going to solve those lingering social problems that have been faced by aboriginal people in the country, I and my colleagues would stand today in full agreement of the deal. Unfortunately, that is not the case. The agreement leaves more uncertainty than the Nisga'a had before.

● (1810)

When all is said and done, there is no doubt in my mind that this bill will pass. It will be a matter of history that the Reform Party of Canada stood alone, stood separate from all of the other political parties in the House of Commons, the Liberals, the Bloc Quebecois, the NDP, and the red Tories at the end of the hall, and the other NDP at the end of the way here.

The fact is that at the end of the day, after the votes are counted and this deal has passed, the social and economic problems faced by the Nisga'a will not have changed one iota. In fact this agreement will guarantee that the Nisga'a people will see another hundred years of poverty in their communities.

This agreement does not give the Nisga'a people the tools they need for a modern economy in the 21st century. It does not do that. That is unfortunate. That is why the members from British Columbia and the members from the Reform Party of Canada are standing here today. Although we are standing alone as a political party, we are standing shoulder to shoulder with the Nisga'a people and every aboriginal group across the country.

We want to see settlements that are final, that give the people the tools so that they can democratically elect their governments in the 21st century. We want to make sure that they have the tools to participate in the economy. These are very real problems.

One really important issue is the lack of property rights on reserves. It has been one of the major stumbling blocks for aboriginal peoples. It plays a leading role in any economy. Without the right to private property it is almost impossible to raise capital to start or expand a business. Aboriginal people cannot benefit from the hard work of past generations because they are unable to inherit property. Under the Nisga'a final agreement all land will be collectively owned by the Nisga'a government. It will have the right to determine what land, if any, will be sold privately.

By concentrating power into the hands of the Nisga'a government, the Nisga'a people do not gain individual rights and equality with other Canadians. Since much of the spending power of the Nisga'a government will be handed to them by Ottawa, they fail to become fiscally accountable. The Nisga'a will not acquire the opportunity and responsibility to make their own future and to pass the fruits of their labour on to their children.

Before the House considers this agreement or any other agreement, we should have a full debate on the issue of property rights for aboriginal people. Property rights should be the cornerstone of any 21st century agreement with aboriginal people. Without them we are condemning the aboriginals in Canada to repeat the 19th century and all that entails.

Let us not forget which party has been in government for most of those 100 years. It has been the Liberal Party of Canada and the red Tories at the other end of the hall who have insisted on agreements such as this which have made the aboriginal people suffer in abject poverty.

As a solution I would like to suggest three points which at minimum the Nisga'a agreement should ensure. There should be adequate protection of Nisga'a land occupants with guaranteed tenure and ownership rights to compare with non-aboriginal Canadians. There should be special measures to ensure that people have the same rights regarding the division of marital assets whether or not they live on Nisga'a land. There should be the guaranteed right on individual property ownership on Nisga'a land.

Federal and provincial legislation should apply on Indian lands to protect people living on that land. We hear a lot from the people on the other side of the House that everybody who lives on that land will be covered by the same federal and provincial agreements or laws that are in place.

I would like to refer to a situation in my riding of Okanagan—Coquihalla. Members may recall that I introduced a private member's bill regarding the situation at the Driftwood Mobile Home Park. The 51 families who resided at Driftwood Mobile Home Park were evicted. They were told they had to leave their homes.

● (1815)

Why was that? It was because their septic system failed. After they had paid rental for years and years to have their mobile homes on that property their septic system failed. Why did it fail? We found out that because it was on reserve land proper inspections were not done. The landlord and tenant act did not apply to these people because they lived on reserve land. It was a huge injustice.

Did we see the Liberal government standing up to support those 51 low income families at that time? No, it did not. Nor did members of the NDP or the red Tories at the other end support those 51 low income families who lost their homes. Some of them only received 50 cents on the dollar for their investment. They are low income people. They are without homes. They are living in my riding. There are four other mobile home parks in jeopardy of the same fate. Why? It is because the Liberal government depends on agreements which are set up to fail.

