HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

House of Commons Debates

VOLUME 146 • NUMBER 174 • 1st SESSION • 41st PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Thursday, November 1, 2012

Speaker: The Honourable Andrew Scheer

CONTENTS

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

HOUSE OF COMMONS

Thursday, November 1, 2012

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1005)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 19 petitions.

* * *

[*Translation*]

PETITIONS

HOUSING

Ms. Annick Papillon (Québec, NDP): Mr. Speaker, I rise briefly here today to present a petition concerning Bill C-400 introduced by my hon. colleague from Saint-Hyacinthe—Bagot.

SHALE GAS

Mr. François Choquette (Drummond, NDP): Mr. Speaker, I rise here today to present another petition concerning the use of fracking, better known as hydraulic fracturing, to extract shale gas. That said, there are some other elements involved.

As we know, hydraulic fracturing requires a great deal of water mixed with a lot of chemicals. In fact, one shale gas well can use up to 600 Olympic-size swimming pools of water mixed with one and a half pools of chemicals. That is very troubling.

That is why I am presenting a petition here today on behalf of the Council of Canadians calling on the federal government to take more concrete action on this matter.

[*English*]

RIGHTS OF THE UNBORN

Mr. Leon Benoit (Vegreville—Wainwright, CPC): Mr. Speaker, it is my honour today to present a petition on behalf of constituents who note that Canada's 400-year-old definition of a human being says that a child does not become a human being until the complete moment of birth. The petitioners argue that modern science refutes that and they call on the House of Commons and Parliament to confirm that every human being is recognized by Canadian law as human, by amending section 223 of the Criminal Code in such a way as to reflect modern science.

PENSIONS

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, I present a petition today on behalf of constituents from the Stephenville area of Random—Burin—St. George's. They are objecting to the government's decision to raise the age of eligibility for OAS from 65 to 67. The petitioners outline several reasons why that would be detrimental, one being that single women would be disproportionately affected by the change, as they tend to rely more heavily on OAS and GIS payments; and another being that low-income Canadians rely far more heavily on OAS and GIS. Indeed, 40% of old age security recipients earn less than $20,000 a year in retirement and 53% earn less than $25,000.

Given those statistics, my constituents are asking the government to reconsider this decision. There is time to do it, and the time is now.

EXPERIMENTAL LAKES AREA

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I have a number of petitioners here from St. Catharines and areas beyond. They call upon the government to reverse its decision on the Experimental Lakes initiative, which has been providing basic research and science since 1968 into the valuable resource that all Canadians cherish so greatly. The petitioners note that the government has made a decision to cut back on science and our understanding of our lakes and rivers, all the while gutting environmental legislation. They call upon the government to re-fund basic science.

HOUSING

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I have a petition from constituents in regard to housing co-ops. Housing co-ops are a wonderful, valuable alternative to owning a home outright. They provide many people throughout Canada with housing.

These petitioners are asking the Government of Canada to recognize the benefits of housing co-ops to our communities by promoting and supporting current housing co-ops and the future of housing co-op development, along with asking the Government of Canada to work with other levels of government to foster a positive environment that would encourage housing co-ops. An excellent example of that would be found in Winnipeg North where we have the Willow Park Housing Co-op complex, two wonderful co-ops.

SEX SELECTION

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, I am honoured to present a petition signed by a number of people from beautiful Langley, British Columbia. They say that 92% of Canadians believe that sex selection should be illegal. They are saying that millions of missing women and girls as a result of sex selection is one of the main causes of human trafficking worldwide. They are calling upon the House of Commons to condemn this practice.

[*Translation*]

EXPERIMENTAL LAKES AREA

Ms. Nycole Turmel (Hull—Aylmer, NDP): Mr. Speaker, I also wish to present a petition on behalf of citizens of Ontario. The petitioners are calling on the government to reverse its decision to close down this research and education centre that benefits people across Canada.

[*English*]

ACCESS TO MEDICINES

Mr. Sean Casey (Charlottetown, Lib.): Mr. Speaker, I rise to present a petition on behalf of constituents in my riding who support the work of the Grandmothers Advocacy Network. The petition indicates that in sub-Saharan Africa, AIDS still remains a killer of young women and children and that access to AIDS medication continues to be a huge problem. In this country, Canada's access to medicines regime was intended to provide affordable, lifesaving generic medicines, but it is unnecessarily complex. It has only been used once since 2004 and is not likely to be used again in its current form. Therefore, the petitioners call on Parliament to pass Bill C-398 to facilitate the immediate and sustainable flow of lifesaving generic medicines to developing countries.

● (1010)

SEARCH AND RESCUE

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, I have two petitions this morning.

The first is from residents of St. John's and the surrounding area in my riding and also from Deer Lake in Newfoundland and Labrador. These petitioners are calling on the government to reverse the decision to close the Canadian Coast Guard marine rescue sub-centre base in St. John's, Newfoundland, and to reinstate its staff and restore its services fully. This is one of many petitions that have been circulated and presented on this, and I believe many more are coming.

EXPERIMENTAL LAKES AREA

Mr. Jack Harris (St. John's East, NDP): Mr. Speaker, the petitioners in the second petition are mostly from Ontario and are concerned about the work of the leading freshwater research station at the Experimental Lakes Area. They want the government to change its decision and recognize the importance of this station to the Government of Canada's mandate to study, preserve and protect aquatic ecosystems. This was a leader in basic science research not only for Canada but also around the world on freshwater aquatics and science, and it should be restored.

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, I am presenting a petition today to save the Experimental Lakes Area. The petitioners are calling upon the Government of Canada to recognize the importance of the ELA to the Government of Canada's mandate to study, preserve and protect aquatic ecosystems, and to reverse the decision to close the ELA research station and continue to staff and provide financial resources to the ELA at the current or a higher level of commitment.

[*Translation*]

Mr. François Pilon (Laval—Les Îles, NDP): Mr. Speaker, I am pleased to rise here today to present a petition on behalf of citizens of Ontario who are calling on the government to reverse its decision to put an end to the experimental lakes program, because it is an invaluable resource for research in Canada.

[*English*]

THE ENVIRONMENT

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, I have today a petition signed by petitioners from New Brunswick, as well as British Columbia. It is interesting that two of our coasts are represented here. They are pretty concerned about the effects of hydraulic fracturing, more commonly known as fracking, and its impacts on water, climate, wildlife and people's health. They point out that there is a federal issue involved, especially when we consider that it is the federal government that regulates air emissions and is responsible for the Canada Water Act, the Species at Risk Act and the Fisheries Act.

They are looking for some answers from the minister and I can assure the House that the petitioners and I look forward to the minister's response.

EXPERIMENTAL LAKES AREA

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, on behalf of my constituents of Parkdale—High Park and many petitioners from Ontario, I am happy to present a petition concerning the Experimental Lakes Area. Since 1968, the ELA has been a global leader in conducting whole ecosystem experiments, which have been critically important and unique in the world. As part of its gutting of environmental legislation in its budget implementation act, the government has cancelled the funding for the ELA.

The petitioners are asking for this decision to be reversed, for the ELA to be fully funded and its financial resources to continue so that we can continue this cutting-edge research.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, as you will note, there are a lot of petitions being tabled today on the Experimental Lakes Area and I, too, am tabling a petition on it.

It is important to recognize that since 1968 the Experimental Lakes Area has played an integral role in ecosystem experiments that have been critical in shaping our environment and our effort to understand the impact that humans have on our lakes and fishes.

The petitioners are calling on the government to recognize the importance of the Experimental Lakes Area and reverse its decision to close the Experimental Lakes research station and continue to staff it and provide it with financial resources.

We must take this into account when we consider the changes to the Navigable Waters Protection Act.

● (1015)

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, I have a petition signed by residents from right across southern Ontario, from small towns and rural communities, who are very concerned about the government's decision to cut the Experimental Lakes research station.

The petitioners are calling on the government to reconsider this vitally important institution and its work in preserving the integrity of our freshwater system.

EMPLOYMENT INSURANCE

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, I have two petitions today. The first is in regard to the employment insurance system. It is absolutely vital for families during an economic downturn, and in fact at all times, that they have access to reliable employment insurance. We have seen the demise of a reliable system in the last few parliaments.

The petitioners are calling on the Government of Canada to increase the benefit duration to 50 weeks in all regions; make 360 hours the time to qualify for EI benefits in all regions; provide an additional year of special extensions for those folks in very difficult situations; extend part 1 benefits under EI while a worker is in approved training; and increase benefits to at least 60% of normal earnings.

PENSIONS

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, my second petition is in regard to old age security and the tragedy of increasing the age of eligibility from 65 to 67. We know it will hurt the most vulnerable, the poorest of seniors, who will be forced to work an additional two years, thus costing them $12,000 in each of those years.

The petitioners are calling on the Government of Canada to maintain the age of retirement eligibility for OAS at 65, and to increase the guaranteed income supplement to lift every Canadian senior out of poverty.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons, CPC): Mr. Speaker, the following questions will be answered today: Nos. 873, 874 and 875.

[*Text*]

Question No. 873—**Ms. Kirsty Duncan**:

With respect to disaster risk reduction (DRR) and recovery: (*a*) what is the current value of the government's infrastructure including, but not limited to, energy, social, tourism, and transportation infrastructure, and what are the government's contingency liabilities; (*b*) what percentage of the national budget is devoted to DRR, (i) what stand alone DRR investments has the government made in each of its budgets since 2006, (ii) what percentage of each budget has been allocated to hazard proofing sectoral development investments and, if such allocations have been made, (iii) what amount has the government invested by sector, broken down by budget; (*c*) what monies have been provided for a national policy and legal framework with decentralised responsibilities, (i) what monies are required, (ii) what are the operational requirements, (iii) what human resources are required; (*d*) what dedicated resources are available to implement DRR plans and activities, (i) what monies are required, (iii) what are the operational requirements, (iii) what human resources are required; (*e*) what monies have been allocated to the national multi-sectoral platform; (*f*) what are the existing resources in regards to systems that monitor, archive and disseminate data on key hazards and vulnerabilities, (i) what monies are required, (ii) what are the operational requirements, (iii) what human resources are required; (*g*) what would be required to put in place a national public alerting system that would warn Canadians of imminent or unfolding threats to life in place in terms of (i) financial resources, (ii) personnel resources; (*h*) what resources are allocated to national risk assessments, (i) what monies are required, (ii) what are the operational requirements, (iii) what human resources are required; (*i*) what resources are allocated to local risk assessments, (i) what monies are required, (ii) what are the operational requirements, (iii) what human resources are required; (*j*) is information on disasters available to all stakeholders, and what are the resources allocated to ensure data availability, (i) what monies are required, (ii) what are the operational requirements, (iii) what human resources are required; (*k*) what resources are allocated to countrywide public awareness campaigns to stimulate a culture of disaster resilience, with outreach to urban and rural communities, (i) what monies are required, (ii) what are the operational requirements, (iii) what human resources are required; (*l*) what are the existing resources regarding economic and productive sectoral policies and plans aimed at reducing the vulnerability of economic activities in the event of a disaster, (i) what monies are required, (ii) what are the operational requirements, (iii) what human resources are required; (*m*) what resources are allocated to the planning and management of human settlements incorporating DRR elements, including enforcement of building codes, (i) what monies are required, (ii) what are the operational requirements, (iii) what human resources are required; (*n*) what resources are allocated to disaster risk of major development projects, (i) what monies are required, (ii) what are the operational requirements, (iii) what human resources are required; (*o*) what resources are allocated to national programmes aimed at making schools and health facilities safe in the case of an emergency, (i) what monies are required, (ii) what human resources are required; (*p*) what are the institutional commitments for financial reserves and contingency mechanisms in place to support effective response and recovery, (i) what monies are required, (ii) what human resources are required; (*q*) are procedures in place to exchange relevant information during hazard events and disasters, (i) what monies are required, (ii) what human resources are required; and (*r*) are procedures in place to undertake post-event reviews, (i) what monies are required, (ii) what human resources are required?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, the information requested would require extensive manual research and analysis that would require a significant amount of time as well as human and financial resources to complete, which is not feasible in the allotted amount of time.

Question No. 874—**Ms. Kirsty Duncan**:

With regard to the Canadian Institutes of Health Research's Scientific Expert Working Group: (*a*) was the Scientific Expert Working Group aware that on December 7th, 2010, Dr. Beaudet assured the Subcommittee on Neurological Disease that "no physician will refuse to see and treat them for complications of a treatment received abroad"; (*b*) why did the Scientific Expert Working Group state that "media reports that have stated that Multiple Sclerosis (MS) patients who experience complications after Chronic Cerebrospinal Venous Insufficiency (CCSVI) treatment are not being seen by Canadian doctors are not justified", (i) what patients or patient advocacy groups were interviewed, (ii) what evidence was reviewed, (iii) what action was taken; (*c*) which of the provincial guidelines for follow up care does the Scientific Expert Working Group support; (*d*) what was the action undertaken by the government to ensure that all patients receive follow-up care, including patients suffering from complications from CCSVI treatments received abroad; (*e*) when was the Sub-Committee of the Scientific Expert Working Group formed, (i) why was it formed, (ii) who are the members of the sub-committee, (iii) what prompted a meeting to develop criteria for a recommendation for clinical trials on June 13th, 2011; (*f*) why did the Scientific Expert Working Group fail to sign a declaration of conflict of interest until June 2011; (*g*) what specific results were available from the seven MS Society of Canada-funded studies on June 28th 2011; (*h*) with respect to the Scientific Expert Working Group's consensus workshop on ultrasound imaging, (i) on what date did the meeting take place, (ii) who was in attendance, (iii) what were the agenda items, (iv) what were the key recommendations, (v) why was Dr. Sandy McDonald not included, (vi) on what items did the group come to consensus; (*i*) what is the budget for the Scientific Expert Working Group specifically, (i) the monies allotted for 2010-2011, (ii) 2011-2012, (iii) the monies allocated for travel, (iv) the monies allocated for accommodation, (v) why was Agreement no 1148 to be signed at the end of February 2011 for monies that were to be available for 2010-2011; (*j*) with respect to Agreement no 1148 to support the Scientific Expert Working Group between the CIHR and the MS Society of Canada, (i) was the agreement ever signed and, if so (i) on what date, (ii) who made the grant application for the President's Fund and on what date, (iii) what was the grant specifically for, (iv) why is the MS Society of Canada responsible for planning, support and implementation of the Scientific Expert Working Group, (v) what action is being taken to ensure that there are no conflicts of interest; (*k*) how many researchers/research groups applied for the Phase 1/11 clinical trial, and from what institutions; and (*l*) what has caused the delay in announcing the research team which was to be named by mid-April 2012?

Hon. Leona Aglukkaq (Minister of Health and Minister of the Canadian Northern Economic Development Agency, CPC): Mr. Speaker, with regard to the CIHR scientific expert working group, the Canadian Institutes of Health Research established a scientific expert working group, SEWG, to monitor and analyze results from seven U.S. and Canadian MS societies funded studies, as well as from other related studies from around the world related to venous anatomy and MS.

On June 28, 2011, the SEWG reviewed data relating to CCSVI presented at international meetings and then were presented the draft results of a systematic review of peer-reviewed publications regarding CCSVI and MS. An update was provided by study investigators regarding progress of the seven North American studies funded by the MS Society of Canada and U.S. National MS Society. At that time, all seven funded studies had made good progress, many were well on their way to having their target number of subjects recruited, and a total of 1,267 individual with MS and controls were expected to be recruited over the course of the studies.

The SEWG is not mandated to make recommendations on the follow-up care of patients who underwent the CCSVI procedure abroad. The working group did not publish any statements on this issue.

Information on the SEWG, including its terms of reference and the highlights of its meetings, is available at: http://www.cihr.ca/e/44360.html. All members of the SEWG agreed to the CIHR confidentiality and conflict of interest policy.

Primary responsibility for matters related to the administration and delivery of health care services falls within the purview of provincial and territorial governments. Several provincial authorities such as the colleges of physicians and surgeons of Alberta, Nova Scotia and Québec, as well as the Ontario Ministry of Health and Long-Term Care have released guidelines and policies to help physicians in their respective jurisdictions make the best medical decisions for MS patients who were treated for CCSVI outside Canada. Information cited above is available from the provincial authorities.

With regard to the consensus workshop, in February 2011, CIHR provided a one-time grant to the MS Society of Canada to provide operational support for the SEWG. This support included the organization of a consensus workshop in September 2011 on ultrasound imaging techniques.

This grant represents a total investment of $317,500, $158,750 per year, and was funded for a two-year period from April 1, 2010 to March 31, 2012. On February 29, 2012, CIHR informed the MS Society of Canada that the grant was automatically extended until March 31, 2013.

The agreement for this grant was signed on March 2, 2011 by Dr. Alain Beaudet, president of CIHR and Yves Savoie, president and chief executive officer of the MS Society of Canada.

The consensus workshop was held on September 6, 2012 in Toronto. CIHR employees were not involved in the organization or running of this consensus workshop. The workshop helped with the development of a protocol to be incorporated into the trial design. This protocol was part of the request for applications developed by CIHR. For additional information visit: http://www.researchnet-recherchenet.ca/rnr16/viewOpportunityDetails.do?progCd=10266&language=E&fodAgency=CIHR&view=browseArchive&browseArc=true&org=CIHR#moreinformation.

With regard to research proposals, since researchers must be affiliated with an eligible Canadian institution or organization to apply for CIHR funding, applications were only received from Canadian researchers. To respect privacy and confidentiality, CIHR cannot share the number of applications received and only information regarding the successful applicants is published on CIHR's website.

In April 2012, CIHR announced that a research team was selected through a rigorous peer-review process to conduct a phase I/II clinical trial on CCSVI. To protect the independence of the institutional research ethics boards, REBs, the names of the research team's members and institutions involved have been withheld until REB approval. Once the selected team received ethics approval for two sites, Vancouver and Montreal, the Minister of Health announced the name of the principal investigator of the study: http://www.cihr-irsc.gc.ca/e/45919.html.

Two additional sites, Winnipeg and Quebec, are still seeking ethics approval, a process that is totally independent from CIHR.

Question No. 875—**Ms. Kirsty Duncan**:

With respect to disaster management in Canada: (*a*) what is the current value of government's infrastructure, including but not limited to, energy, social, tourism, and transportation infrastructure, and what are the government's contingency liabilities; (*b*) what are the main types of disasters in Canada and, for each type, (i) how have they increased or decreased for each decade from 1900-2010, (ii) what was the average number of lives lost as a result of these disasters for each decade from 1900-2010, (iii) what was the average disaster management cost for each decade from 1900-2010; (*c*) when did Aboriginal Affairs and Northern Development Canada begin tracking the number and types of disasters that impact First Nations communities on reserve, (i) what are the main types of disasters on reserve and, for each type, (ii) how have they increased or decreased for each decade since data became available, (iii) what was the average number of lives lost as a result of these disasters for each decade since data became available, (iv) what was the average disaster management cost for each decade since data became available; (*d*) what are the projected costs of extreme weather events related to climate change for each decade of 2020-2030, 2030-2040, 2040-2050, including but not limited to heat waves and heavy precipitation events, broken down by extreme weather event, (i) what are the projected human impacts, broken down by extreme weather event, (ii) what are the projected economic impacts, broken down by extreme weather event, (iii) what are the projected costs of mitigation, broken down by extreme weather event; (*e*) when was the national multi-sectoral platform for disaster risk reduction constituted, (i) what are the dates of all meetings to date, (ii) how many women's organizations are participating and, if none, why not; (*f*) has a multi-hazard assessment been undertaken for Canada and, if not, why not; (*g*) is a multi-hazard assessment planned and, if so, (i) when is it planned to begin, (ii) when is it planned to be complete, (iii) what are the human and financial resources allocated for this assessment, (iv) are additional financial or human resources required and, if so, what are they; (*h*) what research methods and tools for each of multi-risk assessment and cost benefit analysis have been developed, and what is the level of institutional commitment for each of multi-risk assessment and cost-benefit analysis; (*i*) how does the government ensure that all Canadians are involved in emergency management, namely, (i) individual citizens, (ii) communities, (iii) municipalities, (iv) emergency responders, (v) the private sector, (vi) First Nations, (vii) academia, (viii) volunteer and non-government organizations, (ix) federal, provincial, territorial governments, (x) how is knowledge penetration measured, (xi) how are partnerships deemed effective; (*j*) what studies has the government undertaken to test Canadians' knowledge of disaster risk, response, and recovery, and if such studies have been undertaken, (i) what are the details of the studies, (ii) the date undertaken, (iii) the results, (iv) any recommendations; (*k*) has the government undertaken drills on Parliament Hill to ensure that decision-makers know what to do during a disaster and, if such drills have been undertaken, (i) what are the details of the drills, (ii) the dates undertaken, (iii) the results and (iv) any recommendations; (*l*) what national and local risk assessments are available to date, and to what extent are each of these assessments comprehensive; (*m*) do national and local risk assessments take account of regional or trans-boundary risks; (*n*) have gender disaggregated vulnerability and capacity assessments been undertaken, and, if not, why not; (*o*) what school and hospital assessments have been conducted, broken down by province and territory; (*p*) are systems in place to fully monitor, archive and disseminate data on key hazards and vulnerabilities, and is relevant information on disasters available and accessible at all levels, to all stakeholders; (*q*) are disaster reports generated and used in planning and, if not, why not; (*r*) do early warning systems for all major hazards exist, with outreach to rural and urban communities; (*s*) does a national public alerting system that will warn Canadians of imminent or unfolding threats to life currently exist and, if not, why not; (*t*) is a national public alerting system planned and, if so (i) when is it planned to begin, (ii) when is it planned to be complete, (iii) what financial resources are allocated, and, are additional monies required, (iv) what human resources are required and, are additional resources required; (*u*) how is disaster risk reduction an integral component of environment related policies and plans, including, but not limited to Canadian Environmental Assessment Act (CEAA) 2012, land use natural resource management and adaptation to climate change, and what is the level of institutional commitment; (*v*) will the impacts of disaster risk be taken into account in the environmental impact assessment under CEAA 2012 and, if so, (i) how will disaster risk reduction be incorporated, (ii) what are the disaster risk reduction responsibilities, requirements and procedures for the environmental assessment of projects in which the government has a decision-making responsibility; (*w*) what information does the Adaptation and Impacts Research Group provide regarding Canada's vulnerability to climate change and extreme weather events, (i) how many personnel are devoted to this activity, (ii) what financial supports are given to this activity; (*x*) how are the impacts from our changing climate and changes in extreme weather predicted to impact the assets listed in (a), and what are the projected costs to climate proof these assets; (*y*) how are social development policies and plans being implemented to reduce the vulnerability of populations most at risk, (i) what is the level of institutional commitment attained, (ii) to what extent is the commitment comprehensive; (*z*) what specific action has the government taken to reduce exposure and vulnerability including, but not limited to, (i) investment in drainage infrastructure in flood-prone areas, (ii) slope stabilisation in landslide-prone areas, (iii) provision of safe land for low-income households and communities, (iv) stabilisation of its contaminated sites; (*aa*) what measures have been taken to address gender based issues in recovery; (*bb*) for each school and hospital assessment listed in (o), are (i) training, (ii) mock drills for emergency preparedness being undertaken and, if not, why not; (*cc*) are there contingency plans, procedures and resources in place to deal with a major disaster, do they include gender sensitivities and, if not, why not; (*dd*) what oversight exists of the development and implementation of provincial, territorial and municipal risk assessment processes; (*ee*) what oversight is being undertaken to ensure private businesses and public sector agencies are undertaking (i) strategic emergency management plans, (ii) business continuity plans in order to sustain essential services to government and Canadians; (*ff*) what specific training and exercises in support of existing emergency management have been undertaken by the government's health portfolio, (i) on what dates were these exercises undertaken, (ii) what were the results, (iii) what were the recommendations; (*gg*) what is included in the Public Health Agency of Canada's National Emergency Stockpile System, (i) at the 1300 pre-positioned sites across Canada, (ii) is there coverage in areas where First Nations live, and, if not, why not; (*hh*) what are the procedures in place to undertake post-event reviews, (i) what is the level of institutional commitment, (ii) what human resources are required, (iii) what financial resources are required; (ii) what current activities are being undertaken to systematically incorporate risk reduction approaches into the design and implementation of emergency preparedness, response and recovery programmes in the reconstruction of affected communities, (i) what human resources are being afforded this activity, and what additional resources are required, (*ii*) what financial resources are being afforded this activity, and what additional monies are required; (*jj*) how are gender perspectives on risk reduction and recovery adopted and institutionalized; (*kk*) how are human security and social equity approaches integrated into disaster risk reduction and recovery activities; (*ll*) what is the status of national programs and policies to make schools and health facilities safe in emergencies, and are additional procedures required to complete the policies; and (*mm*) what is the level of institutional commitments for financial reserves and contingency mechanisms to support effective response and recovery?