This will not solve the problem. I wish the House would reconsider this whole area. At the end of the day I can guarantee that I will be standing shoulder to shoulder in support of the Nisga'a people for their future and their economic development when all these other people are long gone.

Mr. Gerald Keddy (South Shore, PC): Madam Speaker, I have one question and a point that I would like to raise. The hon. member says that private property rights are not protected in the Nisga'a agreement when in reality if he has read the agreement he must be aware that private property rights are protected in the agreement.

Private landowners, non-Nisga'a landowners who live in the Nass Valley, are not under the Nisga'a agreement. They still have full title to their property. It even goes so far as to give them ownership of the roadbeds leading to that property. Therefore private property rights are definitely protected.

I find it a bit incongruous that government members are not standing to debate and defend the Nisga'a agreement. They have left it up to opposition parties in the House that may or many not agree with each other. Surely the Government of Canada, which represents the people of Canada, should be doing the job of defending the treaty that I am on my feet doing right now. It is a good treaty and I would like to hear more from government members. I would like to hear from the hon. member on that.

Mr. Jim Hart: Madam Speaker, I appreciate the question. Unfortunately the member is not from the province of British Columbia which really makes his argument moot.

The people of British Columbia want to see an agreement that makes sense, an agreement that does not protect the property rights of Nisga'a people. We are talking about the Nisga'a people and their property rights. They do not have property rights in this agreement. This is what needs to be protected. They need to be protected in this agreement.

If we do not have the tools, which the agreement does not have, to give Nisga'a people those property rights in the 21st century, what are we giving them? We are giving them more of what they are used to now, more of what they have had for the last 200 years, and that is abject poverty. They will not be able to participate actively in the economy of the country and in the economy of British Columbia.

As I have said in my comments, they do not have the right to own that property. They do not have the right to hand it down to their heirs. They do not have the right to participate through a business.

The hon. member says he would like government members to stand and defend the Nisga'a agreement. Probably the reason they are not is it is indefensible.

The agreement is a bad agreement. It does not make sense for the Nisga'a people. I just hope at the end of the day when the deal is signed, because undoubtedly it will be, that the hon. member will be willing to go to British Columbia and explain it five years from now when the impact of the agreement on the Nisga'a people is truly felt. I hope the member is still around to explain that he stood in support of the agreement.

Ms. Libby Davies (Vancouver East, NDP): Madam Speaker, I would ask the member to comment further on the issue of property rights. We have heard all day from Reform Party members that this treaty somehow does not allow property rights for Nisga'a people.

● (1820)

Would the member not agree, if he has read the treaty, that the treaty transfers ownership of the land back to the Nisga'a people as a people but that the treaty allows various ways for people to privately own the land they live on? It specifically says that individuals cannot get less in terms of property rights than they already have. They can only get more. I ask the member to confirm that is exactly what the treaty says.

Mr. Jim Hart: Madam Speaker, the agreement does not confer individual property rights on the Nisga'a people.

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Ref.): Madam Speaker, I am particularly interested seeing as how the last speaker is my neighbouring colleague in the Okanagan. I go into the south part and he goes into a major part of it.

I have a copy of a briefing note from the provincial ministry of agriculture to the minister of agriculture, Corky Evans, who is now running for the leadership of the NDP government out there. It

states clearly that the Nisga'a treaty sets up a precedent that will affect every rancher in the province of British Columbia who lives within 10 kilometres of a reserve. In the Okanagan alone that could affect 1,000 ranchers.

I would like to hear my colleague who represents a good part of that area and those 1,000 ranchers comment on that.

Mr. Jim Hart: Madam Speaker, because I come from an area that has a ranching industry and an orchard industry natural resources are very important to our area. Because the agreement is set up the way it is, it has a direct impact on ranchers, orchardists and the natural resource sector.

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Madam Speaker, the Reform Party has always believed that treaties with our native people should be concluded as quickly as possible, so I really wish that I could stand before the House and offer my support for the bill. Unfortunately the bill is full of concerns that have deep ramifications for not only my home province of British Columbia but for the whole country.

The conditions under which many aboriginal people in my riding and many other regions of Canada live are absolutely appalling. I have seen homes without water and proper heating. I have spoken with people who are desperately poor having been unemployed virtually forever and who are hanging on through subsistence welfare cheques. I have seen the emotions of people as they begged for someone to help them. I have witnessed their sense of hopelessness and helplessness. I have been an eyewitness to the less than enthusiastic police investigations into filed complaints of wrongdoing that occurred on reserves.

It takes real courage for our native people to step forward in these circumstances. After the witness reports, the pictures and the paperwork it is truly wrong and upsetting to have the whole thing swept under the carpet.

I have observed firsthand the lack of personal initiative that many aboriginal people have for individual advancement, that personal drive which gives all of us a reason to roll out of bed in the morning and strive to do our best during the upcoming day.

Why do many aboriginals feel this way? The answer is simple. Either their own peers, the Indian act or a combination of both strive to hold them back.

Over the past 10 years approximately $60 billion have been poured into the Department of Indian Affairs and Northern Development. If money alone could solve these problems, I would have thought they would have been solved years ago.

The problem is not money. There has been plenty of money poured into DIAND. Simply put, the resources have never reached those at the grassroots level that need it most. The reality is there has been a litany of broken promises from both the government and many of the native leaders. Bureaucratic red tape and corruption have made it nearly impossible for the individual grassroots aboriginal person to get ahead.

During the summer of 1998 I attended a meeting of grassroots aboriginal people in Airdrie, Alberta, initiated by the Reform Party. Following the meeting and after hearing from many aboriginal people I hosted a meeting on aboriginal accountability in my own riding of Nanaimo—Cowichan. I expected 25 people. That was the number of invitations that went out. Over 50 people crowded into a room representing 15 different bands from all across Vancouver Island.

Time and time again grassroots aboriginals in attendance expressed serious concerns over their respective band councils and leadership. Of all the people in attendance the only ones who did not see that there was an accountability problem were those few who worked for the band councils or the Department of Indian Affairs and Northern Development.

Person after person stood up to talk indicating that they had the same concerns within their band that other speakers had expressed. They also added they thought that they had been the only ones with this problem until they came to the meeting. They were grateful that others were willing to step forward and publicly discuss the issues. The primary concern was accountability among their own leadership. That is not new. I will refer to some quotes from that meeting:

> It's sad to see your own people doing this to you.
>
> If white people had done this to us we'd be up in arms.
>
> This has really opened my eyes. I thought it was just us.
>
> Reformers are the only people who'll listen.

• (1825)

I am leery of the agreement and the lack of firm details of accountability within the band. I am also very concerned about the welfare of women and children under the agreement. Contrary to words spoken on the other side, the rights of Nisga'a women have not been included in the document.

Women's rights deserve to be fully addressed. I have had the opportunity to talk with many grassroots aboriginal people at friendship centres and native women's associations. We have discussed a great many matters ranging from land settlements and equality to health care and family matters.

I speak from the heart on this issue. I have witnessed firsthand the terrible price women and children have paid through the native patriarchal system. Women and children typically have had very few rights bestowed upon them by the elite of the band councils. If the Liberal government is so concerned with the family, why does it not put its words into action for it is time to walk the talk?

One of my next concerns is the matter of personal property rights. Under the current agreement the Nisga'a council, village or corporation will be the owners of the land and therefore the resources.

I believe strongly that to take full responsibility for one's actions has both rewards and consequences. Consequences tend to mean very little if there is no personal risk and no cost to the individual personally. The reward is based on the same principal that to risk something to succeed there will be personal gain. Simply put, what one owns one cares for.