Hon. Vic Toews (Minister of Public Safety, CPC): Mr. Speaker, the information requested would require extensive manual research and analysis that would require a significant amount of time as well as human and financial resources to complete, which is not feasible in the allotted amount of time.

[*English*]

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

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS ACT

Hon. Rona Ambrose (Minister of Public Works and Government Services and Minister for Status of Women, CPC) moved that Bill S-2, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves, be read the second time and referred to a committee.

She said: Mr. Speaker, thank you for the opportunity to speak today in support of Bill S-2, the Family Homes on Reserves and Matrimonial Interests or Rights Act .

[*English*]

I am thankful for the opportunity to speak today in support of Bill S-2, the family homes on reserves and matrimonial interests or rights act, a very important piece of legislation for aboriginal women.

I want to focus today on a key element of the bill, namely the provision that allows for emergency protection orders in situations of family violence affecting aboriginal women on reserve.

Court order protection from domestic violence has long been available to Canadian women living off reserve. It has long been recognized, by law enforcement and those working to address violence against women and girls, as critical to the safety of women.

Simply put, access to emergency protection orders saves lives. Extending these same rights to aboriginal women living on reserve will save more of them.

I draw the attention of the House to what the latest edition of Statistics Canada's *Women in Canada* report states with respect to spousal violence against aboriginal women:

> Previous studies have shown that higher proportions of Aboriginal women experience spousal violence compared to non-Aboriginal women....
>
> In 2009...15% of Aboriginal women who had a spouse or common-law partner reported that they had experienced spousal violence in the previous five years. In the case of non-Aboriginal women the proportion was 6%....

The report goes on to state:

> There is evidence that many Aboriginal women who are victims of spousal violence experience severe and potentially life threatening violence.

In fact, the Statistics Canada report stated that:

> In 2009, 58% of Aboriginal women who experienced spousal violence reported that they had sustained an injury compared to 41% of non-Aboriginal women.

It goes on to state:

> Almost half (48%) of Aboriginal women who had experienced spousal violence reported that they had been sexually assaulted, beaten, choked, or threatened with a gun or knife. A similar proportion...[just over 50%] of Aboriginal women who had been victims of spousal violence also reported that there were times when they feared for their life.

All of us have heard the statistic that aboriginal women are five times more likely to be murdered than non-aboriginal women. Those are the cold, hard, ugly facts about the situation aboriginal women face day in and day out with, at the very least, the same protection afforded to women who live off reserve.

It is no secret that many of these women are forced to flee their homes and communities to escape violence. Many end up homeless, alone and even more vulnerable than before. They become vulnerable to trafficking and further abuse and violence.

If it is possible to enforce emergency protection orders, abusers can be ordered to leave the home and women can stay in the home. The ability to remain in their home would ensure that aboriginal women on reserves could continue to care for their children, could access the support of the community around them, but most importantly, could escape violence.

Let me be clear. Today there are no protections for aboriginal women living on reserve. This means that, in the case of domestic violence and physical abuse, a court cannot order the spouse who holds the interest in the reserve home, which is almost always the man, to leave the home even on a temporary basis. The spouse who holds the interest in the on-reserve home, which is almost always the man, can sell an on-reserve family home and keep all of the money. As well, the spouse who holds the interest in the on-reserve home, which is almost always the man, can also bar the other from the on-reserve family home.

The proposed legislation in front of us would provide basic rights and protections with respect to the fair division of the family home to on-reserve aboriginal individuals facing the breakdown of a relationship or the death of a spouse. The legislation would also provide protection for women in the event of family violence. These rights and protections are available to all other Canadians through provincial and territorial laws, which of course cannot be applied on reserves.

● (1020)

It is unacceptable that first nations people, especially women, do not have access to the same protections simply because of where they live. This proposed legislation would offer protection to more than 100,000 individuals who are currently living without legal matrimonial real property protection. This is a very important change, but it is also a very big change, so it is planned that the implementation of this legislation would also include education and training for key officials, including police officers on reserve and judges. It is also planned that there would be a public education and awareness campaign.

I would like to take a moment to look at the history of women's property rights, because historically a woman's property was under the control of her father, or if she was married, it was under the control of her husband. This issue first began to be discussed in the 1850s in both England and France. In Europe, of course, the law sided with men, who provided women protection but not equality.

In the United States at the same time, women themselves began to speak out about the most important civil rights challenges that were facing women in that day. In Canada at the turn of the century, where marriage is a provincial matter, of course, most women still saw their property rights transferred to their husbands when they got married. However in 1911, the provinces began to examine the issue of a woman's right to property ownership after marriage dissolution. Married women in Manitoba, P.E.I. and Saskatchewan were finally permitted the same legal capacity as men with regard to their property.

I have to say that, in my role as Minister for Status of Women, I find it difficult to accept that 100 years later aboriginal women living on reserve have not yet achieved the same rights. More than 25 years have passed since the Supreme Court of Canada issued a landmark ruling on two cases that are very important to this issue: Derrickson v. Derrickson and Paul v. Paul.

In its 1986 landmark decision on Derrickson v. Derrickson, the Supreme Court of Canada stated that courts cannot rely on provincial law to order the division of matrimonial real property on reserves. In doing so, the court underlined a legislative gap that has since meant that women residing on reserves and facing the breakdown of a relationship have not been able to access the Canadian legal system to resolve matters concerning their real property.

In other words, aboriginal women who live on reserve do not have rights to property or protection on reserve. They are frankly being denied their very basic human rights, and we believe this must end. Without access to the same rights shared by other Canadian women, these women have been left vulnerable for far too long. Until on-reserve matrimonial real property laws are in place, aboriginal women who are living on reserve will continue to face the reality that in the event of spousal violence, separation, divorce or death, the law does not protect their property. It does not protect their interests. It does not protect their rights, but most fundamentally, it does not protect their safety.

The Supreme Court of Canada's ruling did spark a dialogue and a larger effort to identify, develop and implement an effective solution. Over the years there have been a number of respected institutions, both in Canada and abroad, that have completed studies and analysis of relevant issues in this subject matter. Since 1986, a host of both domestic and international human rights bodies have studied, referenced and called for action on this matter.

The United Nations Committee on the Elimination of Discrimination Against Women is one of them. The Standing Senate Committee on Human Rights, the House Standing Committee on Aboriginal Affairs and Northern Development, the House Standing Committee on the Status of Women, the Aboriginal Justice Inquiry of Manitoba and the Royal Commission on Aboriginal Peoples have all studied this issue. The overwhelming conclusion of these reports was that legislation is the only effective solution and the only course of action.

With this bill, the family homes on reserves and matrimonial interests or rights act, I am proud that our government is moving to tackle this critical issue. It is not just for aboriginal women and children on reserve but also as an important part of the continued fight for equal rights for all women. This legislation would finally eliminate the longstanding human rights gap and in doing so contribute to the end of the suffering of many women and families who live on reserve.

● (1025)

I do want to acknowledge that there have been some efforts to address the issue of matrimonial property rights already by first nations. The First Nations Land Management Act does require first nations to develop laws related to matrimonial property rights and interests as part of their own land codes that they are developing. However, while these solutions have helped a handful of first nations, Bill S-2 would ensure that all women and individuals living on first nations reserves would have access not only to emergency protection orders to ensure their safety and security but also to equal matrimonial real property.

In 2005, the Government of Canada initiated preliminary consultations on this issue. In 2006, we announced a national consultation process to find a solution to fill this legislative gap. This consultation process was conducted in collaboration with the Assembly of First Nations and the Native Women's Association of Canada, so that they could engage and consult with individual aboriginal communities across Canada.

Along with these sessions, Aboriginal Affairs and Northern Development Canada held consultations with and provided funding to a wide range of other aboriginal organizations. This is an important point because aboriginal women have waited for 25 years to see this type of protection, and it is a big change. The government has recognized this. There has been opposition to it by some parties. However, let us remember that, in total, to date, 103 consultation sessions have been held at 76 different sites across Canada. Hundreds of people have participated and expressed a wide range of opinions.

To prepare a report and make recommendations for a legislative solution, the government also engaged a ministerial representative, a respected entrepreneur and former first nation chief.

Due to the complexity of this issue and of course the diversity of views, consensus could not be reached on every aspect of what the legislation should entail. Consensus did emerge, though, on the key elements of a legislative solution. These elements, I am happy to say, are all part of the legislation that is being introduced to Parliament, which is Bill S-2.

One of these elements is a two-part solution that is both practical and sensible. First, the bill would allow for first nations to develop and implement their own laws to protect the matrimonial real property rights and interests of community residents. These laws could be based on the community's tradition. The content of the laws would be entirely between the members of the first nation government, and must be approved by a community ratification process. The second part of the solution is a provisional federal regime that would apply, once in force, until the time the first nations develop their own laws.

I want to emphasize the point that these provisional rules would apply to first nations unless or until they enact their own matrimonial real property laws under this legislation. This would ensure that laws exist to protect the rights and interests of all Canadians, regardless of where they live in Canada.

As well, parliamentary committees reviewing these bills have considered the testimonies of a long list of witnesses and proposed a series of improvements. All of these amendments are also in Bill S-2.

The simple fact is that the legislation now before us represents the culmination of decades of work to find an effective solution. Now is the time to implement this solution. Aboriginal women who have lived on reserve have waited too long.

Bill S-2 also includes additional improvements that were made to the bill prior to its introduction in September of 2011. These improvements respond directly to concerns that were raised by stakeholders.

Bill S-2 also features another improvement over previous versions, a significantly lower ratification threshold. Several witnesses who appeared before committee expressed serious concerns about the ability of some first nations to engage enough voters to secure a meaningful result under a double majority, which requires that a majority of eligible voters must vote and that a majority of those who vote must vote in favour. Now, with the changes that we have made, a first nations council would be responsible for informing its members of the content of its laws and secure the approval of a majority of voters. It must also inform the minister of the results and provide a copy of the approved law to the minister, any organization that may be designated by the minister and the respective attorney general.

● (1030)

More important, I think the changes we have made to Bill S-2 are consistent with the direction this government is taking in terms of diminishing the role of the federal government in the day-to-day administration of first nations and handing those responsibilities over to first nations, where it belongs.

Finally, when the Senate adopted Bill S-2, it did so with two additional changes that would allow judges to extend emergency protection orders beyond 90 days. This would allow judges to exercise discretion on the duration of the order upon the rehearing of the case or when changing or revoking emergency protection orders. This is very important for the safety and security of aboriginal women living on reserve.

The Senate passed Bill S-2, as amended, on December 1, 2011. Bill S-2 is informed by many years of study, consultation and debate. The proposed legislation builds on previous attempts to enact similar legislation. It incorporates a series of amendments adopted by parliamentary committees in response to stakeholder testimony, and was substantially altered before its introduction into this Parliament to further strengthen the bill and to facilitate the development of first nation laws in this area.

I believe it is our duty to adopt Bill S-2 and finally put in place a legislative solution, which is long overdue, to support aboriginal women on reserve.

I also want to point out that some of the criticisms raised of the bill are based on false information. For instance, some people believe that the proposed legislation could take away the property rights of first nations. The view that a non-member of a first nation could gain ownership of reserve lands is completely false.

The bill, in clause 5, explicitly states:

> (a) title to reserve lands is not affected by this act; (b) reserve lands continue to be set apart for the use and benefit of the First Nation for which they were set apart; and (c) reserve lands continue to be lands reserved for the Indians within the meaning of Class 24 of section 91 of the *Constitution Act, 1867*.

The legislation is very clear. At no point would the collective ownership of first nation lands be jeopardized under Bill S-2.

Another criticism refers to what is actually not in the bill, namely that Bill S-2 does not include specific funding to improve access to the courts, to emergency family shelters and to on-reserve housing. Bill S-2 is not about policy or funding levels. It is about eliminating a cause of injustice and closing a legal loophole that creates inequality and leaves aboriginal women vulnerable. It is about ensuring all Canadians, whether they live on or off reserve, have similar protections and rights when it comes to family homes, matrimony interests, security and safety.

Consider the testimony provided by one aboriginal leader before committee during its review of Bill S-2. This is what Betty Ann Lavallée, national chief of the Congress of Aboriginal Peoples, had to say. She said:

> [Bill S-2] is addressing the real human issue of an aboriginal person, something taken for granted by all other Canadians.... A spouse within an aboriginal relationship should not be denied, or put out on the street alone and without any recourse, because of a family [or marital] breakdown.

That has been happening in Canada for far too long.

National Chief Lavallée recognizes that Bill S-2 is ultimately about preventing abuse and discrimination. Her words are informed by her knowledge of the often harsh realities of day-to-day life faced by many women residents of first nation communities.

I agree completely with Chief Lavallée's eloquent words and I believe that Bill S-2 strikes an appropriate balance between individual and collective rights.

Here again I must return to my role as the Minister for Status of Women. We also know that this issue is critical to future generations of aboriginal children. We are working hard to advance equality for women and to remove the barriers to women's participation in society and eliminate violence against women. This includes aboriginal women.

As the Minister for Status of Women I am very concerned with the pattern of violence against aboriginal women and the impact it has on the families and the communities who suffer from it. Today we have a chance to make a change. This issue is a responsibility that we all share and by working together we can better address it.

I call on my colleagues in the House to support the legislation. For more than 25 years women living on first nations communities have had to live with this human rights gap. For most Canadians that protection exists. For women on reserve, that protection does not exist.

I call on all of my colleagues in the House to move this forward and end this human rights gap once and for all for aboriginal women living on reserve.

● (1035)

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, perhaps to correct the record, aboriginal women in Canada have actually been living with discriminatory practices since colonization. This is not just in the last 25 years. I think that is an important note.

Where we would agree with the minister, of course, is that discriminatory practices around how matrimonial real property is divided need to be addressed. The question is around how that gets addressed.

The minister mentioned this in her speech but I would ask the minister specifically about it, since the government has been well aware of the problem over a number of years and since there have been consistent calls for non-legislative measures to help address some of this. Could the minister tell us specifically how much money has been invested in the land and housing situation to help with property division?

How much money has been invested in legal remedies and alternative dispute resolution mechanisms? How much money has been invested in community legal aid and mediation services? If the minister is truly concerned about violence against aboriginal women, when will she initiate an inquiry on murdered and missing aboriginal women?

Hon. Rona Ambrose: Mr. Speaker, I hope the hon. member's comments mean that she will support an end to this human rights gap and she will support Bill S-2 to ensure that aboriginal women living on reserve will finally have protection under the law, as do other women who live off reserve.

I know the hon. member is a woman who believes in women's rights, as I do, so I cannot imagine that she does not share my concern that, for this many years, since the Supreme Court ruled 25 years ago, this legislative gap has existed. I cannot imagine that she will not support Bill S-2.

There have been attempts to go the non-legislative route. The hon. member knows that. There have been attempts to encourage and in many ways to work with first nations to ensure that matrimonial property rights are addressed on reserve. Unfortunately, there are very few first nations that have achieved that.

We are now at a place where I think we have to act. There are women, as the hon. member well knows, who encounter severe violence on reserves every day. These aboriginal women need us to act.

This is a legislative gap that has been identified by not only domestic but international human rights bodies as something we have to address. As a woman who believes in equality for women, it is unacceptable to me that aboriginal women do not have the same protections on reserve as women who live off reserve. It is time that ends.

● (1040)

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, in view of the status of women committee's appalling record of going in camera and that in the last study on violence against women it refused to put anything to do with aboriginal women in the recommendations because it said its mandate was restricted to just those things directly under the responsibility of the minister's department, will the minister agree that the bill be referred instead to the aboriginal affairs committee, where it can be studied properly by people who understand aboriginal rights, understand legislation and will do the proper thing in calling the appropriate witnesses?

Hon. Rona Ambrose: Mr. Speaker, I do not think I heard the hon. member correctly. I hope I did not. She suggested the members of the status of women committee, who have an interest in seeing equality rights for women across this country, will not do an appropriate job studying the bill.

I disagree with the hon. member. The bill has been studied by many committees over the years. I think the members of the status of women committee are very well positioned, considering this is inherently an issue of discrimination and equality. This is inherently an issue of discrimination against aboriginal women living on reserve.

I think the status of women committee is perfectly positioned to study the bill.

Mrs. Susan Truppe (Parliamentary Secretary for Status of Women, CPC): Mr. Speaker, I am honoured to be able to ask the Minister for Status of Women a question that would help vulnerable women on reserves, not only in the London area but all across Canada. I have heard from women in my riding and they have told me that the bill is needed now more than ever. I am proud of the many women's groups in my city of London that work tirelessly to promote and strengthen women's rights. This bill would accomplish both.

Can the Minister for Status of Women please explain to the House why it is so important that we move ahead with Bill S-2?

Hon. Rona Ambrose: Mr. Speaker, I want to thank my colleague, the Parliamentary Secretary for Status of Women, who has done an incredible job championing the rights of women. I know that she will do an excellent job working with her committee colleagues on all sides of the House on this issue.

The legislative gap that Bill S-2 will close has hurt families and entire communities, but most specifically it has hurt aboriginal women living on reserve. It is our position, as a government, that it is unacceptable that on-reserve residents, particularly women who are the most affected by this legislative gap, are deprived of their rights and protections because of where they live. That is unacceptable. For most Canadians undergoing the breakdown of their conjugal relationships or marriages, or in the event of the death of a spouse, there is legal protection to ensure that their rights, including property rights, are protected. In this situation, there are no laws that protect the rights of aboriginal women living on reserve. Their interests are not protected and, in the case of emergency protection orders due to family violence, their safety and security are not protected.

This has been a long time coming. I hope that all members of the House, especially women, see fit to see the bill finally through so that aboriginal women would have the protections they deserve.

● (1045)

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, I would like to pursue the matter with the hon. minister of the route the bill has taken. First, it is odd that it started in the Senate. Second, it is odd it is going to the Standing Committee on the Status of Women instead of the committee on aboriginal affairs, which would have the expertise. Third, I am troubled by the lack of consultation with first nations before having the bill come before this place.

Will the members of the parliamentary Standing Committee on the Status of Women insist that everything that goes on in that committee be restricted to the mandate of the Minister for Status of Women, as it has done in the past, or will that committee expand its mandate to include aboriginal issues? I think it is going to the wrong committee. I will be blunt about that.

I ask for the hon. minister's comments and perhaps her assurance that the committee will not restrict its mandate solely to the matters within the minister's portfolio.

Hon. Rona Ambrose: Mr. Speaker, the member will be happy to find out that we are working very closely with the Department of Aboriginal Affairs. We understand the member's concerns but again it is very important that she recognize that this issue affects women living on reserves more than anyone else. The status of women committee is perfectly positioned. This is an issue about equality for aboriginal women living on reserve. It is about safety and security and by all means it is about addressing a legislative gap that affects violence against women, especially women living on reserve.

This is an issue that all women should champion. This is a legislative human rights gap that has existed for far too long. We will work and are working closely with the Department of Aboriginal Affairs. As I said, over 100 consultations have been held with first nations in 76 locations across this country. We will be open to any witnesses who would like to appear before committee. That is, of course, the purview of the committee to decide. However, at the end of the day this is inherently about discrimination against women living on reserve.

[*Translation*]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, the minister mentioned consultations, particularly with aboriginal organizations. It is obvious that these consultations were not productive because groups such as the Assembly of First Nations and the Native Women's Association of Canada have very serious reservations about the implications of this bill. She talked about sending the bill to the Standing Committee on the Status of Women and not the Standing Committee on Aboriginal Affairs and Northern Development.

How can the government introduce this bill knowing that the main aboriginal groups have very serious reservations about it and do not want it to move forward?

[*English*]

Hon. Rona Ambrose: Mr. Speaker, I have to say that I have been disturbed over the years about this issue. This has been an issue that has mattered to me for many years. I know that there are some male chiefs who have not supported this and have exerted all kinds of pressure behind the scene to see this bill not go forward, and that is not appropriate. I hope the member is not insinuating that he in any way sides with that kind of pressure.

We are not going to set the bill aside or set aside the interests of women living on reserve to consult and consult again. We have consulted for 25 years. This is the fourth time that this House has tried to pass this legislation. There are all kinds of people who would like to see it undermined, but we are not going to allow that. We are going to be on the side of aboriginal women.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, we have before the House Bill S-2, an act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves. The minister who just spoke talked about this being an act to address inherent discriminatory practices against women. However, it is interesting that the title of the bill does not mention that.