I believe this is not only a problem within our aboriginal community as a whole but a symptom of our society at large. To be truly effective I strongly urge the government to implement individual property rights for all Nisga'a people.

There are several positive aspects of the agreement. One of them is to move the Nisga'a people out from under the oppressive Indian Act. I hope and pray that the Nisga'a people will not be moving from one oppressive regime to another. I have to ask myself a question. If this agreement was to apply directly to me, would I be satisfied to live under it? My simple answer is no. I would not want to be placed under the terms of the agreement. Nor do I believe that all Nisga'a people truly want to be placed under it.

Although a majority of the Nisga'a people did pass the agreement the final result was certainly not overwhelming. A total of 61% approved the agreement, 39% were against it, and 15% of the eligible voters declined to vote.

Perhaps the greatest concern to me is that the agreement sets the framework for all treaty settlements in Canada. There are many agreements yet to be negotiated. However to use the agreement as the cornerstone, I am afraid, sets the country on a long road to the courts and confrontation. I hope that is not what my colleagues on the other side are looking for. They only need to look at the west coast and review the Musqueam land battles. They only need to look to the east coast and try to make sense of the fisheries fiasco the government has created.

All Canadians are deserving of a far better agreement. It is my belief that the agreement will not bring the Nisga'a people into Canada but will create a mini-state within the nation, a nation within a nation, a nation that in 14 different areas has the right to supersede the laws of the Canadian constitution and the province of British Columbia.

I have three native children who are part of my family. I love each one of them very much, just as I love my other five children who are non-native. We have made it work in our family. We love and comfort each other. I want them to grow up in a country where—

The Acting Speaker (Ms. Thibeault): I am afraid I have to interrupt at this point. The hon. member will have approximately two and half minutes when the bill is brought back to the House.

[*Translation*]

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT

The House resumed from October 22 consideration of motion that Bill C-6, an act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by provinding for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act, be read the third time and passed.

The Acting Speaker (Ms. Thibeault): It being 6.30 p.m., pursuant to order adopted Friday, October 22, 1999, the House will now proceed to the taking of the deferred division on the motion at third reading of Bill C-6.

Call in the members.

• (1900)

(The House divided on the motion, which was agreed to on the following division:)

(*Division No. 45*)

YEAS

Members

Abbott	Adams
Alcock	Anderson
Assadourian	Augustine
Axworthy (Winnipeg South Centre)	Bailey
Baker	Bakopanos
Barnes	Beaumier
Bélair	Bélanger
Bellemare	Bennett
Benoit	Bertrand
Bevilacqua	Blaikie
Blondin-Andrew	Bonin
Bonwick	Boudria
Bradshaw	Breitkreuz (Yorkton—Melville)
Brown	Bryden
Bulte	Caccia
Cadman	Calder
Cannis	Caplan
Carroll	Casson
Catterall	Cauchon
Chamberlain	Chan
Charbonneau	Chatters
Clouthier	Coderre
Comuzzi	Copps
Cullen	Cummins
Davies	Desjarlais
DeVillers	Dion
Discepola	Dockrill
Dromisky	Drouin
Duhamel	Duncan
Earle	Easter
Eggleton	Elley
Epp	Finlay
Folco	Fontana
Forseth	Fry
Gagliano	Gallaway
Gilmour	Godfrey
Godin (Acadie—Bathurst)	Goldring
Goodale	Gouk
Graham	Gray (Windsor West)
Grewal	Grose
Guarnieri	Harb
Harris	Hart
Harvard	Hill (Macleod)