The bill deals with matrimonial breakdown, which generally speaking is between a man and a woman, although same sex relations are legal in this country, so it could be between a same sex couple. One of the challenges we have before the House in dealing with the bill is the need to balance the rights of women and men who are involved in a marital breakdown against inherent rights within first nations. It is a very difficult balancing act, and I want to lay out some context on how we got to this place today.

Others in the House have noted that the bill was introduced in the Senate and is now referred to the status of women committee. Although this is a very competent committee with very capable members, there are questions arising, first of all, about why the bill was introduced in the Senate rather than the House of Commons, where one would think it legitimately should have been introduced. The second is why the bill was not referred to the aboriginal affairs committee, which is the committee that has the mandate to deal with matters within the Indian Act and other matters facing first nations, Métis and Inuit in this country

We hear the member opposite positioning the act to deal with discriminatory practices against women. However, arguably it is an act that deals with a much broader matter facing first nations communities.

In terms of context, I want to turn briefly to the “Report of the Ministerial Representative Matrimonial Real Property Issues on Reserves” by Wendy Grant-John and her colleagues, who did this report for then minister of aboriginal affairs, Jim Prentice. She included a lengthy laying out of the history. I will not start with the pre-colonial period and work through to the modern day, but she included a quick summary of 1990 to present.

In her summary, she indicated there have been several commissions of inquiry in Canada drawing attention to the issue and that eight UN human rights bodies have expressed concern. There has been litigation. There have been Senate and House of Commons committees, and there have been various pieces of legislation. However, here we are today, in 2012, still dealing with this matter.

In terms of the broader context, there have been many reports, but I will refer to the "Discussion Paper: Matrimonial Real Property on Reserve", which is an excellent report. It lays out both the context as well as many of the challenges facing any government in terms of coming up with a legislative approach to this matter. I mentioned a couple of the reports, studies and conventions that have been cited, but this particular report cites:

> The lack of remedies under federal law for married women on reserve that are typically available to married women off reserve under provincial law has been characterized...as a violation of Article 26 of the International Covenant on Civil and Political Rights....

It has also been cited in a 1998 report from the United Nations Committee on Economic, Social and Cultural Rights, which noted concern with:

> ...Canada's failure to ensure equal protection of the law as between Aboriginal and non-Aboriginal women in respect to matrimonial real property:

It also notes the final report of the Aboriginal Justice Inquiry of Manitoba, AJIM, which recommended that:

> The Indian Act be amended to provide for the equal division of property on marriage breakdown.

I will not read the various statutes in the study, but the report indicates that:

> A few words must be said about the larger historical and policy context in which the issues of matrimonial rights on reserve is situated.
>
> Prior to European colonization efforts, many First Nation societies were matriarchal in nature. Missionaries and other Church officials discouraged matriarchal aspects of First Nation societies and encouraged the adoption of European norms of male dominance and control of women. According to the customary law of the Mohawk nation for example, the matrimonial home and things in it belong to the wife and women traditionally have exercised prominent roles in decision-making within the community.

● (1050)

It is interesting, as I noted earlier in a question to the minister, that these discriminatory practices are long-standing in this country.

The minister also noted the Royal Commission on Aboriginal Peoples in her speech. First of all, I want to note:

> Section 91(24) [of The Constitution Act] therefore would appear to allow federal legislation applicable on reserve to provide remedies on separation or divorce such as interim possession of the matrimonial home or forced sale of the right to occupy. While rights of ownership to reserve land cannot be created under the Indian Act... individual rights of possession in relation to parts of reserve land can be transferred or sold among band members. Individual band members can own homes or other buildings on reserve.

This is an important context. When we are talking about division of property, we are dealing with a different land regime than we are dealing with off reserve. It is important to note that in this context. When we are talking about division of matrimonial property, often the occupants of that home will not have title to the land. There are some anomalies there with certificates of possession and other matters, but it is an important note. This is noted in the Constitution.

The royal commission also noted this:

> The Report of the Royal Commission on Aboriginal Peoples (RCAP) recognizes existing inherent powers of Aboriginal peoples as an aspect of a right to self-determination within Canada, and as a constitutional right protected by section 35 of the Constitution Act, 1982. The (RCAP) analysis includes jurisdiction over marriage and property rights in respect to First Nations lands (such as Indian Act reserve lands) as part of the core area of First Nation inherent jurisdiction that can be exercised without negotiation of agreements or other forms of recognition by federal or provincial governments.

This is an important point. At the outset, when I talked about the very difficult challenge of balancing discriminatory practices against women and the need for remedies—again, I believe all members in this House would agree there is a need for remedies—there is also this other jurisdictional aspect that first nations have. It has been cited in many court decisions.

The royal commission continued:

> In the context of matrimonial real property issues on reserve, such an analysis would recognize how First Nation women historically have experienced racism and sexism and other forms of discrimination as a result of the Indian Act. For example the imposition of non-Aboriginal concepts of private or individual property rights combined with numerous forms of patriarchal bias have led to First Nation men being the primary holders of Certificates of Possession on reserve. This in turn contributed to the displacement of many First Nation women from their traditional roles as women, negatively affected their gender relations with men and the relationship of First Nation women to First Nation land. With respect to matrimonial real property, the collective impacts of colonialism...have resulted in many women finding themselves in a disadvantageous legal position when their marriage or common law relationship breaks down.

The royal commission report went on to say:

> In addition, many women in submissions to the RCAP and other processes have drawn attention to the problem of women being affiliated automatically with the bands that Indian Affairs records show they were connected to in the past through their fathers or husbands. Many women now apply for membership in their husband's band. On breakdown of the marriage, women can encounter difficulties resuming their affiliation with the band they were born into, and asserting residency rights there. In this regard, Indian Affairs has acknowledged that "[r]egistrants would much prefer to be affiliated with a band closer to their domicile or to a band with which the mother or wife in a marriage is affiliated".

The Royal Commission on Aboriginal Peoples report did make a number of recommendations, and I want to touch on a couple of them. They summarize it as follows:

> Family law falls within the core of (inherent) Aboriginal self-government jurisdiction and as such, does not require negotiation of a self-government agreement to be exercised.
>
> The recommendations of the RCAP clearly favour a recognition of Aboriginal inherent jurisdiction to adopt laws addressing family law issues generally, and see the exercise of this jurisdiction as the most immediate way of ensuring culturally appropriate legal responses are developed as quickly as possible. The exercise of this jurisdiction is seen as the best way to take the immediate action required to address the serious areas of legal vacuum respecting matrimonial real property on reserves. This exercise of inherent jurisdiction would take place pending the negotiation of broader self-government arrangements...

One of the RCAP recommendations was:

> working out appropriate mechanisms of transition to Aboriginal control under self-government;

● (1055)

In 1996 there was a clear road map laid out for how to deal with the issue of matrimonial real property on reserve. Here we are, in 2012, continuing to have this conversation. Most of the recommendations from the Royal Commission on Aboriginal Peoples were never implemented. In fact, a couple of years ago there was a report from the Royal Commission on Aboriginal Peoples which gave, not just the current government, but any government since 1996, a failing grade on moving forward on what was seen with many first nations, Métis and Inuit as a good faith exercise. We continue, I would say, to talk out of both sides of our mouths. On one hand in the House, we commission very important reports, and on the other hand we simply do not act on them.

With regard to case law, what happened previously was that there was an application of provincial laws to reserve lands on matrimonial breakdown. There is a well-known case, Derrickson v. Derrickson, in which the Supreme Court of Canada held that provincial family law could not apply to the right of possession of Indian lands. More specifically, the court determined that provincial laws entitling each spouse to an undivided half interest in all family assets could not be applied to land allotments on reserve. The court stated:

> The right to possession of lands on an Indian reserve is of the very essence of the federal exclusive legislative power under s. 91(24) of the Constitution Act, 1867. It follows that provincial legislation cannot apply to the right of possession of Indian reserve lands.

The court was able to make an order for compensation, taking into account the value of the land allotment for the purpose of adjusting the division of family assets between the spouses under the relevant provincial family law.

In the case of Paul v. Paul, the court said that even if this were the case, the provincial legislation being relied on was in conflict with the Indian Act provisions and, applying the doctrine of federal paramountcy, the federal provisions would prevail.

There were a number of other court decisions. The summary stated:

> The overall result of the case law is that provincial and territorial family law legislation does not apply to reserve land in any way that can affect individual interests in unsurrendered reserve land. Such legislation is considered to be in conflict with the provisions of the Indian Act....

A number of court decisions have said that provincial law does not apply. Now we have a piece of legislation that is supposed to be an interim measure that will allow provincial provisions to apply on first nations lands where the first nation does not have a code in place to deal with matrimonial real property. I want to talk about ability to look at some of those codes in one moment.

Some questions have arisen out of this. Of course, we know that the provinces and territories all have different provisions around division of assets for people living within the province off reserve. It then becomes that we have a federal government that in some ways is abdicating its responsibility in developing legislation that would apply across the country from coast to coast to coast and abdicating its responsibility to the provincial governments in the matter in which, previous cases state, provincial legislation does not apply. It is an interesting question in terms of what the federal responsibility is versus provincial jurisdiction. We have seen the government rely increasingly on provincial jurisdiction in matters facing first nations, Métis and Inuit.

Currently there are first nations that have custom codes in place and there is a provision under the First Nations Land Management Act where first nations can develop their own codes. I will go back to the report that was commissioned a number of years ago on matrimonial property. It outlined the following:

> In order to clarify the intentions of the First Nations and Canada in relation to the breakdown of a marriage as it affects First Nation land:
>
> (a) First Nation will establish a community process in its land code to develop rules and procedures, applicable on the breakdown of a marriage, to the use, occupancy and possession of First Nation land and the division of interests in that land;
>
> for greater certainty, the rules and procedures referred to in clause (a) shall not discriminate on the basis of sex;

The reason I am raising that is because there are mechanisms right now where first nations can develop these codes.

● (1100)

The First Nations Land Management Act has a waiting list of nations that actually want to participate in this process. Therefore, one of the doors that could be opened to first nations to develop their own marital property relations codes is closed due to a lack of resources. If the government were serious and committed to a respectful nation-to-nation relationship with first nations, it would put additional resources into the FNLMA to assist first nations in taking part in that regime and developing those codes.

I do not have a lot of time left, but I want to quote from the UN Declaration on the Rights of Indigenous Peoples. Article 19 states:

> States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that affect them.

Article 44 states:

> All rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

After enormous pressure, the government finally did endorse the UN Declaration on the Rights of Indigenous Peoples and indicated that it would take the next steps to move forward on it. Of course, we have seen no action since that happened.

However, this declaration that speaks of free, prior and informed consent is at the heart of much of the opposition to Bill S-2, because although the minister claims there were all kinds of consultations, the reality is that appearances at committee do not constitute consultation.

The Hon. Jim Prentice, the then minister of the day, did set up a process wherein there was a ministerial representative who developed an extensive report. A lot of the recommendations in the report were simply ignored in developing the legislation, and I want to touch on a couple of them.

In one of the recommendations, Wendy Grant-John outlined a preamble and what the sections of the act should include. She included things like acknowledging the importance of the principle of reconciliation in respect to existing aboriginal and treaty rights and the sovereignty of the Crown; the need for co-operation and reconciliation between first nations and the Crown on matters relating to matrimonial property on reserves; the importance of including women at all levels of decision-making as equals; and the need to take into account the interests of other family members and first nations' cultural interests.

In part, the legislation does talk about the interests of other family members, but does not specifically address the other cultural interests.

There was a case regarding the convention on the elimination of all forms of discrimination. It issued a report back in February or March 2012 with regard to the division of property on a marital breakdown and made some very specific recommendations. It is interesting what those recommendations included.

The recommendations to the state were to provide housing commensurate in quality, location and size to the one the applicant was deprived of; provide appropriate monetary compensation for material and moral damages commensurate with the gravity of the violations of her rights; recruit and train more aboriginal women to provide legal aid to women from their communities, including on domestic violence and property rights; and review its legal aid system to ensure that aboriginal women who are victims of domestic violence have effective access to justice.

Despite the long-standing recognition that there are serious problems facing aboriginal women in this country, we have not seen the kinds of measures put in place that would help women and their communities deal with the violence against aboriginal women, and their lack of adequate housing and access to remedial measures and conflict resolution.

It is one thing to put a piece of legislation in place and another to not then put the resources in place to help women, their communities and families deal with this very serious problem.

Based on the concerns that we have, the New Democrats will not be supporting this legislation.

● (1105)

Mrs. Susan Truppe (Parliamentary Secretary for Status of Women, CPC): Mr. Speaker, this bill is based on a careful balance between individual rights, specifically the need for spouses and common-law partners on reserve to have access to rights and protections similar to those existing off reserve, and the collective interests of first nation members in the reserve lands.

The bill clearly states that it is not intended to affect the title to the lands or change the status of the collective reserve lands. It also includes provisions to ensure that first nation councils may make court representations.

Under the bill, notice of applications for orders, except emergency protection and confidentiality orders, must be sent to the first nation council so that they can make representations to the court on the cultural, social and legal aspects of collective rights regarding the land. The bill states that first nations must have an opportunity to provide evidence on their collective rights and lands during court hearings. In response to the testimony of witnesses, government amendments were made to extend this opportunity, for example, to court hearings to change or revoke an emergency protection order.

Why does the member opposite not want to support women on reserves and help them get the emergency protection they deserve?

● (1110)

Ms. Jean Crowder: Mr. Speaker, I will respond to the member with another question. Why does the member and her government not put mechanisms in place to help aboriginal women, first nation, Métis and Inuit, when they are facing domestic violence and a lack of adequate housing? There are no resources around things like dispute resolution mechanisms.

In a report on matrimonial real property on reserve by the Scow Institute, it concluded with something that is very important for all of us in the House to take to heart. It says:

> The lasting solution is one that comes from the community and builds on Aboriginal traditions. These traditional values of caring, nurturing, supporting, and respect are the proper way forward, not just for Aboriginal women but for everyone, young, old, male *and* female. The community is the solution.

When will the government put the resources into the community to help it develop appropriate codes and the non-legislative measures required to help families in crisis?

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, the Liberal Party critic has mentioned the importance of ensuring that all of the different stakeholders feel welcome in participating at the committee level. Would she want to comment on how important it is that all of the stakeholders feel they are empowered to participate in public hearings? In fact, some might even suggest that the committee go beyond the Ottawa bubble. It might be an appropriate issue for us to go into the communities on. Would the member support the Liberal Party's idea of maybe expanding these hearings outside of Ottawa so that we can ensure that different stakeholders are able to participate in the dialogue?

Ms. Jean Crowder: Mr. Speaker, the member for Winnipeg North is absolutely correct. Indeed, when we talk about non-legislative remedies, one aspect that we need to look at is what happens in a community where there is a marital breakdown and one person ends up with housing and another actually has to leave the community because there is no other housing. There are significant waiting lists in most communities. There is the problem of not having available non-legislative remedies for housing, dispute resolutions, and safe houses.

The other issue is that this is being portrayed simply as an issue of discrimination against women. There are absolutely serious problems with discrimination against women in the way that property is divided in a marital breakdown. However, there is a larger context to this.

Part of what the Liberal member asked was why this was not being referred to the aboriginal affairs committee. Here I would say that the larger context of this is around land regimes on reserves. They are not private property. There are issues of certificates of possession and inherent treaty rights, and all kinds of other complicating factors that it would seem the aboriginal affairs committee would be seized of.

Therefore, to respond to the member, I agree that it is very important that the committee goes out to communities and looks at the reality of what happens when there is a marital breakdown there, but second, it should also look at the larger context around aboriginal rights and title.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I appreciate the speech by the member for Nanaimo—Cowichan, as I know that she is well versed on first nations issues.

I want to bring to light the view of one of my chiefs. He talks about the fact that first nations' inherent right to self-government needs to be recognized, just as it is by section 35 of the Canadian Constitution Act 1982, which includes independent jurisdiction with regard to family law and real property on and off reserve. He goes on to talk about the fact that his community has actually adopted a matrimonial real properties act, which is working very well. The issue is not that first nations cannot do this.

He and his community continue to maintain that the proposed MRP package interferes with fundamental property and other rights, and that the federal government cannot therefore proceed without seeking the prior, full and informed consent of individual first nations, who are the actual rights holders.

Again, I want to raise the issue that there are opportunities for first nations to put these matrimonial property acts in place, and that these do actually work. I am wondering if the member can elaborate on the fact that those tools are currently there for first nations.

● (1115)

Ms. Jean Crowder: Mr. Speaker, I want to thank the hon. member for Algoma—Manitoulin—Kapuskasing for that very good question, because she is absolutely right. Many first nations have developed codes. They are in place and functioning effectively.

Part of the challenge before the House actually concerns the heart of the relationship between the federal government and first nations. If one's starting premise is that there is a nation-to-nation relationship, then there are different approaches that derive from that relationship.

The minister admitted that the government has known for years that these discriminatory practices are happening. One thing that could have happened over these last many years is that resources could have been put into working with the first nations communities who were interested in developing their own codes. There could have been a tool kit put together around best practices and then some resources for the community to help develop their own code that would reflect their own practices, customs, traditions, cultural values and language.

We did not see that happen, so now we have a piece of legislation being imposed on nations that did not have the resources to develop those codes and practices. The hon. member is absolutely correct: there are some very good codes already in place.

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I think that anyone watching at home today would appreciate that we are having a debate about women's equality rights taking place primarily among female parliamentarians. I think that is something to be celebrated.

The reason we are able to do this is that a legislative change was put in place that allowed us to stand in this place and have these types of debates, given our gender as women. Sometimes we need to have legislative change in order to effect real change.

Kofi Annan once said:

> Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance.

Sometimes we need legislation to do that.

After all the consultations that have taken place, the millions of dollars that have gone into the consultation process, with over 103 sessions in 76 sites, I would simply ask my colleague this: why will she not support common sense legislation that stands up for the rights of aboriginal women and their property rights?

Ms. Jean Crowder: Mr. Speaker, the hon. member talks about consultation. Yet the culmination of that consultation was a 2006 report entitled, "The Report of the Ministerial Representative: Matrimonial Real Property Issues on Reserves", a significant number of whose recommendations have been disregarded by the government.

The question then becomes this. The government carried out what it calls a consultation process, got a report, and then ignored it. Then the government went back and said that it had consulted, but did not say it would actually take the consultation to heart and develop legislation based on that legislation. One cannot call something consultation and then not do something about it.

If the government were serious about consultation, it would go back to this report and rewrite the legislation.

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, I want to follow up on my question to the minister and again insist that the bill needs to go to the aboriginal affairs committee, not to the status of women committee.

Regarding the record of the status of women committee, including its recent study, "Improving Economic Prospects of Canadian Girls", I would refer the members to the dissenting report of the Liberal Party, including the hon. member for York West. We were appalled that despite all of the evidence gathered from people such as Vivian O'Donnell and Susan Wallace, the committee refused to include any recommendations in the report, stating that it would exceed the mandate of the Minister for Status of Women. It thinks its mandate is the 40-year old written mandate for status of women committee, as though it were the responsibility of the current Minister for Status of Women.

It is clearly an issue, as my colleague from the NDP has said, for the Minister of Aboriginal Affairs and Northern Development. Given the complexity of dealing with property and aboriginal rights, those can only be properly studied at the aboriginal affairs committee. I cannot repeat that strongly enough. It is totally inappropriate that this go to a committee not used to studying legislation, and which has, in its very last study, refused to deal with the issue of aboriginal girls and young women, stating that it is not the specific responsibility of that minister or her department.

The Liberal Party does not question the need for legislation to address the legal gaps and other problems surrounding family breakdown for first nations living on reserve.

● (1120)

[*Translation*]

Many national and international reports have called on Canada to address the legislative gap with regard to matrimonial real property on reserves, and a number of parliamentary committees have examined this issue.

[*English*]

However, the bill would not effectively deal with the problems associated with the division of matrimonial property on reserve and would fail to provide first nations with the tools to implement appropriate measures for families to resolve disputes safely and in a culturally appropriate way.

Bill S-2 would not improve gender equality for aboriginal women, as claimed by the Conservative government. Instead, it would create the potential for new open-ended interests for non-first nations individuals on reserve and would fail to address the root causes of family breakdown and domestic violence, namely the lack of housing, inadequate funding for child welfare and inadequate access to legal aid for aboriginal women.

The Liberal Party of Canada believes that all legislation, or policies concerning aboriginal peoples, requires the government to work with, nor for, aboriginal peoples, as we promised to do in the original treaty relationship and as expressed by the UN Declaration on the Rights of Indigenous People. It commits Canada to uphold indigenous rights and ensure first nations enjoy the same quality of services and care as other Canadians. It explicitly says that there must be free, prior and informed consent on any issues dealing directly with first nations in Canada.

We also must recognize and affirm aboriginal or treaty rights as laid out in section 35 of the Constitution Act, 1982 and Canadian courts. As well, it is imperative that we provide sufficient resources so as to guarantee that aboriginal communities have the capacity to implement the legislation and our policies on which we have worked collaboratively. Unfortunately, yet again, the government has failed to meet any of these criteria in the approach to matrimonial real property on reserve. It is raining down legislation in "thou shalt" kinds of ways without the resources and the support to actually achieve the objectives of the legislation.

Yet again, consultation has been inadequate. Consultation requires both a substantive dialogue and the government to listen and, when appropriate, incorporate what it hears into its approach. Although consultations were done on MRP in general in 2006-07, consultations were not done specifically on Bill S-2, in particular prior to the introduction of the bill.

The Native Women's Association of Canada is not confident that the legislation will solve the problems associated with matrimonial real property on reserve and has been clear that the current bill fails to address many of the recommendations repeatedly raised each time the legislation has been brought forward. NWAC held meetings with first nations women from its provincial and territorial member associations and produced several reports that included their views to address MRP. Bill S-2 still neglects most of those recommendations.

● (1125)

[*Translation*]

The Conservative government failed in its constitutional duty to consult the first nations when drafting this bill and did not take into consideration the serious problems identified by stakeholders when the Senate examined Bill S-4, the previous version of this bill, in the last Parliament.

[*English*]

The non-derogation clause in Bill S-2 does not sufficiently affirm constitutional rights to self-government, that is nothing in the act shall be construed "so as to abrogate or derogate from...aboriginal or treaty rights recognized and affirmed under section 35 of the Constitution Act, 1982". This is not acceptable.

As my colleague from the New Democratic Party has said, the resources are inadequate to achieve the objectives of the bill. As I said In the letter I sent to the Minister of Aboriginal Affairs a year ago August, it is completely unfair to legislate when the resources are not there to implement the objectives of any legislation.

This afternoon we will see the same thing on the water act, that "thou shalt have clean drinking water" and there are no resources to make sure it happens. This is exactly the same thing. In the objective of the bill on matrimonial real property, there are just not the resources to actually give women real choices with their families for them to remain safe in situations of violence.

[*Translation*]

Any proposed measure must be based on a holistic approach designed to address family breakdowns and domestic violence in aboriginal communities and tackle the problems of poverty, the housing shortage and the tragic legacy of the residential school survivors and their families.

[*English*]

In 2006, then INAC minister, Jim Prentice, announced that the nation-wide consultation on MRP reserves would take place, and appointed Wendy Grant John as the ministerial representative.

The report of the ministerial representative proposed establishing new stand-alone federal legislation that would be based on recognition of first nations jurisdiction and respect for aboriginal and treaty rights, while establishing interim federal rules that would apply until the first nation had exercised its jurisdiction and enacted its own laws on MRP.

The report of the ministerial representative also noted:

> The viability and effectiveness of any legislative framework will also depend on necessary financial resources being made available for implementation of non-legislative measures...Without these kinds of supports from the federal government, matrimonial real property protections will simply not be accessible to the vast majority of First Nation people.

At the time that report was tabled, the time we were able to see it, everybody who we spoke to said it was imperative that the government of the day not be allowed to cherry-pick this report. Yet cherry-pick the report is exactly what the government has done.

The government has not provided any additional resources to help first nation governments build the capacity needed to address the underlying issues, meet their new obligations under the bill, or allow their citizens to have access to the legal system or develop new community-specific laws regarding matrimonial real property.

The provisional federal MRP rules are based on a provincial court system and require first nations and their citizens to take on additional costs to access the court system.

In many rural and remote communities, the cost of legal access, including transportation, can be prohibitive. Yet there is also no commitment to provide funding for alternatives to the court system, like community-based dispute resolution, which would be more cost effective and culturally appropriate.

Further, Bill S-2 was tabled without a plan and without resourcing to address the myriad issues that contributed to family breakdown on reserve and the disproportionately high levels of domestic violence against women.

[*Translation*]

Witnesses who appeared before the Senate committee mentioned the chronic shortage of housing on reserve, the underfunding of child welfare and the lack of shelters and temporary housing. These are substantive issues that must be addressed as part of the federal government's MRP approach.

● (1130)

[*English*]

The government has made no commitment to provide resources to help first nations move past the provisional federal rules and develop their own MRP code, other than to promise to create a centre of excellence, subject to further future Treasury Board approval.

The government's approach to developing the bill has been misguided and the resulting legislation is totally inadequate.

Mrs. Susan Truppe (Parliamentary Secretary for Status of Women, CPC): Mr. Speaker, the bill clearly states that it does not affect the title to reserve lands or change the collective status of reserve lands and it does not allow non-members to make claims of ownership to reserve lands. The provisional federal rules will not lead to non-Indians or non-members acquiring permanent interest in reserve land because exclusive occupation orders and emergency protection orders are temporary.

Input obtained during the national consultation process indicated that an appropriate balance was needed between the individual rights of on reserve residents and the collective interests of first nations in their reserve lands. The legislation achieves the objective of filling the legislative gap on reserves for first nation members and non-members, while respecting the principle and non-alienation of reserve lands.

The provisional federal rules also include provisions to ensure that first nation councils can make representations to the courts, for instance, to highlight the collective nature of the land. This does not apply, however, in the case of emergency protection and confidentiality orders.

I find it insulting that the Liberal member, who voted against establishing the Canada Human Rights Act on reserves, refuses to give women on reserves the same rights she has.

Why will she not help aboriginal women?

Hon. Carolyn Bennett: Mr. Speaker, I will leave that alone. It is totally insulting and inappropriate in the House. Those of us fighting for the rights of aboriginals everyday are on this side of the House and the aboriginal people in Canada know that.

It is totally ridiculous for that member to stand and read something that was hopefully prepared by someone who does not even understand that the aboriginal affairs committee right now will receive the part of the bill on fee simple that would put in question everything that member just read. She clearly does not understand.

It is really important that the bill come to the aboriginal affairs committee where somebody, like the Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, who at least understands the issues around real property on reserve, can speak to it. That member and her committee can just leave the bill alone.

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, I thank my colleague for her very clear defence of the rights of aboriginal women. I am particularly interested in her concern regarding the bill going to the Standing Committee on the Status of Women. As a five-year member of that committee and a former chair, I too have some very real concerns.

When I was a member of the committee in 2010-11, we embarked on a study of violence against aboriginal women. We went from community to community and we heard from aboriginal women. At first, they were reticent because they did not trust us, but as time went on they came to believe we would truly help. They believed the women of Parliament would truly help.

Unfortunately, the report that eventually came out of the Conservative-dominated committee was a travesty. It was an absolute aberration in terms of its glossing over the evidence we had heard and coming up with a report that had absolutely no real remedy.

Very clearly I share my colleague's concern. Why on earth we would ever trust anyone in the Conservative government?

Hon. Carolyn Bennett: Mr. Speaker, I thank the member and a veteran of the status of women committee who has witnessed the really disappointing reports coming out of that committee, that softly recommend or suggest instead of taking hard lines that would actually defend the status of women in Canada.

It is because of the complexity of this issue and the failure of that committee to deal seriously with any legislation, other than a couple of clauses in estimates occasionally, that it becomes even more inappropriate that the status of women committee would study a bill of this importance. It is also because that committee and the minister continue to say they cannot deal with anything outside the mandate of the minister and her department.

When we are fighting for the kinds of things we are in terms of resources on reserve, when we are fighting for more affordable housing and for the things that need to underline the purpose and the objective of the bill, it is even more important. As my colleague from the New Democratic Party has said, this law should be removed from the status of women committee and moved to the aboriginal affairs committee.

● (1135)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I appreciate the comments from my colleague, someone who obviously cares very passionately about our first nations community. I look to her to provide some leadership on the important issue of getting and engaging the different stakeholders throughout Canada that have a vested interest in ensuring this is done properly.

One of the suggestions she has eloquently spoken about is the importance of the bill going to the right committee. Could the member provide comment on those stakeholders and the valuable role they play in assisting and determining and ultimately maybe even providing leadership for having good sound policy coming out of the House of Commons?

Hon. Carolyn Bennett: Mr. Speaker, it is very important, from the research analysts to the membership and the knowledge of the people on the aboriginal affairs committee, to be able to not only receive witnesses here in Ottawa, as perhaps my colleague has suggested, but to go out and listen to the people.

We need to hear from the chiefs on how difficult this is when there is a situation of domestic violence where, again, someone gets the house and someone has to leave the community. This is very difficult and really goes against the whole collectivity and the self-governing interests of allowing communities to resolve things in an equitable way.

That means they must have the resources. It means the aboriginal affairs committee is the only place that can push, almost in a pre-budget consultation kind of way, to be fighting for the kinds of resources around housing, child care, legal aid and the kinds of things that would allow people to resolve this is in a fair and just way for first nations in Canada.

Ms. Candice Bergen (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, for the average Canadian listening to this debate, we are talking about basic human rights for aboriginal women living on reserve.

We are not talking about any special rights that any other Canadian man or woman does not enjoy. We are talking about basic human rights.

My question to the women in the opposition parties, both the Liberal and the NDP, is: When will they stand up to the men in their party, to their male leaders, and say this is the wrong thing to do? We need to support the rights of aboriginal women to have basic property rights.

This bothers them, but it is a fact. We are talking about a very basic right, and I am just asking when my hon. colleagues will look at their male leaders and say we are on the wrong track here.

Even the opposition parties have to recognize that it is a basic human right for a woman on a reserve to have access to the property that she should have in the face of a divorce. All women who have gone through divorces in Canada have rights to their property and they have rights to support. Aboriginal women do not have this right.

When are the opposition women going to stand up for aboriginal women in this country?

Hon. Carolyn Bennett: Mr. Speaker, this a completely specious argument. We believe there is a legislative gap.

I would say to the member that I will take any man on this side to stand up for the rights of aboriginal women, including the brilliant Irwin Cotler who has been standing up for human rights for all his life—

● (1140)

The Deputy Speaker: The member knows it is inappropriate to use the name of a sitting member of this House.

Resuming debate, the hon. member for Churchill.

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, I am pleased to stand in this House as part of the official opposition to raise our position, which is very much founded on true consultation with partners, aboriginal women, aboriginal organizations and the voices in this country that are seeking real justice and real leadership from the federal government.

Today we are talking about Bill S-2, but as we know from what we have heard in this chamber, there is a lot involved in this debate and in the debate around standing up with aboriginal women in this country. I am amazed at how the federal government is making so much noise on the issue of the human rights of aboriginal women when, in fact, time and again, it has done nothing but let aboriginal women down.

We all know the painful history of colonialism and the kinds of situation that aboriginal people have lived with for centuries. We know this has left a mark on the kinds of lives that so many aboriginal people in Canada are living today.

As the MP for Churchill, I have the honour of representing 33 first nations. All of them have signed historic treaties with the Crown and all of them have seen the treaties and their treaty rights broken and disrespected by government after government, and that has certainly been a hallmark of the present federal government.

Some years ago, we had an apology from the Prime Minister that so many residential school survivors took very seriously. It was an apology that so many of us were proud of and that our former leader, Jack Layton, was very involved in shaping. However, after that apology, we saw a complete reversal of the very sentiment that the Prime Minister and Parliament shared with aboriginal men and women.

We saw massive cuts to organizations, some of which deal directly with the healing residential school survivors need. We saw organizations that deal with the intergenerational impacts of residential schools be cut by the current federal government.

I would like to point out that nowhere is the intergenerational impact of residential schools more evident than in the national tragedy of missing and murdered aboriginal women. It is chilling for every member of the House to know that we are part of a Parliament that could take action on this national tragedy. However, instead, we see a government that not only ignores the problem but actually cuts the very organizations that were there to support a solution.

The Native Women's Association of Canada put together a world-renowned initiative called Sisters In Spirit, which was cut two years ago.

The First Nations Statistical Institute, which gathered statistics on aboriginal women, was cut. It was done away with completely in the last budget.

The National Aboriginal Health Organization, which maintained a particular focus on the health of aboriginal women, was completely eradicated by the present federal government.

The Aboriginal Healing Foundation offered state-of-the-art community-driven healing programs, many of them run by women who worked with female elders and women who live on the margins of their communities and societies. Every single one of those community-based programs was cut by the current federal government.

The Women's Health Research Network, a network of academic and grassroots women working in health and security, whether on the streets of Winnipeg or in communities in northern reserves across the country, was completely eliminated by the current federal government.

● (1145)

There are countless examples of organizations that deal particularly with aboriginal women to establish the kind of statistics we need to know the scope of the problem, not just in terms of murder, but in terms of violence, poverty and health challenges. They are gone. The programs are gone that gave services of healing, counselling and support for learning a language that has been beaten out of generations of aboriginal people. Programs are also gone—thanks to the federal government—that were there to support women, to engage them in research and to engage them in job opportunities, that allowed them to look at their own challenges and their own aboriginal communities.

When we hear that the federal government cares about the rights of aboriginal women, I say that is wrong, as we look at every single one of the Conservatives' actions including the fact that this weekend in Winnipeg there will be a national provincial-territorial symposium on aboriginal women known as NAWS. My question to Canadians is: I wonder if they know which level of government has refused to play any part. The answer is the federal government.

The past two historic gatherings of NAWS were recognized at the international level and were co-hosted by the federal Government of Canada. So little is its care for the status of aboriginal women in this country that, in an age where violence against aboriginal women has gripped people, has gripped the imaginations of so many Canadians like those in my home province of Manitoba, it is not even willing to co-host a discussion among levels of government and the grassroots to be able to come to a solution.

When Conservatives tell us about the equality and rights of aboriginal women, I would like to see their actions, and their actions have spoken for themselves. They are nowhere to be found and they are gutting the very foundations of a system where people have tried to come together and stand with aboriginal women for a better today and a better tomorrow.

That brings us to Bill S-2, a bill that I and my colleagues have clearly said we cannot support. It has fundamental problems. After decades of work to be able to establish a true partnership with first nations, whether it is recognizing the duty to consult, whether it is recognizing the government-to-government relationship and what the NDP wants to see as the nation-to-nation relationship, one would think the federal government would understand how important the duty to consult is, but it does not.

Bill S-2 is a bill we have seen in other forms, over five different parliamentary studies conducted on matrimonial property rights. As one Senate report found, women face real challenges when they have to leave their homes, and that is a point that we do not discount at all. It is a fact. I know it from the communities I represent. I hear it from the women with whom I have the honour of working.

However, the Senate in its conclusions made five key recommendations, and these are the recommendations that are fundamentally disregarded by Bill S-2: that the Native Women's Association of Canada and the Assembly of First Nations be consulted; that funds be provided to help first nations draft their own matrimonial rights property codes, something that first nations have indicated an interest in working on. Let us hear from those first nations. It recommended that legislation not be applicable to first nations that come up with their own code. One of the recommendations was that there be amendments to the Canadian Human Rights Act to apply on reserves. The Senate stressed that all recommendations be Canada's recognition of first nations inherent right to self-government. That reference to the inherent right is a critical one, because the federal government, through its disrespect of treaty rights and aboriginal inherent rights, has built a very dangerous kind of discourse when it comes to engaging Canadians.

● (1150)

The government makes it sound as though aboriginal peoples' rights are the same as everyone else's rights, but what it disregards is that aboriginal people, being the first people on this land, have what are called inherent rights and have treaty rights.

None of this is a hidden fact. People in my constituency know very well the writings of Tom Flanagan, one of the Prime Minister's former and maybe even current top advisors, who wrote a book entitled, *First Nations? Second Thoughts*, which is essentially focused on the concept of assimilation. Obviously, that is an unutterable notion to discuss in Canada in 2012, as it should be, because the concept of assimilation is not only racist but is a dark part of our history. We have moved on.

However, if we scratch the surface, the ugly head of that notion of assimilation appears and reappears in the current federal government's dealings with aboriginal people. That is a fundamental injustice to aboriginal people and to all Canadians, when we know that our nation was built on the idea of respecting that treaty relationship between first nations and the Crown.

In 2003, a legislative gap was identified that affects the rights and needs of first nations women. Nearly a decade later, under both Liberal and Conservative governments, Parliament has failed to solve the problem. As I noted, five separate parliamentary studies have consulted first nation organizations and women, and four bills have sought fit to ignore several of their most crucial recommendations.

Bill S-2 is no exception. That is why we stand opposed to the bill. Until the government understands that it requires aboriginal peoples' full consent to amend the Indian Act, New Democrats will continue to oppose this kind of legislation.

Let me point to some of the things that are problematic. Bill S-2 would address property shared between spouses, including common law partners. We have heard that it seeks to address gender discrimination. However, we note that the government has failed to do so in previous attempts across a broad range of areas with respect to aboriginal women.

Bill S-2 lowers the ratification threshold. It has a 12-month transition period, something we believe is too short a period to address issues. It eliminates the requirement for a verification officer to approve a first nation's own laws on matrimonial property rights.

Based on the kinds of agreements we have come to as Canadians, have we not learned that it is absolutely critical to consult with and allow first nations to decide how they want to address what they know is such a critical issue in their own communities?

First nations would have to re-ratify their pre-existing processes if Bill S-2 is passed. They would have to notify the minister and the provincial attorney general. The first nation's laws, based on consensus or traditional processes, would not be accepted. It is ridiculous.

Bill S-2 goes against treaty and inherent rights.

Finally, I want to note that consultation requires consent. It is quite clear the government does not understand that concept. It is not about having a meeting with a few people or getting a sense of what somebody says. It is about a true consultation process where the people who are consulted provide their consent to do that very same thing. That is nowhere to be found in the process leading up to shaping Bill S-2.

Bill S-2 connects to the Indian Act, which is firmly rooted in colonialism, racism and misogyny. According to principles of sovereignty and human rights, to negotiate such laws instead of redefining the relationship between Canada and first nations is the wrong path to take.

● (1155)

Inherent gender discrimination written into the Indian Act is responsible for the problems we now face with matrimonial real property. The worst thing we could do right now is to write new laws that commit the same mistakes as the old. We must not act paternalistically toward aboriginal woman. We are bound ethically and by the UN Declaration on the Rights of Indigenous Peoples to incorporate not some but all of their recommendations. It is not a selective project.

Bill S-2 unfortunately fails to do that.

The Assembly of First Nations does not support it. The Native Women's Association of Canada does not support it. The majority of aboriginal women do not support it. We as New Democrats are listening to their voices and we stand in solidarity with them. We do not support it.

We do not claim to know what is best, but Bill S-2 is not only ethically problematic, it is also logistically impossible to implement for various reasons. Let us go into those reasons. It is all fine and well to talk about legislation, but I know many of the members across the way are familiar, in part because some of them represent first nations, with the very real challenges that first nations face.

There is a lack of financial resources to support first nation governments to implement law. Let me give an example on a slightly different note that truly indicates the lack of resources first nations have.

I was visiting Bunibonibee Cree Nation in northern Manitoba, also known as Oxford House, two weeks ago. It is a community that has struggled with young people living on the margins, young people who drop out of school and who engage in activities that involve violence and abuse. Leaders in that community want to provide ways for young people to live healthier lifestyles.

They wanted to apply for a grant offered by Public Safety Canada to get money for a recreation program for these young people. They heard about this grant quite late because they do not have enough staff in their office to be able to go through all of the messages and memos they receive from the office in Winnipeg. They do not have enough staff to fill out the application and the letter of intent.

After it was filled out, just because bad things sometimes happen in threes, there was a power outage in Oxford House, Gods River, Gods Lake Narrows and the Island Lake area. The storm that knocked the power out was so bad that the people from Manitoba Hydro could not come in and fix the power. For two and a half days, people were shut out of their offices, the two and a half days prior to when this application was due. A community that needs this grant more than so many others, and along with so many others, was unable to do the very basic task of submitting the application.

We can blame it on weather when it comes to the power outage, but we cannot discount the fact that the community has said time and time again that it does not have the resources to hire people who can help them get the kind of programming and support it needs.

There is a lack of funding for lawyers. There is a lack of funding regarding limited geographic access to provincial courts. I represent 22 isolated communities. Bands have barely enough money to make do, as I noted, with basic services, let alone travelling out to access lawyers and provincial courts.

Fundamentally I would like to end with perhaps the greatest injustice. If we really wanted to address the kinds of violent situations that aboriginal women face in terms of unsafe housing and the kind of marginalization that they face in their communities, we would talk about the lack of on-reserve housing and the land mass that exists today on first nations across this country.

These are third world conditions, conditions that day in and day out shape the lives of aboriginal women and provide immense challenges to their moving forward and to Canada moving forward.

I would ask that the government be genuine in its attempt to stand with aboriginal women, look at getting rid of Bill S-2 and truly make a difference for aboriginal women in Canada.

● (1200)

Mr. Dean Del Mastro (Parliamentary Secretary to the Prime Minister and to the Minister of Intergovernmental Affairs, CPC): Mr. Speaker, I have been very surprised and somewhat saddened during this debate. It seems that we are having a discussion about or at least the opposition is putting forward that in order to establish equality in Canada for all Canadians, fundamental human rights and gender equality, which are things we all believe strongly in, we should consult first. They say we cannot have equality without consultation.

I think that is profoundly wrong. The fact that an aboriginal woman does not have the same matrimonial real property rights as any other woman in this country is something we should all hang our heads in shame about. It is fundamental equality we are talking about.

We do not need to consult or negotiate or have a summit, or any of the other things that they would propose over there, to simply come to the understanding that equality is the right thing to do and inequality is wrong. That is what they are standing up for. Perhaps the hon. member would like to say why.

Ms. Niki Ashton: Mr. Speaker, I would venture a guess that the hon. member is not reading from his speaking notes. To even utter the words that consultation is not important when one is working with aboriginal people is an affront to the kind of system that Canada is built on. It is a very dangerous statement to make and it really flies in the face of the kinds of agreements we have committed to.

Aboriginal women are also aboriginal. That the government does not want to consult with them, with the organizations that represent them, with the bands in which they live and in many cases in which they are councillors and leaders, is frankly shocking. I am sure first nations and all Canadians who hear this will see this as not just shocking but really turning back the clock on the kind of Canada we would like to build.

[*Translation*]

Mr. Jean Rousseau (Compton—Stanstead, NDP): Mr. Speaker, it is somewhat insulting to hear the members opposite talk about equity, equality and consultations. I will not go into the details, but all the Conservatives have been doing since the 41st Parliament began is infringing on human rights. As a result, when they talk about basic principles related to human rights, it is really insulting. The members opposite have no respect for equity or equality.

That being said, I would like to come back to what my colleague was saying in her excellent speech: why are consultations important and why do we want the first nations and the public to be consulted? It is a question of equality. We want to speak with these people as equals. It is only by consulting them and respecting their culture and demands that we will be able to agree on bills that respect the elements and principles of equality. We must build a nation-to-nation relationship.

Ms. Niki Ashton: Mr. Speaker, I thank my hon. colleague, who did an excellent job of presenting the NDP's position. The NDP is the only party that really stands in solidarity with first nations. The NDP has a vision of this country where first nations are respected on the basis of a nation-to-nation relationship. We are not simply paying lip service; we truly believe that this is what is right. And this is how we will proceed.

First nations needs to be recognized as nations and this relationship must be expressed in everything we do. When we talk about the rights of aboriginal women, we in the NDP do not regard these women as the same as every other woman, like the Conservatives do. Aboriginal women have certain rights that are recognized in our laws and in the UN declaration, and we recognize them as such. Let us be clear.

The Government of Canada apparently already has its own position. Let us proceed based on our vision, if the Conservatives do not wish to present theirs.

● (1205)

[*English*]

Mrs. Susan Truppe (Parliamentary Secretary for Status of Women, CPC): Mr. Speaker, both parties are indicating that they do not think Status of Women Canada should end up with this bill and that Aboriginal Affairs should. I have a report in my hand from 2006, which I would like to share. It is a report from the Standing Committee on Status of Women, which states:

> Pursuant to Standing Order 108(2), your committee reviewed matrimonial real property rights on reserves. Your committee heard evidence on this matter, the result of which is contained in this report.

This was one of the recommendations:

> Whereas immediate solutions, not further study, are required to move this issue forward;

The member opposite indicated that aboriginal rights are not the same as everyone else's rights and that aboriginal women have rights too. We know that. That is what Bill S-2 is about. We are trying to give aboriginal women the same rights we have. I would like to ask the member opposite, will she give aboriginal women rights?