Hill (Prince George—Peace River)
Hubbard
Jackson
Jennings
Jordan
Karygiannis
Keyes
Kilgour (Edmonton Southeast)
Konrad
Lastewka
Lee
Limoges (Windsor—St. Clair)
Longfield
MacAulay
Malhi
Mancini
Mark
Martin (LaSalle—Émard)
Matthews
McCormick
McGuire
McLellan (Edmonton West)
McTeague
Meredith
Mills (Red Deer)
Murray
Nault
Nystrom
O'Brien (London—Fanshawe)
Obhrai
Pankiw
Parrish
Penson
Peterson
Pickard (Chatham—Kent Essex)
Pratt
Proud
Ramsay
Reed
Richardson
Robillard
Rock
Scott (Fredericton)
Sekora
Shepherd
Solomon
St. Denis
Steckle
Stinson
Strahl
Telegdi
Torsney
Valeri
Volpe
Wasylycia-Leis
White (Langley—Abbotsford)
Wilfert
Hilstrom
Iftody
Jaffer
Johnston
Karetak-Lindell
Kenney (Calgary Southeast)
Kilger (Stormont—Dundas—Charlottenburgh)
Knutson
Kraft Sloan
Lavigne
Leung
Lincoln
Lunn
Mahoney
Maloney
Manley
Marleau
Martin (Winnipeg Centre)
Mayfield
McDonough
McKay (Scarborough East)
McNally
McWhinney
Mills (Broadview—Greenwood)
Minna
Myers
Nunziata
O'Brien (Labrador)
O'Reilly
Pagtakhan
Paradis
Patry
Peric
Phinney
Pillitteri
Proctor
Provenzano
Redman
Reynolds
Ritz
Robinson
Saada
Scott (Skeena)
Serré
Solberg
Speller
St-Julien
Stewart (Northumberland)
Stoffer
Szabo
Thibeault
Ur
Vanclief
Wappel
Whelan
White (North Vancouver)
Wood —200

NAYS

Members

Alarie
Bachand (Saint-Jean)
Bergeron
Îles-de-la-Madeleine—Pabok)
Bigras
Brien
Casey
Dalphond-Guiral
Debien
Gagnon
Girard-Bujold
Guay
Harvey
Jones
Laurin
Loubier
Marchand
Mercier
Picard (Drummond)
Power
Rocheleau
St-Hilaire
Thompson (New Brunswick Southwest)
Bachand (Richmond—Arthabaska)
Bellehumeur
Bernier (Bonaventure—Gaspé—
Bernier (Tobique—Mactaquac)
Borotsik
Cardin
Chrétien (Frontenac—Mégantic)
de Savoye
Duceppe
Gauthier
Godin (Châteauguay)
Guimond
Herron
Keddy (South Shore)
Lebel
MacKay (Pictou—Antigonish—Guysborough)
Ménard
Muise
Plamondon
Price
Sauvageau
St-Jacques
Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Mitis)
Vautour
Turp
Wayne—49

PAIRED MEMBERS

Assad
Collenette
Desrochers
Dubé (Lévis-et-Chutes-de-la-Chaudière)
Fournier
Lalonde
Mifflin
Normand
Pettigrew
Canuel
Crête
Dhaliwal
Dumas
Ianno
Marceau
Mitchell
Perron
Stewart (Brant)

The Deputy Speaker: I declare the motion carried.

(Bill read the third time and passed)

ADJOURNMENT PROCEEDINGS

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

AGRICULTURE

Mr. Rick Borotsik (Brandon—Souris, PC): Madam Speaker, I thank the Parliamentary Secretary to the Minister of Agriculture and Agri-Food for being in the House this evening.

On October 18 I had the opportunity and the pleasure to rise in the House to question the Minister of Agriculture and Agri-Food about an issue that is very close and dear not only to my heart, but to the constituents of Brandon—Souris as well as to agricultural constituents all across this fair country of ours.

As the House has been told many times, the minister of agriculture and his department have put forward this wonderful program called AIDA that is going to solve all of the problems of western Canada and western Canadian producers.

I had the opportunity to rise on October 18 to ask the minister of agriculture why it was that only $90 million had been distributed to the four provinces for which the federal government administers the AIDA program.

● (1905)

For those who do not know, and perhaps the parliamentary secretary does not know, there are four provinces that have the AIDA program administered for them by the federal government, and those provinces are Saskatchewan, Manitoba, Newfoundland and Nova Scotia.