Ms. Niki Ashton: Mr. Speaker, I am really disappointed that the government has lowered its standard of debate; although, I am not surprised because we see it everyday on that side of the House.

I take encouragement from the other side that Conservatives are looking at recommendations that have been made by parliamentary studies. I wish they would look at all of the recommendations made, which are ones that New Democrats have referenced as the reason we cannot support Bill S-2.

Let me be clear on the concept of consultation. This is not a new concept. It is a concept that is enshrined in our Constitution and our commitment to the UN declaration. It is absolutely shocking that the government wants to discount the commitments we have as Canadians. That is the very problematic point.

I would really love to hear from the government as to the full extent of the action plan it has to work with aboriginal women, so that they are not the most marginalized people in Canada and they do not face the levels of violence and poverty they are facing. Let us look at the bigger picture. Could the government answer why it has cut aboriginal women's organizations to the point that some of them do not exist? Perhaps it could spend its energy on that.

[*Translation*]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, my friend, the member for Churchill, was spot on in saying that consultation must lead to consent. When we look at how several groups have reacted to this bill, we see clear opposition, particularly from the Native Women's Association of Canada, which does not agree with this bill, the Assembly of First Nations and the Aboriginal Women's Summit. Ellen Gabriel, the former president of Quebec Native Women's Association, and Dr. Palmater, a lawyer and professor of aboriginal law at Ryerson University, are also opposed to this bill. These individuals have very prominent voices, and they are very familiar with the housing problems in aboriginal communities.

With this bill, the way that the government is reacting and the arguments it has presented, I can see that it wants to force an inadequate legislative solution down the throats of the first nations, without actually solving the problems.

I would like the member for Churchill to comment in more detail on the fact that consultation must lead to consent; otherwise solutions are forced on people, which is a completely inadequate way of addressing the problem.

Ms. Niki Ashton: Mr. Speaker, I thank my colleague for sharing the list of organizations, aboriginal women and leaders who oppose Bill S-2.

This government is perpetuating a colonial and paternal relationship in which it wants to impose its own vision instead of respecting aboriginal women, instead of respecting the fact that they are the ones who must take the lead, and instead of respecting and focusing on the consultations.

We, and Canadians, I am sure, think that the government is being old-fashioned by trying to introduce a bill without consultation, when we know that aboriginal women and organizations are opposed to the way it is being presented.

● (1210)

[*English*]

We have moved on. They should move on with the rest of us.

[*Translation*]

Ms. Anne Minh-Thu Quach (Beauharnois—Salaberry, NDP): Mr. Speaker, I will split my speaking time with my colleague, the member for Argenteuil—Papineau—Mirabel.

As we have heard in a number of speeches delivered today, Canada's aboriginal women are in an extremely tough situation. Statistics show that, compared to the rest of the population, first nations women suffer more spousal violence and are at greater risk of living in poverty.

The many legal voids with respect to reserves leave aboriginal women even more vulnerable. In family law in non-aboriginal regions, when a married couple divorces, the division of family, real and personal property is determined by provincial legislation, which is not at all the case on the reserves, since they are under federal jurisdiction. In 1986, the Supreme Court of Canada held that the courts may not enforce provincial law on reserves. That decision by the highest court in the land confirmed the legal void, and many reports since then have emphasized the need to find a solution in the interests of first nations peoples.

A solution to this legal void is very urgently needed. Currently, aboriginal women who get separated or divorced lose everything. They have to leave the home and are often deprived of their children, and if their name does not appear on the title of ownership, judges cannot rule that they may keep the house or retain any part of their matrimonial property.

Where they are victims of family violence, the court cannot issue an order for exclusive possession of the family home or a restraining order, that is to say an order prohibiting the abusive spouse from approaching or communicating with his spouse. A number of protective mechanisms have been put in place over the years to protect women from spousal violence, but they cannot be enforced on reserves.

Note that, according to Statistics Canada, aboriginal women suffer violence three times more often than non-aboriginal women. It is therefore really necessary to take action, as everyone will agree.

In 2003, a Senate committee emphasized that measures previously taken by first nations to resolve this issue had to be acknowledged.

In 2005, a report by the Standing Committee on Aboriginal Affairs and Northern Development underscored the importance of acknowledging first nations' inherent jurisdiction over matrimonial real property and of authorizing aboriginal people to adopt their own regimes, which is not at all recognized in Bill S-2.

By virtue of the inherent right to self-determination acknowledged by the United Nations Declaration on the Rights of Indigenous Peoples, which Canada has signed, the federal government must obtain the consent of aboriginal peoples before adopting legislation that will alter any matter directly affecting aboriginal lands. Unfortunately, as has been repeated many times today, this is not at all what Bill S-2 contains, any more than previous bills.

The opinion of the first nations, the main parties concerned here, has not been considered. They may have been consulted, but there has been no consent by the parties concerned, which means this bill is an affront to the principles of self-government and self-determination. What is the problem?

In 2006, the then Minister of Indian Affairs and Northern Development held nationwide consultations on the issue of matrimonial property. The goal was to find a solution to the legal vacuum and to ensure that the rights of first nations women were taken into consideration, that the Canadian Charter of Rights and Freedoms was respected and that there was an acceptable balance between first nations individual and collective rights. The consultation process involved planning, consultation and consensus-building. The parties consulted did not reach a consensus, which means that, in introducing Bill S-2, neither the Senate nor the Conservative government is being respectful of aboriginal peoples. Both are imposing their way of thinking and their way of doing on the first nations.

The consultations also shed light on substantive problems, such as the lack of access to courts for those living far from major urban centres, the acute shortage of housing on reserve and the lack of financial resources to arrive at fair solutions in divorce cases.

The Senate bill provides no solution to any of these basic social issues. However, the Standing Committee on Aboriginal Affairs and Northern Development clearly recommended that financial assistance be granted to the first nations so that they could develop their own code for matrimonial real property and that any new piece of legislation would not apply to the first nations who had developed their own code.

It is worth reminding the government of the deplorable living conditions on the reserves. A study by Aboriginal Affairs and Northern Development Canada ranks the reserves 63rd among the nations of the world in terms of quality of life, that is, among the third world countries, according to the United Nations human development index.

● (1215)

According to Health Canada, 12% of first nations communities must boil their water before drinking it, and about one quarter of water systems on the reserves present a high risk for human health. Housing density is twice as high as it is among the general population. Nearly one in four adults lives in an overcrowded home. Approximately 423,000 people live in substandard and overcrowded housing that is deteriorating rapidly.

Since this government came to power, it has done absolutely nothing to address the lack of social housing. The United Nations have called on Canada to act on a number of occasions, but this government prefers to discredit the UN and its representatives. There is no point in passing a bill that cannot be implemented. Even if matrimonial property is divided up, where will the spouses who leave the family home go to live if there is a shortage of housing?

Here is a statement that clearly describes the misery experienced by aboriginal women:

> An aboriginal woman committed suicide earlier this year after the authorities apprehended her children. The woman, who had five children, was forced to leave her reserve due to a chronic housing shortage. However, she could not find affordable housing off the reserve. Due to her financial situation she was forced to live in a rundown boarding house with her five children. She sought assistance from the authorities to find affordable housing for her and her children. The authorities responded by apprehending her children. At that point, the woman, sadly, lost all hope and took her life.

According to the Native Women's Association of Canada:

> The bill will put women who are experiencing family violence at further risk by forcing them to wait long periods for justice without adequate social supports, services or shelters.

Bill S-2 has other major flaws. Its community approval process does not respect aboriginal traditions of consensus. Bill S-2 does not require a majority of people to participate in the vote; it only requires a participation rate of 25%. This is not very democratic, nor is it representative of all band members.

The bill constitutes a one-dimensional approach to a very complex problem. The chief of the Assembly of First Nations, Shawn Atleo, believes that Ottawa is acting unilaterally by introducing this bill, and that aboriginal peoples should solve the problem. Why is this government incapable of listening to and working with first nations? Instead of working with them to solve problems, it prefers to impose trusteeship on aboriginal governments, as it did in Attawapiskat. In 2012, this paternalistic approach should no longer be acceptable. This is not the colonial era.

The federal government must treat first nations with respect and recognize their right to self-government. Members of the official opposition believe that this bill should not be passed. This is a shoddy bill and it does not respect the rights of aboriginal peoples whatsoever. It should be replaced by another bill, ideally a good bill that addresses the lack of financial resources to help first nations governments apply the law, provides legal aid and better access to courts in remote areas, and provides financial assistance to build housing on reserves.

A western-style legal approach is not the only solution. In fact, first nations people have their own traditions when it comes to conflict resolution. A good bill should reinforce traditional aboriginal institutions. In order to find lasting solutions to social problems on reserve, aboriginal governments expect the federal government to recognize their right to self-determination. I would like to quote Ellen Gabriel, a former Quebec Native Women's Association president:

> It is reprehensible that the Government of Canada is so eager to pass legislation that seriously impacts the collective human rights of indigenous peoples without adequate consultations which requires the free, prior and informed consent of aboriginal peoples. While it is understood that legislation is not accompanied by commitments to adequate financial and human resources necessary to implement laws, these bills will create further financial hardships on first nations communities.

Some first nations have adopted a proactive approach and have worked with their communities to develop rules and policies related to matrimonial property. Bill S-2 flies in the face of the values of first nations and only does more harm to first nations families. We simply cannot support such a bill, because it completely disrespects Canada's aboriginal people.

● (1220)

[*English*]

Ms. Candice Bergen (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I have a basic question for my hon. colleague.

I am not sure if she is married, but I will say that if any married woman in this House went through a divorce, she would have the absolute right to the property and assets she had acquired during the marriage. That is the law, and we all know it. When we go through a divorce, we get to have at least half of the assets that had been acquired during the marriage. Is the member aware that aboriginal women do not have this right at all? I am not exaggerating; this is a fact in Canada.

All Canadian women have basic rights to the property they acquired during a marriage, and should a divorce occur they would get half of those assets, as it should be, unless she is an aboriginal woman. Then she has zero ability to get any property. She has no right to the assets that had been acquired.

Can my hon. colleague tell me if she thinks that is fair or right? Is that a just society? Do the women in the NDP caucus support this kind of segregation and prejudice toward aboriginal women?

[*Translation*]

Ms. Anne Minh-Thu Quach: Mr. Speaker, it is so insulting that the member is asking me such a question. Clearly, I am aware of the fact that there is discrimination among aboriginal people with regard to certain rights, particularly in the case of divorce. Everyone is aware of this and wants the problem to be resolved. But even representatives of aboriginal women are against this bill because consent was not obtained from the first nations.

The government held consultations, but it did not take into account the recommendations made by the first nations. Aboriginal people's self-governance is not being respected. Many lawyers are saying that this is not just a matter of discrimination but of giving first nations the resources they need to have decent living conditions.

We must tackle the problem of affordable housing and housing in general. We must tackle the problems of health and poverty. We must improve access to legal recourse. We must resolve the lack of basic justice. Bill S-2 is a complete botch-up that does not address any of these issues. It is very insulting that this government is not able to recognize that.

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, I would like to thank the hon. member for her excellent speech on Bill S-2. This is an extremely important perspective that the House must be made aware of. We must take the time to listen to what members are saying in their remarks.

My colleague said something that is very interesting. Many recommendations were made and many studies were conducted in the parliamentary system, but almost none of those recommendations were included in the reports produced by the Senate and the Standing Committee on the Status of Women.

The government is cutting back on its consultations with the groups involved and is not taking into account the recommendations made. Does my colleague believe that this is becoming too much of a habit for the government when introducing bills?

Ms. Anne Minh-Thu Quach: Mr. Speaker, I thank the member for Alfred-Pellan, who was spot on with her comments. The government has a habit of imposing its way of doing things and its vision without respecting the traditional and cultural rights of aboriginals. The government tries to impose all of its decisions without any consultation or consideration of the opinions of experts and partners.

Here, the government is forcing a transitional measure spread out over 12 months down our throats. The first nations do not agree with that. They say that 12 months is far too short and that they would need a two-, three- or even ten-year transition period.

Furthermore, this does not address the underlying issues that are at the source of a lot of the violence. Many issues are being addressed on the surface only, but they would have us believe that they are addressing the problem of violence and are helping women. Women want more financial resources so that this can be done properly.

● (1225)

[*English*]

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, I am standing in the House on behalf of my constituents of Kanesatake who have outwardly expressed their opposition to this. I have consulted with the band and spoken with Ellen Gabriel, a member of the band of Kanesatake, and can clearly and without reservation say that first nations do not agree with this legislation.

Bill S-2 makes changes to the Indian Act that will allow provincial family law to apply on reserves in the event of a matrimonial breakdown or the death of a spouse or a partner. While the intention of the act is to give equal property rights to both spouses in the event of a separation, the problem is that the bill cannot be implemented and that the government completely ignored any consultation when preparing the legislation. Otherwise, it would have known that the bill could not be implemented.

There is a legal vacuum concerning real property on reserve due to the jurisdictional divide between provinces and territories, who have jurisdiction over property and civil rights within provinces, and the federal government, which has a jurisdiction to legislate regarding "Indians and lands reserved for Indians".

The Indian Act does not provide for the division of MRP upon marriage breakdown, and first nation jurisdiction is not explicitly recognized by Canada in this area. This is a problem. However, anyone who is paying attention to the situation and issues facing first nations in Canada knows that it is the Indian Act that is flawed beyond repair.

New Democrats support the will of the Assembly of First Nations and the many individual nations that have explicitly called on the House to scrap the Indian Act of 1876. We need to begin anew. We need to do this through a broadly consultative process with equal partners. That is key. We need to understand that we are talking about equal partners in Confederation. That is the only way we are going to move forward out of this existing colonial structure.

We need to write laws for indigenous peoples that are not founded on colonialism and racism, like the Indian Act is. We need to do it while recognizing that first nations have an inherent right to their land and to govern themselves. That would be the way to move forward, through collaboration, consultation and in good faith. I believe that Canada can take effective steps toward de-colonialization of aboriginal peoples in this country. The Indian Act is not the road map toward de-colonialization; it is a template through which Canada colonized indigenous peoples in the first place.

The legislative gap surrounding matrimonial real property, MRP, is a problem created by the Indian act, which neglects to account for the division of property in the event of a matrimonial breakdown. It is a function of the Indian Act to place all reserve land and care for status Indians under the fiduciary responsibility of the Government of Canada. I do not think it is a matter of opinion at this point in history that Canada has not lived up to its responsibility and that it continues not to provide equality for first nations, as exemplified by the fact that first nations child welfare and schools continue to be grossly underfunded compared to non-first nations children by about 30%, according to the Auditor General.

When it comes to matrimonial real property, the obvious problem that arises from the jurisdictional gap created by the Indian Act is that an aboriginal woman is often not entitled to the lands or home she once shared with her spouse. Therefore, it would seem logical from a very shallow perspective, like the government has, that we should simply write a law that gives women on reserves the benefits of provincial matrimonial laws, thus neatly filling a legislative gap. However, this simply does not work in reality for the women living on reserve. First nations people do not own the land they are on. They cannot simply sell or divide the land in way that a non-first nations person can own, sell and divide land.

● (1230)

Even if the band council wanted to give a woman her own property on reserve, it would not be able to do so, as there is not enough land. We are seeing this problem in Kanesatake. The government is constantly causing problems and delays and changing the rules of the game while Kanesatake is trying to move forward. It is trying to have jurisdiction over its land for future generations. The government is not doing that for them; it is just continuing to cause problems.

We cannot talk about land without actually addressing the problem that first nations do not have jurisdiction over the land, or do not have the ability to control what is going on with their land, and cannot access the lands that are traditionally theirs.

As I was saying, the trouble with Bill S-2 is that, practically speaking, it is impossible to implement. Therefore, Bill S-2 has become an insincere and overly simplistic attempt to rectify a very complex problem caused by the Indian Act.

There are obvious gender discrimination problems with MRP on reserve, but the reason we cannot implement it is the lack of financial resources to support first nations governments actually implementing laws, including a lack of funding for lawyers. This is a problem, again, in Kanesatake. It is resulting in more and more debt whenever it has to defend its land from a mining company.

There is also a lack of funding to address first nations' limited geographic access to provincial courts. First nations, particularly aboriginal peoples living in remote areas, cannot necessarily easily access a provincial court, where they would have to go to defend MRP.

Moreover, there is a lack of on-reserve housing and land mass, which would be necessary to give both spouses separate homes on reserve. In a sense we would be doubling the amount of land needed for some people. The land just is not there. The housing is not there. There is the difficulty of getting more resources to maintain and build more homes on reserve, let alone the lack of space to put them on.

The government would know all of this if it actually took the trouble to consult and actually do the consultation required. By the way, consultation does not mean the government receiving a letter from first nations indicating what the latter want and then ignoring it. It means actually having a real discussion and coming to solutions together on equal footing.

According to the UN Declaration on the Rights of Indigenous Peoples, UNDRIP, consultation requires consent. Canada has conducted limited consultation, but no consent was given. Therefore, Bill S-2 is in violation of UNDRIP, something to which we are a signatory, although it was difficult to get us on board. The Government of Canada, in all its previous forms and its current one, does not actually want to address meaningfully the problem of colonialism and racism toward first nations people. UNDRIP requires free, prior and informed consent on any matter relating to the lands and welfare of rights holders—not to mention the fact that we are basically continuing to ignore the Constitution Act, which states that first nations have jurisdiction over their own internal affairs.

Accordingly, New Democrats are not going to support this legislation. We need to have non-legislative remedies to problems that are occurring in the government's relations with first nations. We need to actually address violence against aboriginal women. What we have been doing up until now has not actually been addressing that. If the government were on the ground, if it had consulted, it would know this. If it had not ignored the testimony given at the status of women committee, it would know this.

We also need to address the housing crisis. We need to end the systematic underfunding that is perpetuating discrimination across generations.

● (1235)

The Conservatives just want to put a law on the books and say that they have solved the problem without actually dealing with the underlying problem. They continue to ignore first nations women's voices that are calling for us to have a meaningful discussion, to stop managing first nations like colonial subjects and to truly understand that they are partners in this confederation.

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, I share my colleague's concerns for women's issues. We have actually participated in events encouraging women to run for politics. I appreciate her enthusiasm and keen interest to ensure there is equality for women across the country.

As some of my colleagues have pointed out this morning, aboriginal women lack a fundamental right that the rest of the women and my colleague in the House share today, which is if we are in a relationship that ends, we receive or have the right to receive 50% or more of the property that was part of that relationship. This is a fundamental right. If any of us stood in the House today to share a story where that was not the case, there would be shared outrage and concern for a lack of equality.

Why does my colleague, who I know shares these concerns with me, refuse aboriginals the same rights that we in the House today have to our property.

Ms. Mylène Freeman: Mr. Speaker, the government is ignoring the rights of aboriginals to have their own ability to control these things.

Ellen Gabriel is a member of Kanesatake, which is within my riding. She is a former Quebec Native Women's Association president. She said:

> It is reprehensible that the Government of Canada is so eager to pass legislation [that seriously impacts the collective human rights of Indigenous peoples] without adequate consultations which requires the free, prior and informed consent of Aboriginal peoples. While it is understood that legislation is not accompanied by commitments to adequate financial and human resources necessary to implement laws, these Bills will create further financial hardships on First Nations communities.
>
> While no one will argue against the fact that solutions must be found on the issue of gender discrimination in regards to MRP or that we must work together to find ways to help First Nations communities to have access to safe drinking water. Sharing equal responsibility requires the means to effectively implement measures that do not create further burden upon communities; financial or otherwise.

The thing with this bill is that it will require more financial resources and actual consultation so we can implement rights for aboriginal peoples, not—

The Acting Speaker (Mr. Barry Devolin): Order, please. The hon. member for London—Fanshawe.

Ms. Irene Mathyssen (London—Fanshawe, NDP): Mr. Speaker, as a former member of the Standing Committee on the Status of Women, my colleague most certainly has some insight into the situation.

Interestingly enough, as an MP in an area that contains a reserve, the member will also be very aware of the fact that the resources are quite limited in terms of land mass, educational opportunities and of federal investment.

Regarding the fact that there has, for a number of years, been a 2% cap on investments or financial resources given to first nations, despite the fact that is an exploding population and the fastest population growth in Canada, I am interested in her ideas and comments, as a member with a reservation in her area.

● (1240)

Ms. Mylène Freeman: Mr. Speaker, one thing that has recently happened in Kanesatake is having its NCBR funding cut, unexpectedly. It just did not come in and it normally comes in every year. After attempting to find out what was going on, finally there was a letter from AAND saying that it had cut the funding, it was over and Kanesatake was not getting any, final decision. This is extremely frustrating. It took about six or seven months to get the letter to understand what was happening.

NCBR funding went toward youth centres where children would go after school if they did not have anywhere else to go, and that had programming. The funding also provided lunch programs at the schools. There are so many kids who cannot afford to have lunch and will not have a meal that day unless the school provides it for them. We are talking about serious problems. Ignoring these problems and implementing bills unilaterally that would cause more financial problems is worse for aboriginal rights than supposedly solving MRP.

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, I will proudly be sharing my time with the member for Sudbury.

I am thankful for the opportunity to speak to this bill. I have been listening to the debate this morning, starting off with the Minister for Status of Women, who kicked it off. My analysis of what I have heard so far is that the minister and the Conservative members of the House, who stood to speak to the bill, are being paternalistic. Members may wonder how that can be as they are women. It is still possible for women to be paternalistic. That is what we are hearing in the House.

The minister made a comment in one of her answers about the opposition saying that we should consult, consult, consult, that we have had enough with consultation and it was time for action. What does it mean if the government consults when it actually does not take those recommendations? Is that actually consultation? I do not think it is. It is bogus consultation to gather everybody in a room together, nod thoughtfully, with the appropriate tasks and yeses, and then totally ignore everything that was said.

The Conservatives have put together a bill that is not based on consultation. They stand here all sanctimonious saying that the opposition will not stand up for women, aboriginal women and first nations people. We are standing up for women. That is what I am doing right now. I am standing up for human rights in Canada. What the Conservatives did is not consultation. It is disrespectful and paternalistic.

The intention of the bill is to give equal property rights to both spouses in the event of separation. We know that same sex marriages are legal in Canada, that is something I am really proud of, but in the majority of cases we are talking about on reserve and, in this case, historically that is generally a man and a woman. What the bill tries to do is effect equal property rights distribution. However, we do not believe it can be implemented for lots reasons, many of which have been enumerated by first nations stakeholders.

Parliament has heard these concerns time and time again, but the Conservatives keep ignoring them. Imposing provincial legislation on first nations without their consent is ethically and practically problematic. It ignores their inherent rights and sovereignty.

If I were drafting a bill about matrimonial property rights on reserve, who would I consult? I would probably consult widely, but put a lot of weight on any testimony or any opinion that the Native Women's Association had, as well as the Assembly of First Nations.

The Native Women's Association and the Assembly of First Nations both demand better legislation because the consequences of passing this legislation are so dire. Therefore, we oppose this bill, along with those two key groups and many experts across the country.

I mentioned that the Conservatives were ignoring that consultation. What exactly are they ignoring? The Assembly of First Nations facilitated a dialogue around matrimonial property rights and found the following three broad principles that would be key to addressing matrimonial property rights on reserve: first, recognition of first nations jurisdiction; second, access to justice, dispute resolution and remedies; and third, addressing underlying issues such as access to housing and economic security. That is what came out of the AFN-facilitated dialogue. Bill S-2 does not deal in a meaningful way with any of those issues.

What else do we know the Conservatives are ignoring? There is a 2004 Senate report called "Still Waiting", which highlighted the need for action on matrimonial property rights. It also recommended that the issue be referred to the aboriginal affairs committee.

We have heard lots of folks in the House talk about the fact that this will go to the status of women committee and not the aboriginal affairs committee. There is another solid recommendation that has been ignored.

We also had an aboriginal affairs committee report in 2005 called "Walking Arm-in-Arm". This was the first study to consult with the Native Women's Association and the AFN, along with other first nation stakeholders. That is a positive step.

● (1245)

These were their recommendations: first, that the Native Women's Association of Canada and Assembly of First Nations be consulted in order to draft legislation, or Indian Act amendments; second, provide funds to help first nations draft their own matrimonial property rights codes; third, legislation should not apply to first nations that draft their own codes; fourth, amend the Canadian Human Rights Act to apply on reserves; and fifth, stress that all recommendations be Canada's recognition of first nations' inherent right of self-governance.

Not all of these recommendations are being taken into account in Bill S-2. That is what is being ignored. The bill is an insincere and overly simplistic attempt to rectify what is really a complex problem that is brought about by the Indian Act.

I am not, contrary to the minister's accusation, saying to continue to consult and consult needlessly. I am saying that we should listen to the consultation, take the ideas that came from it and use them, because it would be impossible to implement Bill S-2. It looks nice on paper, but it would be impossible to implement because of a lack of financial resources to support first nations governments to actually implement the law. It would be impossible to implement because of a lack of funding for lawyers and legal advice. It would be impossible to implement because of a lack of funding to account for limited geographic access to provincial courts. It would be impossible to implement the bill because of a lack of on-reserve housing and land mass that would be necessary to give both spouses separate homes on the reserve.

What does it mean when it is printed on paper and is passed and enacted? What does it mean if we cannot realize these rights in first nations communities?

We have heard from a number of my colleagues, and I agree with them. The NDP will not support any changes to matrimonial property legislation that are not accompanied by non-legislative remedies to serious problems. That would include ending violence against aboriginal women, addressing the housing crisis on reserves and ending systematic funding discrimination against first nation children. Those are the key things that need to be present if we are to look at the issue of matrimonial property rights.

I have stood in the House and listened to the debate. I have listened to the heckles from the sideline. I have listened to the member from Portage—Lisgar saying that we should be hanging our heads in shame over here. I have listened to her heckle from the other side saying that it is really important to recognize aboriginal rights and that we should be ashamed of ourselves for standing in the way of that. Well, if she will not listen to opposition members, if she refuses to do that, maybe at the very least she will listen to Ellen Gabriel, former president of the Quebec Native Women's Association and AFN grand chief candidate. She said:

> It is reprehensible that the Government of Canada is so eager to pass legislation [that seriously impacts the collective human rights of Indigenous peoples] without adequate consultations which requires the free, prior and informed consent of Aboriginal peoples. While it is understood that legislation is not accompanied by commitments to adequate financial and human resources necessary to implement laws, these Bills will create further financial hardships on First Nations communities.
>
> While no one will argue against the fact that solutions must be found on the issue of gender discrimination in regards to MRP or that we must work together to find ways to help First Nations communities to have access to safe drinking water. Sharing equal responsibility requires the means to effectively implement measures that do not create further burden upon communities; financial or otherwise.

Should Ms. Gabriel hang her head in shame? Should she be ashamed for refusing to acknowledge women's rights?

Maybe the Conservatives will listen to Dr. Pam Palmater, who is a practising lawyer and professor of aboriginal law at Ryerson and a member of the Mi'kmaq Nation on the east coast. She talked quite a bit in committee about why the legislation was bad, why it should not be brought forward and why it should not be passed. Should Dr. Palmater be hanging her head in shame for not standing up for first nation women's rights? I hardly think so.

If the Conservatives refuse to listen to the opposition on this, at the very least they should have the respect to listen to the men and women who testified at committee, who have spoken out loud and clear on this issue and who are the real experts about how this will play out in their communities.

● (1250)

Ms. Wai Young (Vancouver South, CPC): Mr. Speaker, I am shocked that the opposition has had this paternalistic stand, saying that aboriginal women do not deserve the same rights as all Canadian women across this great land of ours.

I am particularly surprised because, as a member who has worked in the downtown east side of Vancouver, I have seen the ramifications of the fact that women do not have these rights on reserve. I have seen the women and their children on the streets. I have seen the women and their children having no money. I have seen the women suffer because there is this legislative gap that our government wants to correct.

I have also worked on the other side, with the YWCA in Vancouver to create social housing, to put a roof over heads, to put breakfast programs in place so that those children and those women can have what is a basic right.

To sit here today and hear that the opposition is saying these women should not have the same rights as every other woman across Canada is shocking. That means the spouses will not be able to have a house; they will not be able to have access to financial supports. I find that shocking.

Ms. Megan Leslie: Mr. Speaker, it is interesting how shocked she is. I am shocked at how little this member actually knows about this legislation.

First of all, it applies to on-reserve housing and matrimonial property rights on reserve, not women in downtown Vancouver.

If the member is so concerned about women having access to housing on reserve, then she should stop for a second and look at this law, look at the fact that it is saying we would create a legal regime here that actually would leave people homeless. There are no resources on many reserves to be able to actually have the housing there for men and women who do separate. This law has been written in a vacuum with absolutely no eye to how it would actually play out on reserve.

Back to Dr. Palmater, she herself said that if the minister actually listened to the voices of aboriginal women, he would have heard that aboriginal people do not want this bill as it is currently drafted. He would have also heard that what they do want is gender equality addressed in all of Canada's legislative initiatives.

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, first I would like to thank the member for Halifax for her excellent speech.

She also gave an interesting overview of the situation and of what is presented in Bill S-2. She pointed out that the government did not listen at the consultations and did not pay attention to the recommendations in some of the reports tabled in the House.

I also think she touched on a very interesting point, which is that the first nations currently receive inadequate funding.

I would like to hear my colleague speak more about the fact that we should have listened to aboriginal women's groups on this subject, and that we should have examined other important issues for the first nations, such as providing adequate funding but also scrapping the Indian Act.

● (1255)

[*English*]

Ms. Megan Leslie: Mr. Speaker, I will paraphrase the Native Women's Association of Canada's testimony about this bill.

They talked about holes in the quilt that were going to happen because of the creation of this bill. There actually is not funding in place to enact this legislation. They talked about the fact that they needed more time. They talked about a long-term plan—two years, five years, ten years—and that this sort of twelve-month turnaround is not sufficient for their communities to react.

This legal regime would be created with absolutely no resources on the ground to implement it or to uphold it. The Native Women's Association actually said these are not the types of plans they need. They need plans that are developed in co-operation with first nations and not just have government design it and then have this patchwork input from first nations.

My hon. colleague is absolutely bang on in her analysis.

Mr. Claude Gravelle (Nickel Belt, NDP): Mr. Speaker, I would like to congratulate my colleague from Halifax for a speech that was well said, and as usual, she is bang on.

Bill S-2 is an act concerning matrimonial real property on first nations reserve land. It makes changes to the Indian Act to allow for provincial family law to apply on reserves in the event of matrimonial breakdown or on the death of a spouse or common-law partner. While the intention of this act is to give equal property rights to both spouses in the event of separation, the bill cannot be implemented for many important reasons enumerated by first nations stakeholders. Parliament has heard these serious concerns again and again. The Conservatives have ignored these concerns in the drafting of Bill S-2. Imposing provincial legislation on first nations without their consent is ethically and practically problematic and ignores their inherent rights and sovereignty.

The federal Conservatives went to the trouble of consulting with first nations and the Native Women's Association on matrimonial real property, but ignored the results of the consultation when preparing the original legislation. While this iteration of the bill removes some of the most onerous parts of previous legislative attempts, it still refuses to recognize first nations' inherent rights and jurisdictions in this matter.

The Native Women's Association and the Assembly of First Nations both demand better legislation because the consequence of passing inadequate legislation is so dire. New Democrats oppose this bill along with the Assembly of First Nations, the Native Women's Association of Canada and many nations and experts across the country. Bill S-2 is the fourth iteration of similar legislation that the Conservatives have tried to pass since 2008. The NDP has opposed these every time they come up for debate.

The Assembly of First Nations facilitated dialogue and found three broad principles are key to addressing matrimonial rights and interests on reserves. One is the recognition of first nation jurisdiction; two is the access to justice, dispute resolution and remedies; and three is addressing underlying issues such as access to housing and economic security. Bill S-2 does not deal in a meaningful way with these three key principles.

There are two kinds of property: real and personal. Real property includes lands and things permanently attached to the land, such as a house. Personal property includes things that can be moved, such as furniture and money. Bill S-2 deals with matrimonial real property on reserves, property shared between spouses in a conjugal relationship or between common-law partners. There is a legal vacuum concerning real property on reserve due to a jurisdictional divide between provinces and territories, which have jurisdiction over property and civil rights within the provinces, and the federal government, which has jurisdiction to legislate Indians and lands reserved for Indians.

The Indian Act does not provide for the division of MRP upon marriage breakdown, and first nations jurisdiction is not explicitly recognized by Canada. This has led to major legal cases, which were dismissed by provincial courts because the provincial law cannot apply to lands on Indian reserves. Thus, a legislative gap was identified. Five different parliamentary studies have been conducted on MRP.

In 2003, “A Hard Bed to Lie In” identified the legislative gap and the fact that women have no rights in marriage breakdowns and that resulted in the fact that they have no choice but to leave their homes. It recommended that provincial civil law be applied on reserve.

In 2004, “Still Waiting” highlighted the need for precipitous action on MRP and recommended that issues be referred to Aboriginal Affairs and that consultation be conducted in a timely manner. It identified the lack of clarity for the rights of women on reserves as a human rights issue that was incurring reprimand from the UN.

● (1300)

“Walking Arm in Arm”, in 2005, was the first study to consult the Native Women's Association and the Assembly of First Nations, among other first nation stakeholders. Among its recommendations were, one, that the Native Women's Association of Canada and the Assembly of First Nations be consulted in order to draft legislation or amendments; two, that funds be provided to help first nations draft their own MPR codes; three, that legislation should not apply to first nations that draft their own codes; four, that the Canadian Human Rights Act be amended to apply on reserves; and five, it stressed that all recommendations be Canada's recognition of first nations inherent right of self-governance.

The Status of Women report, 2006, identified the barriers to the solutions proposed by MPR legislation, including insufficient funding to implement it, chronic housing shortages on reserves and lack of high-level consultation. Again, the need for consultation and funding was a recommendation.

In her ministerial representative report in 2006, Wendy Grant-John stated that no consensus had been found regarding legislation that could apply to MPR. The report recommended, among other things, that the current jurisdictional model be used where first nations law was paramount and that the government needed to identify the real costs of implementing provincial legislation on reserves.

All the previous bills, and now Bill S-2, neglect almost all of the recommendations made by all of those reports.

In this version of the bill, a first nations own matrimonial real property law would have a lower ratification threshold. In the past bill, a majority of band members had to vote in favour of the law, 50% plus one. Now the law must be approved by a simple majority of those who have voted, with set participation of at least 25% of eligible voters.

The bill would introduce a 12-month transition period. This period would be too short to deal with many issues that need to be addressed, such as lack of housing and lack of funding to access provincial courts and lawyers.

This version of the bill would eliminate the requirements for a verification officer to approve first nations own laws on matrimonial real property.

First nations with pre-existing processes would have to re-ratify those processes, if this legislation passes, and notify the minister and the provincial attorney.

Laws based on consensus or other traditional processes would not be accepted. This goes against the treaty and inherent rights.

After hearings in the Senate, the bill was amended to extend the period of time for which an exclusive occupancy order could be made to over 90 days.

Bill S-2 is an insincere and overly simplistic attempt to rectify a complex problem brought about by the Indian Act. While there are obvious gender discrimination problems, the MPR on reserves bill, Bill S-2, would not be possible to implement because of lack of financial resources to support first nations government to actually implement the law, lack of funding for lawyers, lack of funding to account for limited geographic access to provincial courts and lack of on-reserve housing and land mass, which would be necessary to give both spouses separate homes on reserves.

According to a 2001 press release from the Native Women's Association of Canada, the problem requires a comprehensive response led by first nations and the federal government. This approach must address family support services, more on-reserve housing and shelters, police support services, building first nations capacity to resolve disputes, solutions to land management issues and resolving of matters relating to citizenship, residency and Indian status.

According to the UN Declaration of the Rights of Indigenous Peoples, to which Canada is a signatory, consultation requires consent. While Canada has conducted limited consultation, no consent was given by rights holders. Therefore, if we enforced Bill S-2, we would be violating article 32 of the UN declaration, which ensures free, prior and informed consent on any matter relating to the lands and the welfare of rights holders.

● (1305)

Finally, New Democrats will not support any MRP legislation that is not accompanied by non-legislative remedies to serious problems, including ending violence against aboriginal women, addressing the housing crisis on reserves and ending the systematic funding discrimination against first nation children.

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, earlier today we heard someone in the opposition party talk about our party being paternalistic. However, the definition of paternalistic is: behaviour by a person, organization or state that limits some persons' or groups' liberty or autonomy for their own good.

Aboriginal women do not have the right to access their marital property. That is a right that we should all be standing up for in the House. That truly is what it means to fight against paternalism in the House.

I listened to my colleague's speech and other speeches this morning about how there is a lack of support for aboriginal funding. In fact, in 2009, our government allocated over half a billion dollars for infrastructure on aboriginal reserves as well as funding in excess, I believe, of $200 million on top of annual funding.

Do we always have to be talking about what more can be done? Yes, but I simply ask my colleague this. Will he support the right of aboriginal women to have the same rights that I do standing here in the House?

Mr. Claude Gravelle: Mr. Speaker, I think that paternalistic is a perfect description of the Conservative Party.

We will support native women by not supporting the bill because it would harm them. It would not help them, but it would harm them. The bill certainly would not help native women accomplish what white women have accomplished in Canada. We have to do more for native women and if that includes more funding, then so be it.

[*Translation*]

Mr. Guy Caron (Rimouski-Neigette—Témiscouata—Les Basques, NDP): Mr. Speaker, I asked the same question when my colleague from Churchill gave her speech earlier. I think this question warrants another look.

She talked about the fact that consultations were held with aboriginal groups, or at least that is what this government claims. In a situation that should involve a nation-to-nation relationship and the right to self-determination, those consultations were completely ignored. They did not lead to any recommendations, and the Conservatives did not take any of the priorities set by aboriginal groups themselves into account.

The Assembly of First Nations, the Aboriginal Women's Summit, the Native Women's Association of Canada and aboriginal women like Ellen Gabriel, a former Quebec Native Women's Association president, have all said they do not agree with the government's approach, which involves shoving inadequate legislative measures down their throats—measures that will not help the overall situation.

I wonder if my colleague from Nickel Belt would agree that the government's consultations absolutely must culminate in the unanimous consent of first nations in order to move forward?

Mr. Claude Gravelle: Mr. Speaker, I thank the hon. member for this excellent question.

Consultation is exactly what the Supreme Court said the government must do. It must consult with first nations and reach a consensus.

The government can consult all it wants, but if it does not listen to what first nations are saying, then what is the point? A consensus cannot be reached if one merely consults, but does not listen. Both of those things need to happen. Clearly, the Conservative Party, and therefore the Government of Canada, did not do this.

● (1310)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is a pleasure to speak to this issue today.

Earlier, when the minister introduced the legislation, we suggested that it would be nice if, as the critic for the Liberal Party said, the minister would have the bill go to the aboriginal committee. Obviously, the minister decided against that.

Further, in a question for a member from the New Democratic Party I asked about the benefits of taking the issue outside of Ottawa and having it go into different communities.

I think what we need to acknowledge right at the very beginning is that when the legislation passes the impact will be quite significant.

With respect to the importance of first nation issues, on a number of occasions I have had the opportunity to stand to speak to many of those issues and how important it is that our first nation communities feel they are directly involved. Many, including me, would suggest that they should be playing a leadership role in the development of the legislation. I am not convinced that the government has done a good job in terms of going into our first nation communities and working in good faith with those communities.

When we talk about respecting and working with first nations, the government, in this particular case, has failed to meet that marker and as a result I believe that the legislation has some fundamental flaws in it.

The government has decided to move forward with the legislation and, as has been pointed out by the Liberal Party critic, has made the decision that, after second reading here in the House, the bill would not go to the aboriginal standing committee but to the status of women standing committee.

I think this is interesting. There was a study brought to that particular committee with respect to women and young girls and the issue of social and economic well-being, and the suggestion was that aboriginal women should be incorporated and taken into consideration. It was actually the Liberal Party's seniors critic from York West, who ultimately, through a minority report, said that the status of women committee did not do the study justice, at least in part, in not recognizing the importance of the needs of aboriginal women. Now we have the minister responsible saying that when the bill passes, it is going to that committee.

From my perspective, we have nothing against the fine work the members do at that particular committee. However, I do believe, as the critic for the Liberal Party talked about in her speech, that it is not the most appropriate committee for the bill to go to. The most appropriate committee is the aboriginal standing committee.

We say that because we want to ensure that all the interested stakeholders, and there are good number of stakeholders, have the ability to come forward, provide witnesses and comment on the bill. We ultimately believe that the aboriginal affairs committee is the best committee to ensure that we are doing the best job we can.

● (1315)

Further, we would suggest that if the government were genuine in its beliefs and recognized the importance of our first nations, it would recognize that given the very nature of this legislation there is merit in taking those committee meetings outside of Ottawa. Many, including me, would suggest that having that committee go into provinces such as Manitoba and others, where I know there would be a great deal of interest in being able to present and attend these committee hearings, would be of great value. It would show that the government is prepared to work with our first nation communities.

I think the worst thing we can do, and it appears to be the direction we are going, is to say that we know best. Yes, there has been some work done. I have heard a recital of the history of the bill, where it has come from and why it is here before us today. However, I do not believe we have seen the type of engagement with our first nations communities that would empower them to provide good, strong leadership so that there would be more universal support for this important legislation.

Going into these rural communities would be of great value for us because I think the legislation could be improved upon. Ultimately, it would have that much more credibility if in fact it did reach out into the communities.

I mentioned Manitoba, but I suspect it could go into a number of different provinces. Obviously I have a bias for the province of Manitoba because I believe there is a huge amount of interest there on this particular issue. That is the reason I am calling upon not only the minister responsible but also the Prime Minister to recognize the importance of this issue.

As I pointed out, the issue goes beyond splitting up assets and so forth, to the manner in which we treat first nation issues here in the House. That is why I would suggest the Prime Minister would do well to recognize that and to see Bill S-2 as a piece of legislation that could go a long way to assist in that sense of cooperation and empowerment, by at the very least taking the committee and going into these different provinces.

I would ask that the Prime Minister and the minister responsible take the Liberal Party up on the suggestion that they have the committee meetings outside of Ottawa.

Over the last few decades we have seen first-hand how laws and norms in society have changed significantly in regard to family breakups. For the most part, one will find that it has been very progressive in its changes and in ensuring there is a sense of fairness. Whenever there is a family breakup, the turmoil that is caused has a huge financial impact on everyone having to endure that breakup. It also has a significant impact, both emotionally and socially, in terms of everything from living conditions to friends who are gained or in most cases lost.

● (1320)

It is the lead-up to a family breakup that ultimately causes a great deal of harm. In many situations, and this is a point that really has not been emphasized this morning, because of uncertainly, quite often family situations remain intact because of the threat of the unknown or what is going to happen with the house or living conditions. That is, if people were to leave a relationship, what would be the ramifications of that decision?

That tells me there is a need to provide clarity and for us to look at ways in which we can improve the situation. If we were to work with the first nations and the leadership within first nations, we would find they too have answers and solutions to many of the problems that are caused within family units when a family unit has to break up. We have to be sensitive to the differences, for instance, between reserve property versus property that is outside the reserve.

From a personal point of view, we have to ensure that women and children are protected to the nth degree when it comes to family breakups. All members of the House support taking measures that ultimately ensure there is a sense of fairness and that ensure people are out of abusive relationships. There is a sense of equality, but there are ways to do it and ways not to do it. I would suggest that the government has missed the mark on it. Therefore, I know the Liberal Party is not going to support the bill, for a number of reasons. The government has not been able to get the type of support for the legislation that one would have expected it to get, in particular from first nations.

The other point I want to pick up on is the issue of government policies and the types of things government does or does not do that have a significant impact on the family unit. Over the years, I have experienced different types of government policies and their impact. When sufficient resources are not provided for housing, that will have an impact. If we do not provide or encourage sufficient economic development in certain areas, it does have an impact on the family unit. We have to ask what impact government policy is having on keeping families together with regard to the types of policies we develop and programs we provide. Are they helping or are they hurting? Whether it is keeping a family together, or in the case where a family does break up, to what degree is the government supporting families that have to break up?

I would suggest that the government can do more. One of the more common issues I have had to deal with in the past is an excellent example, and it is the issue of gaming and the profound impact it has had on the province of Manitoba. When gaming first came to Manitoba, which was one of the first provinces to get into the whole gaming industry, the province was totally amazed at the amount of revenue it started to generate.

● (1325)

Through that revenue, it seemed to get a lot of public support. We are talking about hundreds of millions of dollars in revenue, and the government was more than happy to take in that money. However, what the government did not recognize was the negative impact of gaming policy. The reason I use "gaming policy" is because this is 100% government policy. When we talk about government policy and the way it impacts people in a real and tangible way, this is a great example. The government gets addicted to the revenues but fails to recognize the social costs.