With the commodity crisis that we are now suffering throughout western Canada, Manitoba and Saskatchewan are without question the hardest hit because they have a dependency on grains and oilseeds more so than other provinces and other commodities that are being grown and produced throughout Canada.

The $90 million is very important because as of October 18 that was the amount of money that was distributed to those four provinces. However, the minister of agriculture, in response to my question, suggested that in the four provinces where the federal government delivers the program well over $200 million had been delivered, as identified in *Hansard*. That, in fact, was not true and I would like the parliamentary secretary to explain to me how a $90 million distribution of funds could be mistaken for a $200 million distribution of funds.

The reason I brought this up was because not only was the money not being distributed, the applicants for the AIDA program were being denied. In those four provinces, 8,000 applicants had been approved for the AIDA program and some 10,000 applicants had been denied.

Supplementary to that question, I asked the minister if in fact he thought that the 10,000 applicants who had been denied did not require any assistance with the farm crisis. Needless to say, it was question period, not answer period, and the minister decided to go off on some different tangent and he never did answer the question.

Maybe the parliamentary secretary would like to answer tonight. Did those 10,000 applicants who have been denied apply simply on a whim? Did they apply because they thought there was going to be $900 million distributed, which we have seen is not happening? Did they apply because they did not need the assistance? Or, did they apply and get refused because the program itself is flawed?

The program is definitely flawed, as we have found out. There are no negative margins covered in the program right now. Perhaps the parliamentary secretary would like to explain why, when the program was designed and developed not to include negative margins in the process.

I should tell you, Madam Speaker, that the process of application is very—

The Acting Speaker (Ms. Thibeault): I must interrupt the hon. member at this point as his time has expired.

Mr. Joe McGuire (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Madam Speaker, I know the hon. member has been very persistent in his questioning on this topic. It is a very important topic for his province and for all farming communities across Canada.

The government understands the root cause of the financial problems facing some farmers. The causes are worldwide low prices for some commodities and recent adverse weather here in Canada.

The low prices have been aggravated by the use of trade distorting support by some of our trading partners. The Minister of Agriculture and Agri-food is working very hard on the international front to demonstrate that this continued action will undermine efforts toward agricultural trade reform.

The figures I have are figures for Canada. They are not figures for the four provinces alone. As of October 21, 1999 claims totalling $220 million have been paid out. This represents an average payment of $14,034 per farmer. Currently the AIDA administration is processing approximately 1,200 applications per week. Farmers continue to have access to the NISA program and the government continues to put money in producers' NISA accounts, with more than $126 million already contributed this year. More than 135,000 farmers have some $2.7 billion in accounts. That is a substantial reserve to draw on.

We have taken appropriate measures to deal quickly with the results of adverse weather and the low prices for some commodities and we are laying the groundwork to ensure that our trading partners enter the WTO negotiations with a commitment to meaningful changes. Along with our work with provincial governments to strengthen our long term safety net system, we are providing Canadian farmers with the short and long term support they need.

• (1910)

FISHERIES

Ms. Angela Vautour (Beauséjour—Petitcodiac, PC): Madam Speaker, in the House on October 14 I asked a question of the Minister of Fisheries and Oceans. The question was quite clear. However, the lack of an answer I received was also very clear.

The rejection of the 30 day moratorium on fishing in the Atlantic region shows clearly that the minister is continuing to ignore the seriousness of the situation. The government has shown the people most directly concerned that it has absolutely no leadership. Through its clumsy handling of the situation the government has struck fear into the hearts of fishers in the towns and villages throughout Atlantic Canada. My question was very clear. What has the government done and what does it intend to do to restore a feeling of security and peace of mind to people in native and non-native communities?

The lack of the government's seriousness in regard to this very serious question shows how it does not understand the seriousness of the problem. The minister totally ignored the question and he

tried to laugh at it. However, the answer was clear, the government had done nothing and was planning to doing nothing in our communities.