I had the opportunity to be the critic for lotteries in the province of Manitoba many years ago. We would hear of cases which would ultimately involve families breaking up. We would have people becoming addicted to gaming. As opposed to providing food for their families, they would spend their money in the LT machines. We had young children in the parking lots of large casinos and the parents were inside the casinos spending money. The social costs involve everything from suicides, to breaking up of families to individuals ending up in jail because they steal in order to feed their addiction. One might ask how that relates to this particular bill. I suggest that we would have a lot more family unity if there were a more progressive way of looking at government policy and how that policy affects our communities.

The aboriginal community, in this situation, has been profoundly affected. I have had the opportunity to gain first-hand experience of how that policy has ultimately led to family breakup. I see governments taking action in what would appear to be an arbitrary fashion, taking it upon themselves because we have not seen the leadership coming from our first nations. We know the first nations want to be engaged, but we do not see the government seeking that engagement. The first nations leadership, even though I am sure it would welcome some of the issues this bill would deal with being resolved, is equally concerned about some of those other issues. That is why there is great value in having more of those stakeholders involved. It is not just one focus.

This legislation is focused purely on the breaking up of families and how the government is prepared to assist in that. It fails to recognize there are other things the government could be doing that would assist families, whether keeping them together or allowing them to break up. At the end of the day, I am hopeful the Conservatives will recognize that the government has a strong role to play in both situations. This particular piece of legislation does not have the type of support that is necessary to go to committee because the Conservatives do not have support from our aboriginal community. Unfortunately, because they have a majority, I believe the bill will ultimately get to committee, and even though it is the wrong committee, we ask that the Conservatives seriously consider going into the communities so they can hear about the family breakups and some of the government policies that ultimately contribute to that.

● (1330)

Ms. Joyce Bateman (Winnipeg South Centre, CPC): Mr. Speaker, I very much appreciate the discussion we are having today. I am proud to be part of a government that wants rights for all women, not just some women.

I am concerned by the comments that were just made by the hon. member opposite. I am concerned he is not aware there was a national consultation process that informed the development of the legislation we are dealing with today. The consultation process involved 103 sessions, in 76 sites, across Canada. Over $8 million was spent on that process and it involved multiple organizations, including Aboriginal Affairs and Northern Development Canada, the Native Women's Association of Canada and the Assembly of First Nations, each of which received $2.7 million for their participation in those consultations.

These consultations were held because this is a government that cares about the rights of all women. The consultations and development of the legislation itself responds to domestic and international studies. I am very concerned that my hon. colleague is not aware of this investment. I think it is very important.

I want to ask the member whether he is aware that these many organizations have each received $2.7 million as part of the consultation process. We have consulted for 25 years and it is time to act for all women. I want the member's perspective on that.

Mr. Kevin Lamoureux: Mr. Speaker, what I was hoping to do was to touch on something a little different regarding the concept that government does do many things in terms of policy that has an impact on the family unit.

I do appreciate what the member is saying. Having said that, we are looking for the government to go to the first nations of our country and empower them, not only to be able to contribute to the debate on this very important issue, but also to challenge them to provide the leadership on this debate. I believe the leadership from within our first nations communities is there, and there is a great deal of good will to deal with the issues this piece of legislation is attempting to deal with.

The proof is ultimately in the pudding, I would suggest. I would ask for government members to provide us, for example, with letters or correspondence from first nations leaders, in particular chiefs and others, saying this is a piece of legislation that the first nations are behind and they want the House of Commons to support it.

Even in that sort of a situation, I am sure we would find they would love to see this go into the rural communities outside of Ottawa where they could make a presentation to the committee itself.

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I appreciate the comments from the hon. member.

When we look at what was just said and the question that was asked by the Conservatives, we can see they are putting a dollar figure on consultation that shows how they are really not in touch with the issues of first nations. They should consider what colonialization has done to the first nations, Métis people and Inuit people.

I want to bring attention to the fact that Chief Shining Turtle from the Whitefish River First Nation has sent over 11,000 emails and letters to the ministers over the years on this specific issue. He says that Whitefish River First Nation has the inherent right to self-government. All first nations have the inherent right to self-government, as recognized by section 35 of the Canadian Constitution Act, 1982, which includes independent jurisdiction with regard to family law and real property for their citizens.

Then he goes on to say that the Royal Commission on Aboriginal Peoples described the family, in chapter 2, and that the solution is obvious: aboriginal communities should be able to legislate in the area of matrimonial real property, and federal and provincial governments should acknowledge the authority of aboriginal governments to adopt laws with regard to the matrimonial home and to establish family law regimes compatible with their culture and traditions.

This is a first nation that has implemented a matrimonial real property act. Does the member agree that if provided with the proper tools, first nations could actually take this on and tackle this themselves?

● (1335)

Mr. Kevin Lamoureux: Mr. Speaker, I appreciate the question and even the reference to the 1982 constitutional accord. We could talk about other accords of social significance, like the Kelowna accord.

The bottom line and one of the reasons I challenged the Prime Minister is that we need to recognize this as substantially a first nations issue. As such, we should be looking at ways to empower and enable first nations to demonstrate leadership in dealing with issues of this nature. That means legitimate engagement of first nations. I am not at all convinced that the government was successful at doing that, which is why it does not have the type of support it needs from first nations for this legislation.

If the government had reached out or attempted to legitimately engage them, the situation would be quite different and we would have seen that strong leadership that I know is there within first nations, but was never allowed to come to the table on this particular bill.

Mrs. Susan Truppe (Parliamentary Secretary for Status of Women, CPC): Mr. Speaker, a couple of speakers ago, one of the members opposite mentioned that the bill would allow provincial laws to be applied on reserve. That is actually false. The legislation would not incorporate provincial and territorial laws relating to matrimonial real property on reserve. The bill only provides that either the provisional federal rules or first nations laws would apply on reserve.

On another note, I would point out that in January I was honoured and privileged to have been married for 25 years. However, rest assured, the people who know me know that I would certainly go after my assets, or 50% of my house, if anything ever happened to my marriage. It is not fair that aboriginal women do not have that choice and chance to go after their assets.

Will the member opposite not support aboriginal women so they too will have these rights?

Mr. Kevin Lamoureux: Mr. Speaker, I can assure the member that I really and truly do support women of all ethnicities, including our first nations women, having equal rights. That is important in today's society.

However, we have to look at this legislation. Again, I challenged the Prime Minister to look at the legislation. If he really wants to make significant progress in this area, the best way to do that is to empower and work with first nations to demonstrate the leadership they have from within to resolve this issue.

If the Prime Minister really were interested in doing that, we would see a far more effective piece of legislation. The very rights the parliamentary secretary is referring to, women's rights, would then in fact be better protected. If the government tries to do it on its own and just say that it held some consultations and is now ready to move forward without allowing first nations to demonstrate their leadership, it is selling those rights short.

It is still not too late. There are things the government can do to approach our first nations. If it did that, it could ultimately bring forward legislation that could receive much better and broader support. No doubt, however, there would have to some changes to it.

At the very least, let us encourage and provide the opportunity for first nations leaders to come to the table and provide the leadership on this very important issue.

● (1340)

[*Translation*]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, I listened with great pleasure to the speeches by my colleagues here in the House. I am pleased to speak today to Bill S-2 regarding family real property on reserves.

From a technical point of view, the bill provides that a first nations community is authorized to adopt legislation "respecting the use, occupation and possession of family homes on first nation reserves and the division of the value of any interests or rights held by spouses or common-law partners in or to structures and lands on those reserves".

The provisional federal rules set out in the bill would apply until a first nations group brings their own laws into force.

I acknowledge that the bill is well intentioned: it is meant to fill a legal vacuum in the field of matrimonial law and to grant equal property rights to both spouses in the event of their separation. However, we know what the Conservatives are like. They conducted consultations just to be seen to be doing something; they ignored many serious studies into the matter and they ended up introducing a defective bill that has been rejected by the main first nations spokespersons.

Earlier in the day in this debate, we heard a Conservative member put a price on the consultations. She told us how much the consultations had cost. However, the Conservatives retained hardly any of the recommendations that were made during the consultations, so they were obviously only a facade. It is an enormous mess as only the Conservatives can create.

Before going into greater detail about the reasons why we oppose the bill, I would like to tell the people who are listening to us about the problem we are facing.

Right now, when a couple divorces, the division of family property, such as the house and the couple's personal property, is determined by provincial legislation. Subsection 92(13) of the Constitution Act, 1867 provides that property and civil rights are under provincial jurisdiction. However, under subsection 91(24) of the Constitution, the Parliament of Canada has exclusive legislative jurisdiction over Indians and lands reserved for Indians. Therefore, provincial laws are not applicable to the division of property on the reserves. In 1986, in the Derrickson case, the Supreme Court of Canada created a legal vacuum when it ruled that the courts could not rely on provincial law when determining the division of matrimonial real property on reserves.

The absence of provisions both at the federal and provincial levels with regard to the division of matrimonial real property on reserves is a problem, because the people who live on reserves cannot appeal to the Canadian legal system to resolve issues relating to the division of property when a marriage has broken down. It is usually our aboriginal sisters who bear the costs of this legal vacuum. As Beverley Jacobs, the president of the Native Women's Association of Canada, said so clearly, "the lack of a matrimonial property law regime is a denial of women's equality."

Bob Watts of the Assembly of First Nations spoke about the problem that this poses for women. He said:

> While the lack of a legal regime to govern the disposition of matrimonial real property on reserve is a serious human rights issue that must be addressed, this legislative gap merely represents the tip of a much greater iceberg. The legislative gap in matrimonial real property rights on reserve lands is exacerbated by chronic housing shortages that exist on most reserves and difficulties in securing financing to purchase or construct alternative housing on reserve upon marital breakdown, in part due to the restrictions in the Indian Act against mortgaging reserve lands. These factors play an equal if not greater role in imposing hardship on first nation families, and in particular on women and children, who are often forced to relocate to off-reserve locations upon marital breakdown, particularly if domestic violence was a factor contributing to the breakdown in marriage.

Most stakeholders who expressed their opinions in the various forums agree that the status quo is no longer an option. Yet, Bill S-2 does not meet the needs of the first nations, who are speaking out against the lack of consultation, the lack of recognition of the first nations' inherent jurisdiction over matrimonial law, and the need to improve access to the justice system and to alternative dispute-resolution mechanisms.

● (1345)

In May 2009, the Native Women's Association of Canada and the Assembly of First Nations published a joint statement to make known their opposition to the bill. The statement pertained to Bill C-8, Bill S-2's predecessor. However, in the end, nothing has really changed. I would like to cite an excerpt from that statement:

> NWAC and the AFN (including the AFN Women's Council), all agree that [the bill] ...will do nothing to solve the problems associated with Matrimonial Real Property (MRP) on-reserve; that the federal government failed in its duty to consult and accommodate the views of first nations; and, as a result, the bill is fatally flawed and cannot be fixed. It should not proceed to committee.

I believe that their point of view is fairly clear. Even though this is the fourth version of this bill and many studies were conducted in this regard, aboriginal people and legal experts who are interested in this issue are concerned that the Conservative government is trying to ram this bill through.

Pam Palmater, who teaches aboriginal law at Ryerson University, has criticized the government's haste: [Aboriginal Affairs and Northern Development Canada] appears to be rushing this legislation through the process by introducing multiple bills in the House and the Senate at the same time. This does not allow sufficient time for most first nation communities to become informed or to determine how best to advocate on their own behalf. It is therefore critical that this committee see the issue in its broader context and why first nations are making their right to be consulted such a priority in their submissions before you.

I would also like to remind members that, according to the UN Declaration on the Rights of Indigenous Peoples, which Canada has agreed to honour, consultation implies the consent of the people consulted. This point is very important. Although Canada did undertake limited consultations, no consent was given by aboriginal representatives. I would like to emphasize this point. In our opinion, if Bill S-2 is passed without the consent of the principal parties, we will be violating article 32 of the UN Declaration on the Rights of Indigenous Peoples, which requires the free, prior and informed consent of the rights holders.

Aboriginal women in particular have spoken out against Bill S-2. They believe that it will only force families to resort to the provincial court. That is not a solution because it is too expensive for many families. Seeking remedies in provincial court, when accessible, can place another financial burden on members of first nations who divorce. The fact is that the bill could create additional obstacles for members of first nations who seek justice, and it will not provide effective recourse for people seeking compensation.

The Conservative members on the other side of the House may claim that they defend women's rights but, as we know, aboriginal women have already condemned this bill. I urge my Conservative colleagues to listen to those who are truly concerned and who will be affected by this bill.

The president of the Native Women's Association of Canada, Beverley Jacobs, is very worried. She believes that:

> [The Conservatives' bill] will put women who are experiencing family violence at further risk by forcing them to wait long periods for justice without adequate social supports, services or shelters.

Need I remind the House that, according to Statistics Canada, 35% of aboriginal women have been victims of violence, and first nations women suffer three times as much violence as non-aboriginal women and are overrepresented among homicide victims? Those are very alarming statistics. I would note that the Native Women's Association of Canada estimates that 510 aboriginal girls and women have disappeared or been murdered since 1980, and this is far too many.

● (1350)

I find the lack of political will on the part of the Liberals and Conservatives, when it comes to the housing problem facing the first nations, particularly egregious. We have to understand that the shortage of decent, affordable housing on reserves is closely tied to the division of property on divorce.

At present, because of a legal vacuum, women have no rights when their marriage breaks down. That means they have no choice but to leave their home. There is no vacant, healthy housing on the reserves. As a result, some women are forced to leave their reserve.

Like the first nations, we will again be opposing this bill. In fact, we will not support any legislation concerning matrimonial real property unless it is accompanied by non-legislative solutions to put an end to violence against aboriginal women, addresses the housing crisis on reserves and ends the systematic discrimination in funding for first nations children.

In closing, I would like to tell the House about recommendations made by the Native Women's Association of Canada and the Assembly of First Nations. I hope my Conservative colleagues will listen to these recommendations.

A report entitled "Walking Arm-In-Arm to Resolve the Issue of On-Reserve Matrimonial Real Property" was published in 2005.

It made five recommendations. It recommended that the NWAC and the AFN be consulted on developing new legislation or amending the Indian Act; that financial aid be provided to first nations to develop their own matrimonial real property codes; that any new legislation not apply to first nations that had developed their own code; that the Canadian Human Rights Act be amended to apply to individuals living on reserves; and that Canada recognize the first nations' inherent right of self-government.

Clearly, the Conservatives did not listen to those recommendations and their consultations were a mere passing fancy. That is how the Conservatives do things: they introduce bills on which there has been no consultation whatsoever of the people affected by the measures in the bill.

I will be very happy to take questions from my hon. colleagues.

[*English*]

Ms. Michelle Rempel (Parliamentary Secretary to the Minister of the Environment, CPC): Mr. Speaker, women on reserve are estimated to be five times more likely to be killed than other women in our country. Without this law, judges cannot use emergency protection orders to order the abuser out of the house in situations of domestic violence. This means a woman in an abusive situation on a reserve has to leave her house.

If this were me in that situation, or any of my female colleagues standing in the House today, we would all take up arms to support this cause.

We are here to support those without a voice. This law gives them a voice. Why does my colleague refuse to support giving a voice to aboriginal women in this regard?

[*Translation*]

Ms. Laurin Liu: Mr. Speaker, I thank the hon. member for her question.

On the contrary, the Conservatives are the ones who refuse to give aboriginal women a voice and who refuse to consider the recommendations made by groups that represent aboriginal women.

I would like to repeat what Ellen Gabriel said. She is the former president of Quebec Native Women's Association and she is a candidate for the position of grand chief of the AFN. She said that it is reprehensible that the Government of Canada is so eager to pass legislation that seriously impacts the collective rights of indigenous peoples without adequate consultations which require the free, prior and informed consent of aboriginal peoples. She added that, since this legislation will not be accompanied by commitments to adequate financial and human resources necessary to implement this legislation, these bills will create further financial hardships on first nations communities.

I urge the hon. member to listen to the people involved and to consider the opinion of aboriginal women.

● (1355)

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, I congratulate my colleague on her very informative and well-thought-out speech. I would like to talk more about the consultation that did take place.

One of the flaws in the bill before us is that there is a lack of consultation, particularly consultation of aboriginal communities. I remind the House that in 2004, the Supreme Court of Canada, in Haida Nation v. British Columbia, pointed out there are criteria for effective consultations. There must be a mutual commitment, based on mutual respect, to ensure that the consultation results in sound decisions, and that the consultation process is transparent.

We have heard aboriginal communities tell us many times that the consultation was insufficient—especially in light of the criteria set out by the Supreme Court of Canada. Could my colleague speak to the ineffectiveness of the consultation?

Ms. Laurin Liu: Mr. Speaker, we know that this is common practice for the Conservatives. In fact, they often say that they have held consultations but then do not take into account any of the resulting recommendations. They do not listen to Canadians. They do not listen to the first nations or to visible minorities, the people who are often the most marginalized in our society. My colleague raised a very important point.

I would also like to quote a witness who appeared before the Standing Senate Committee on Human Rights, Jody Wilson-Raybould, the Assembly of First Nations regional chief of British Columbia, who indicated that the Conservatives' approach poses a number of problems. She said:

> The third area identified during our dialogue sessions is the need to address the underlying issues that led to the disputes in the first place. Providing better prevention support as well as adequate emergency and second-stage housing has been identified as a requirement. This reiterates the need for a holistic approach driven by the community to sustain effective remedies. Without attention to the implementation, and supporting safe and strong communities, legislative reform in and of itself cannot significantly improve the lives of our communities and our people.

I therefore urge the Conservative government to take steps to truly improve the lives of aboriginal people instead of holding consultations that are really just for show.

The Acting Speaker (Mr. Barry Devolin): The time provided for government orders has expired. The House will now proceed to statements by members.

The hon. member for Richmond—Arthabaska.

STATEMENTS BY MEMBERS

[*Translation*]

RENÉ LÉVESQUE

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, 25 years ago today the person Quebeckers consider to be the greatest premier in the last 50 years, René Lévesque, departed this life.

He began as a distinguished journalist and war correspondent, and then made an exceptional career in politics, which culminated in the nationalization of electricity while he was a minister under Jean Lesage, the creation of the Mouvement souveraineté-association and the election of the first sovereignist government in the history of Quebec on November 15, 1976.

René Lévesque's Parti Québécois government initiated reforms that still have a major impact today: the Charter of the French Language, party finance legislation and legislation on the protection of agricultural land, automobile insurance and consumer protection, and the list goes on.

The memory of René Lévesque will remain forever etched in our history, and most importantly in our hearts.

The task of writing René Lévesque's epigraph fell to another giant, Félix Leclerc: "The first page of the true, beautiful history of Quebec has just ended...From now on, he belongs on the short list of the liberators of people."

* * *

● (1400)

[*English*]

UKRAINE

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, on October 28, I joined 500 other Canadians to observe Ukrainians voting in their parliamentary elections.

I would like to applaud everyone from Canada who volunteered their time for the people of Ukraine. With the support of our government, Canadians were deployed through the CANADEM and OSCE missions, and others joined the Ukrainian World Congress mission.

Ukraine is still a relatively new democracy, and achieving freedom and fairness in elections will not be a simple task.

For a country that has been marred with political and civil turmoil, it was moving to see Ukrainians exercise their democratic rights in such strong numbers despite an unfair political playing field.

OSCE international observers concluded that Ukraine's parliamentary elections were characterized by a tilted playing field. Their were abuses of administrative resources, a lack of transparency in campaign financing, imprisonment of opposition leaders and a lack of balanced media coverage.

Many Ukrainians have unfortunately lost trust in the process. I encourage them not to give up.

I hope the disappointment expressed will galvanize Ukraine's political stakeholders into delivering the democratic change which Ukrainians clearly seek.

* * *

CONSERVATIVE PARTY OF CANADA

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, as another year draws to a close, it is time to take stock. Did Canadians get a government in Ottawa that matches their commitment to building a better community and a better country? The answer is a resounding no.

Instead of providing leadership on the issues that matter most to Canadians, the Conservatives just keep making life harder.

The Conservatives raised the retirement age to 67, making Canadians work two years longer to qualify for OAS. They gutted environmental regulations, putting our air, soil and water at risk. They cut employment insurance so the very people who paid for the system cannot get benefits when they need them most. They decimated the food safety system, allowing tainted beef to reach both our dinner tables and our children's lunch bags.

Alongside my NDP colleagues, I fought these reckless changes. We worked hard to hold the Conservatives to account for their cuts, secrecy and fiscal mismanagement. On behalf of the people of Hamilton Mountain, I will continue that work.

We must help Canadians build the country they deserve, a Canada where no one is left behind, and that is the country we will keep building together in the year ahead.

* * *

3M CANADA

Mr. Gordon Brown (Leeds—Grenville, CPC): Mr. Speaker, I rise today to recognize 3M Canada's plant in my riding of Leeds—Grenville in Brockville, Ontario for meeting two internationally-recognized energy standards.

The Tape Plant is the first facility in Canada and the second in the world to attain accreditation for the ISO 50001 standard for energy management. It also reached the platinum level under the superior energy performance program.

The plant has demonstrated an energy performance improvement of more than 15% over the past three years. Improving energy efficiency is one of the fastest, greenest and most cost-effective ways to reduce greenhouse gases, save energy and increase energy security.

Natural Resources Canada provided support through our government's eco-energy efficiency for industry program.

Congratulations to the Brockville 3M plant on this achievement.

* * *

VEDANTA ASHRAM SOCIETY

Hon. Geoff Regan (Halifax West, Lib.): Mr. Speaker, this Saturday, the Vedanta Ashram Society of Halifax will celebrate the 150th birthday of Swami Vivekananda. The society works to support the Swami's vision of harmony, goodwill and better understanding among all faiths.

As members of the society gather at the newly renovated community centre in Halifax, they will celebrate not only his life, but also the hope, love and acceptance they have achieved through the mission he founded.

I know all members in the House will join me in extending our best wishes to the Vedanta Ashram Society and to the South Asian community.

* * *

COMMUNITY CHARITABLE EVENTS

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, this Saturday evening my wife and I will be attending the 18th annual Community Crisis Society dinner and auction in beautiful Strathmore, Alberta. This is a major fundraiser to help end domestic violence.

We have so much fun at these events. As a guest auctioneer, I can hardly wait because these charity fundraisers are always memorable, inspiring and beneficial to the families we help support.

The monies raised help the Wheatland Shelter deliver its highly valued services to families in their time of need. The Community Crisis Society of Strathmore provides immediate shelter and protection. It delivers ongoing support and services for anyone affected by family violence. It even extends its services into the surrounding rural areas.