There has been no initiative to talk to people in our communities. That is clear. If we talk to people in our communities they tell us that there is a need for action and resources to bring our communities together. We cannot let the situation worsen, like the government has been doing with its lack of leadership.

[*Translation*]

The commercial fishermen of Fundy, Richibucto, Richibouctou-Village, Sainte-Anne, Saint-Thomas, Cap-Pelé and Port Elgin are wondering whether they still have a future in fishing.

Communities need to see leadership from this government, something that does not exist, at present.

[*English*]

We need to see leadership now, not a year from now. Both native and non-native communities need a strong government that will look after their welfare. This will only be accomplished by enforcing conservation measures and by putting in place rules and regulations that will ensure that the lobster, scallops and shrimp are there. If we do not take measures to conserve our natural resources, the victory which the natives achieved by the supreme court ruling will no longer be a victory because in 10 years there will be no resources.

There are serious fishermen who are worried. I spoke with fishermen yesterday. They are asking if they will be able to fish next spring. Will they be able to go out and fish? What will be the rules and regulations?

We should also talk about the lack of DFO officials on our waters; not only during this crisis, but before it. I went out on the wharfs this fall to talk to the fishermen while they were preparing to fish. At that point I heard a lot of complaints that there were not enough DFO officials on the water to protect the species. Now, with this additional crisis, we know that DFO manpower cannot handle it and will be further burdened if there is no leadership from the minister in Ottawa.

I hope that in the next couple of months this situation will be resolved, because there are more—

The Acting Speaker (Ms. Thibeault): I am sorry, but the hon. member's time has expired.

Mr. Lawrence D. O'Brien (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Madam Speaker, thank you for the opportunity to describe the measures we are taking to plan for the implementation of the Marshall decision in a manner that is sensitive to the very real concerns of fishers and fisher communities in the Atlantic provinces.

● (1915)

I will deviate from my text for a moment. I would like to say to the hon. member that we are taking the issue seriously. Mr. Mackenzie is in Atlantic Canada working on the issue at the moment. Mr. Mackenzie comes to us as the chief federal representative. He was born and bred in Nova Scotia. He was the chief federal land claims negotiator on the Labrador Inuit Association claims and he did work on the major fisheries component. We have also had the nickel concerns in the Voisey's Bay issue and we have come to an AIP. I am confident Mr. Mackenzie will assist in resolving this matter.

Mr. Mackenzie's immediate task is to work out arrangements for short term fisheries management. The first task is well under way. He has been holding discussions with aboriginal and commercial groups throughout the maritimes. Mr. Mackenzie is concentrating for the time being on the lobster fishery. The hon. member pointed to the other species. That is correct. There are other species to be concerned about in those areas where commercial openings are imminent, but arrangements will be necessary across the board.

By the end of April 2000, and I think this is the most important point, we will have a plan in place for—

The Acting Speaker (Ms. Thibeault): I am afraid the time allocated has expired.

[*Translation*]

The motion to adjourn the House is now deemed to have been passed. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7.16 p.m.)

CONTENTS

Tuesday, October 26, 1999

STATEMENTS BY MEMBERS

ORAL QUESTION PERIOD

ADJOURNMENT PROCEEDINGS

MAIL POSTE
Canada Post Corporation/Société canadienne des postes
Postage paid Port payé
Lettermail Poste−lettre
03159442
Ottawa

If undelivered, return COVER ONLY to:
Canadian Government Publishing,
45 Sacré−Coeur Boulevard,
Hull, Québec, Canada, K1A 0S9

En cas de non−livraison,
retourner cette COUVERTURE SEULEMENT à:
Les Éditions du gouvernement du Canada,
45 boulevard Sacré−Coeur,
Hull, Québec, Canada, K1A 0S9

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique «Parliamentary Internet Parlementaire» à l'adresse suivante :
http://www.parl.gc.ca