I encourage all members of Parliament, especially our new members, to get involved and assist their local charities.

Throughout the year, every year, I am the one who is truly blessed by being included in the efforts of communities in every corner of my constituency. I know all members would be blessed in helping charities in their ridings.

● (1405)

[*Translation*]

HOUSING

Ms. Marie-Claude Morin (Saint-Hyacinthe—Bagot, NDP): Mr. Speaker, I cannot say it often enough: there is a housing crisis everywhere. Unlike the other G8 countries, we have no long-term plan. And today, 1.5 million Canadian families are living in substandard housing. The FCM, which represents 2,000 Canadian cities and towns, has asked the government to take action and support Bill C-400, to adopt a national housing strategy. But the Conservatives do not listen to anyone. To force them to listen, the NDP will be tabling petitions in support of the bill every day, starting today, until the vote on November 28. The government will be forced to see that Canadians want housing to be a priority.

Will this be enough to convince them? Will the government agree to listen to the voice of Canadians, once and for all?

* * *

[*English*]

SUPERSTORM SANDY

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Mr. Speaker, it is with great sadness that I stand in the House of Commons today to share news of a tragic nature.

As Canadians may know, my community of Sarnia—Lambton was very hard hit by the recent passage of superstorm Sandy.

I stand before the House today to share news that an individual, someone who was a husband, father and grandfather, has tragically lost his life in service to his community. He was working to restore hydro with Bluewater Power in Sarnia—Lambton, which was lost as a result of superstorm Sandy's impact.

During this time of tragic loss, I extend heartfelt and sincere sympathies on behalf of the House of Commons to his family and his extended family of Bluewater Power, who were his colleagues and friends. Our prayers are with them all.

I also commend all workers who put their lives at risk in service to their community, as this heroic gentleman did.

* * *

PROJECT RED RIBBON

Mr. Blaine Calkins (Wetaskiwin, CPC): Mr. Speaker, from November 1 to the first Monday after New Year's Day, Mothers Against Drunk Driving members, volunteers and supporters are handing out red ribbons to raise awareness about the dangers of impaired driving.

Project Red Ribbon targets the Christmas and New Year holiday season because it is the busiest time of year on most social calendars. With holiday parties and events, toasts being made and glasses being raised in celebration, there is a higher risk for impaired driving.

The red ribbon is a symbol of the wearer's commitment to sober driving throughout the holiday season and all year round. It also serves as a meaningful tribute to all of the victims who have been killed or injured in impaired driving crashes.

I encourage all Canadians to wear the red ribbon proudly as a symbol of their commitment to always drive sober. With everyone working together, we can make our roads and communities safe from impaired driving.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, more than 2,000 people demonstrated against the changes to employment insurance in Pointe-à-la-Croix and Campbellton. This Saturday, people in the Magdalen Islands will have their turn to speak out against these changes. These people are sending a clear message to the government to stop ravaging their employment insurance. The Conservatives must listen to these people and back down. The changes to EI have serious consequences in my region, where seasonal work represents 80% of the economy. Workers who will not have access to EI will have to leave the region.

Instead of making cuts to the employment insurance program that workers need, the government should try to boost the economy in the regions, such as the Gaspé and the Magdalen Islands. It is simple: we must invest in economic development projects to create permanent jobs in the Gaspé and the Magdalen Islands. The economy will not recover if the government is scrapping Canada Economic Development projects.

The Conservative government must remember that it promised to give power to the regions; not clean them out. It is amazing how the eastern regions stand together. We will not give up.

* * *

[*English*]

DIWALI

Mr. Deepak Obhrai (Calgary East, CPC): Mr. Speaker, this year Diwali, the Festival of Lights, will be celebrated all over the world on November 13. Here in Canada, we will be having the 12th national Diwali celebration on Parliament Hill this evening.

Tonight, an overflowing crowd of South Asians from all across the country will join the Prime Minister and me to celebrate this festival at the Government Conference Centre, the seventh by the Prime Minister. More than 26 Hindu and Sikh temples and community organizations will be represented at tonight's festival. I am happy also to be joined by my colleagues from this esteemed House.

Diwali symbolizes victory of good over evil. May I wish you, Mr. Speaker, my colleagues and all Canadians a happy Diwali.

● (1410)

[*Translation*]

PROSTATE CANCER

Mr. Matthew Dubé (Chambly—Borduas, NDP): Mr. Speaker, today I had the immense pleasure of shaving the famous moustache off of my hon. colleague from Sackville—Eastern Shore to launch our Movember campaign. The goal of Movember is to raise awareness about prostate cancer and other men's health issues, as well as to raise money for research in the fight against this terrible disease.

As we know, prostate cancer will afflict one in seven men, making it the most common cancer among men in Canada. However, thanks largely to research, recovery rates are improving. And funding for this research relies heavily on generous donations from Canadians.

[*English*]

The Movember campaign contributes to raising awareness and providing financial support to researchers. I invite all Canadians and colleagues in the House to put away their razors and shaving cream and proudly wear a moustache for the month of Movember.

[*Translation*]

I cannot help but think about our dear friend Jack Layton, who lost his life after a courageous battle with this terrible disease. Like Jack, I believe that, together, we can change the world.

* * *

[*English*]

DIABETES

Mr. Ryan Leef (Yukon, CPC): Mr. Speaker today, November 1, kicks off National Diabetes Awareness Month. We can be proud that Canadians Sir Frederick Banting and Charles Best co-discovered insulin, changing the lives of people living with diabetes.

Today, nearly nine million Canadians are affected by diabetes. Worldwide, 246 million people are affected, with numbers projected to rise to 366 million by 2030. Every ten seconds, two people develop diabetes. By the end of this statement, that will mean another twelve people will be affected.

That is why today I am pleased to announce my partnership with the Canadian Diabetes Association as I launch my inspiration unlimited, border-to-border campaign. Over the course of the next three summers, I will circumnavigate the entire border of the Yukon Territory. This 3,000-kilometre quest will help raise awareness and funds, so that one day I can read this statement and have nobody develop diabetes by the time I have finished.

* * *

[*Translation*]

ENTERPRISE KENT

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, I rise today to pay tribute to the remarkable work of local economic development agencies in my riding.

In particular, I would like to thank Enterprise Kent, its staff, board of directors and especially its executive director, Guy Léger.

After 24 years of outstanding service, dedication and impressive economic results, Guy Léger will be leaving Enterprise Kent when the agency closes its doors as a result of the very bad decision by the Conservatives to make cuts to all Atlantic regional economic development agencies.

[*English*]

Guy Léger has contributed to hundreds of economic and community successes over his quarter century of service. He will be missed by entrepreneurs and community leaders and I will miss his advice and support.

[*Translation*]

I salute Guy, his spouse, Kathy, and his family, and extend a special thank you to him on behalf of the people of my region.

* * *

[*English*]

THE MEMBER FOR SKEENA—BULKLEY VALLEY

Mr. Bob Zimmer (Prince George—Peace River, CPC): Mr. Speaker, the member for Skeena—Bulkley Valley made a surprising declaration about our government's statements yesterday. It sounds like the member needs to have his memory refreshed.

I would like to refer him to page 4 of his party's costing document, which shows plans to generate $20 billion in government revenue through a carbon tax. I would also like to refer him to page 2 of his leader's policy leadership document, which would impose a carbon tax that "would build on" the proposal New Democrats campaigned on during the last election. I would like to refer him to the NDP-backed Broadbent Institute, which issued a report stating, "...a carbon tax and higher taxes on natural resources — need to be considered...". That was stated by the Broadbent Institute on October 9, 2012.

Before the member for Skeena—Bulkley Valley accuses us of being untrue, he should ask himself why he supports a job-killing carbon tax that would increase the price of everything, including gasoline, groceries and electricity.

* * *

[*Translation*]

THE MEMBER FOR SAINT BONIFACE

Ms. Françoise Boivin (Gatineau, NDP): Mr. Speaker, Halloween is not the only day the hon. member for Saint Boniface dressed up in her puppet costume. This fall, she wasted two members' statements blathering away, telling stories made up by employees of the Prime Minister's Office who were hired to put words in the mouths of backbenchers. Like a good servile employee subject to the dictates of these office workers who are paid with our tax dollars to manufacture facts, the hon. member has forgotten that she was elected to serve the people of her riding.

Since she has failed her constituents, allow me to recognize the anniversary of Pluri-elles, an organization that has been helping Franco-Manitoban women to enter the labour force for 30 years. I would also like to congratulate the band Oh My Darling, whose bilingual folk-western music was extremely successful this summer.

It is these types of accomplishments that deserve the attention of this House. Canadians across the country deserve the recognition of their elected representatives, and I encourage the next speaker to share with us the achievements of people and organizations in his riding, rather than just parroting the juvenile and deceitful stories made up by the Prime Minister's Office.

* * *

● (1415)

[*English*]

NEW DEMOCRATIC PARTY OF CANADA

Mr. Mark Adler (York Centre, CPC): Mr. Speaker, in case the opposition members are still puzzled, I want to explain to them exactly what job growth and long-term prosperity looks like. Under the leadership of this government, this Prime Minister and this Minister of Finance, Canada has been ranked the best place for business to grow and create jobs.

KPMG has ranked Canada the most tax competitive economy among mature markets, not to mention the 820,000 net new jobs that have been created since July 2009. But the NDP members have it all wrong. They are on record for supporting a $21 billion carbon tax that would cripple job growth, limit prosperity and increase the cost of living for all Canadians.

Thankfully, Canadian voters gave this government a strong mandate to show the opposition the error of its ways. I would recommend that the opposition pay attention as we continue to lead by example creating jobs, growth and long-term prosperity for all Canadians.

ORAL QUESTIONS

[*English*]

FOREIGN INVESTMENT

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, two years ago, the Prime Minister promised Canadians clear, transparent rules for evaluating foreign takeovers. Today, we learned from Conservative media leaks that the Nexen takeover decision may have to be delayed for a second time because those new rules are still being made up.

Could the Prime Minister finally tell Canadians when new foreign takeover rules will be announced, and will these new rules be made public before the Nexen deal is approved?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the government will make its decision on these matters when it has all the information necessary to evaluate what is in the net benefit of this country. That is the government's policy.

In terms of the Investment Canada Act, the government has already made several changes to bring in additional criteria on national security, to bring in additional criteria on state-owned enterprises, and to improve transparency.

The government will continue going forward in the changing investment environment in which we live. The government will

continue to evaluate foreign investments and assess whether or not they are in the best interests of this country.

[*Translation*]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, the agreement with China, which the Prime Minister is prepared to ratify without any debate, study or consultation, will have a huge impact on certain transactions, such as the Nexen deal.

The Prime Minister is giving the Chinese government the absolute right to purchase and develop Canada's raw natural resources. The Conservatives are not only giving China access to our natural resources, but they are also guaranteeing unlimited expansion. That is what is at stake here.

Why are these decisions being made in political backrooms, without any debate, study or consultation?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the Leader of the Opposition is completely wrong.

The Investment Canada Act will remain in place under this new agreement. We have been trying to sign this agreement for quite some time, in order to protect Canadians who are trying to create investments and jobs for Canadians in the Chinese market. This is an important step towards protecting the Canadian economy and our jobs.

[*English*]

Hon. Thomas Mulcair (Leader of the Opposition, NDP): Mr. Speaker, under the Prime Minister's new Canada-China investment agreement, the Chinese state would have the right to buy up new oil leases and expand operations in Canada as if it were a Canadian company. Any effort to limit ownership by China could be challenged under the law. Let us be clear. The Prime Minister is exposing Canada to a scenario in which the Government of China could sue us if the Government of Alberta refused to sell off its natural resources.

Is this how Conservatives stand up for Canada?

● (1420)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, that is just completely and utterly wrong. Under this particular agreement, the government's powers and prerogatives under the Investment Canada Act are protected. We will continue to evaluate whether investments are in the net benefit and best interests of this country.

At the same time, Canadians who are allowed to make investments in China would have a framework, the rule of law, which would protect them. In that way, they would be able to promote Canadian interests and promote job creation for Canadians in China. It is very important that we have these rights. The Chinese have long had the protection of the rule of law in this country; we need the same thing in China.

[*Translation*]

BUDGET IMPLEMENTATION

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, the Conservatives repeatedly refused to allow us to study the 450 pages of the budget bill in committee.

Yesterday they asked for a second chance. Now they are agreeing to allow committees to examine the budget, but it has to be on their terms. The committees will have only two or three meetings to examine this monstrous bill.

If the Conservatives are open to amendments, even from the opposition, why does the Minister of Finance continue to block the committees' work?

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, as I said last week, the government has said that it would like to see other committees examine this bill.

Yesterday we moved our motion to refer the bill to 10 other committees for examination. What is really interesting is that the Liberals voted against this measure, which is a record, compared to how bills are usually examined.

* * *

[*English*]

FOREIGN INVESTMENTS

Ms. Peggy Nash (Parkdale—High Park, NDP): Mr. Speaker, it is not just the opposition that is being ignored. Business is having a tough time keeping up with the Conservatives' late-night activities, too. Last night's leak was about extending deadlines on foreign takeovers, a move that Conservatives refuse to talk about in public.

On Tuesday, the finance minister said he was making an important announcement after markets closed and then announced nothing. He was simply ranting about the opposition.

Why are Conservatives putting markets on edge while they wait for whatever bizarre move the finance minister makes next?

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, the only bizarre moves around here occur when the opposition members vote against each measure that we put in place that actually helps Canadians. Our Minister of Finance has been working hard to bring Canadians' taxes down, but every time he puts forward a policy that actually would reduce costs for businesses and Canadians, the New Democrats vote against it. That actually is bizarre.

* * *

CORRECTIONAL SERVICE CANADA

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, Ashley Smith is the young girl from Moncton who died tragically five years ago in a Kitchener prison. In her last year of life, she was shunted 17 times among 9 different prisons in 5 provinces, with very little treatment for her mental illness. In the coroner's inquest that is now under way, the federal government has consistently taken the position that the jurisdiction of the coroner has to be restricted, that he cannot look at videos. It has consistently taken a position that has been antithetical to the interests of the truth and the interests of the family.

I would like to ask the Prime Minister, why is this happening?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the Ashley Smith case is obviously a terrible tragedy, and information has come to light that is completely unacceptable to the way the Correctional Service of Canada is supposed to do business. At the same time, there is a coroner's inquest under way. There are arguments between lawyers on some of the procedural matters and we will let those get resolved in due course. However, we will be looking carefully, as we always have, at what additional investments need to be made in the mental health aspects of our corrections policies.

[*Translation*]

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, there are no arguments between lawyers. There is the federal government's position, which completely restricts the Ontario coroner's ability to do his job and conduct his inquest. That is the problem.

I will make it clear for the Prime Minister: if the federal government is not prepared to give full authority to the person responsible in Ontario, will he have the decency to authorize a federal inquiry to investigate this matter?

● (1425)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, we are not in a position to interfere in legal disputes. What I can say is that this is a great tragedy.

Some actions are obviously unacceptable, and the government will continue to invest in mental health programs in our prisons in order to prevent such tragedies.

* * *

[*English*]

BUDGET IMPLEMENTATION LEGISLATION

Hon. Bob Rae (Toronto Centre, Lib.): Mr. Speaker, in the discussion on the omnibus legislation, it is now clear that because of the short week next week and the break week thereafter, the committees to which all of these bills and measures have been referred will have very little time to deal with the substantive matters before them. Would the Prime Minister agree that it would be a much better idea if the House were to direct the committees to meet during the break week so that these substantive measures could be dealt with?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, traditionally I do not get involved in procedural matters, as committees traditionally are the masters of their own business. As is very well known, the government tabled the budget in March of this year, with a range of very important measures for the strength of the Canadian economy. We are in a period once again of some global slowdown and we need to be doing everything we can to keep our economy moving forward. I know that these things have been before Parliament for a very long time, so I would obviously encourage all members to continue their study of them and to act expeditiously in a way that is in the interests of jobs and growth.

SERVICE CANADA

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, the Conservatives promised that their cuts would not affect front-line services. However, apparently they do not consider answering the phone a front-line service. Only one in three calls about EI is being answered within the minister's own guidelines, and fewer than half of the calls about the CPP and OAS. Canadians in precarious situations are calling to ask about much-needed support but instead of getting help they are getting Muzak. When will the Conservatives admit that their reckless cuts are hurting Canadians?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, as the economic recovery continues, we are fortunately seeing a decline in the number of EI applications submitted. That is helping Service Canada to devote resources to reducing the backlog, and it has made some progress there. We will continue to monitor and add resources as needed, as we did in the spring when there was a surge in demand, as there is at various times in the year. Service Canada will continue to work toward providing efficient and effective service to all Canadians.

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, the reality is that when people go to their local service counter to get help, they are asked to call Service Canada instead, but the phone lines are jammed already. Now they are cutting staff even further. Seniors and unemployed Canadians are being put on hold and not getting even the most basic service from their government.

Why will the Minister of Human Resources not take responsibility for the mess that she created and fix her department so that Canadians can get the help they need?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, we do want to make sure that Canadians get the benefits to which they are entitled in a swift, effective and efficient manner, and that is why we have put extra resources toward delivering these services.

I am pleased to say that Service Canada's performance has improved since the spring. In fact, in terms of the CPP and OAS, it has an over 90% performance rate. That is encouraging. Service Canada has a ways to go, and we will keep working with them to make sure that they do deliver to Canadians.

[*Translation*]

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, Service Canada is also having difficulty handling employment insurance claims. One claimant in four must wait more than 28 days to obtain a reply from Service Canada. Bills continue to pile up and Canadians cannot just wait for the minister to solve problems at Service Canada before paying those bills. Time is of the essence.

Will the minister cancel the harmful cuts and give Service Canada the resources it needs?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, that is exactly what Service Canada did in the spring. The number of claims fluctuates throughout the year. From time to time, the number of claims increases and Service Canada adds resources, as necessary, to handle the claims in an effective and efficient manner. Service Canada will continue to improve its services to Canadians.

● (1430)

Ms. Marjolaine Boutin-Sweet (Hochelaga, NDP): Mr. Speaker, the Conservatives are wreaking havoc at Service Canada. And yet they promised that front-line services would not be compromised. Unemployed workers have to wait for increasingly long periods of time for their first employment insurance cheque. If Service Canada does not get more resources immediately, we are headed straight for disaster.

Will the minister acknowledge that these changes are not working? Will she rectify the situation and stop this slow and steady destruction of Service Canada?

Hon. Diane Finley (Minister of Human Resources and Skills Development, CPC): Mr. Speaker, as I said in the spring, we are modernizing the employment insurance system in order to make decisions and deliver benefits to Canadians in a more efficient and effective manner.

We are putting additional resources in place where there is a major increase in claims for benefit. Service Canada will continue improving the services it provides to Canadians.

* * *

[*English*]

FOREIGN INVESTMENT

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, we found out yesterday that the Minister of Natural Resources admitted that he did "not know very much about" energy projects.

What cheered me was that he was willing to admit it and asked questions to get facts. This is novel and unparalleled for a Conservative minister. He actually asked for facts rather than using the mind-numbing fact-free PMO talking points.

Given this newfound openness to understanding both sides of an issue, will the minister support open and transparent hearings on the Nexen takeover bid?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): Mr. Speaker, as I said, this transaction will be scrutinized very closely.

Let me quote Professor Ian Lee from Carleton University, who said that the NDP proposal "will politicize the process enormously.... They're trying to transform these [approval processes] into kangaroo courts".

As I said, the role of this government is to review the transaction and to see if it will provide a net benefit to Canada. This is what we are doing, and we will do it in the best interests of Canadians.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Speaker, that was another fact-free answer. Smart public policy actually involves finding the facts. The Minister of Natural Resources did it once, and I am sure the government can do it again.

Why will the minister not take the advice of the former Conservative minister and take action before other countries start, as Jim Prentice says, to "dictate our environmental policies". Instead they have gutted Canadian environmental protections, and from FIPA to the Nexen bid, the government ignores the facts.

Why are Conservative ministers only open to other opinions in secret conversations, and why will they not do the right thing on the Nexen takeover bid?

Hon. Joe Oliver (Minister of Natural Resources, CPC): Mr. Speaker, there are thousands of resource projects across the country, with 600 projects monitored by the Major Projects Management Office. I will continue to request briefings to stay current with current developments.

On the other hand, the only thing the anti-development NDP knows is how to oppose, delay and obstruct projects across Canada. If that does not work, it will just tax them to death with its $21 billion carbon tax.

* * *

41ST GENERAL ELECTION

Mr. Craig Scott (Toronto—Danforth, NDP): Mr. Speaker, Michael Sona has finally come forward. He said that the Conservative Party's director of communications sent him to the University of Guelph, where he stole a ballot box. He also called the central campaign about how untraceable voter suppression calls were made and he talked about how easy it would be for the Conservatives to identify who pulled non-supporter lists from their database.

When will Conservatives come clean and take responsibility for any involvement in dirty tricks by their central campaign?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the Conservative Party of Canada ran a clean and ethical campaign and condemns in the strongest of terms any active voter suppression. That is why our party is working with Elections Canada to get to the bottom of the serious allegations in Guelph.

If only the NDP members had been so forthcoming after they accepted $340,000 in illegal union money. If instead of trying to cover it up for so long they had stepped forward and fessed up for their law-breaking, perhaps Canadians would have more faith in them today.

● (1435)

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, I too tell fantastic stories to my children before they go to bed at night.

The revelations from Michael Sona's testimony are truly fascinating. The Conservatives have tried to put the blame on him for their electoral fraud. However, the truth is that Pierre Poutine had access to the Conservative database to make his fraudulent calls, not Michael Sona. We have also learned that the Conservatives know who downloaded the data, but they are still hiding behind a 24-year-old kid and imposing their code of silence.

When will the Conservatives stop covering for a criminal? When will they tell Elections Canada who had access to the data, who was responsible for the fraud and who made all those fraudulent calls?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, the Conservative Party conducted a clean and ethical election campaign. We followed all the rules. Our employees are working with Elections Canada to shed light on what happened in Guelph.

[*English*]

The hon. member across the way made only 14 donations to the NDP, but twice as many donations to the separatist Quebec Solidaire. Maybe if he were as generous with his own party as he is with the separatists, it would not have had to go seeking illegal union money to finance its operations.

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Mr. Speaker, my colleague will do fine in 2015, if he is ever re-elected. For the moment, all he is doing is evading questions and mocking Parliament. Trivializing electoral fraud is quite simply indecent.

Fraudulent calls were made and citizens were stripped of their right to vote. That is a major problem. That criminal act would never have been possible without access to the Conservative database. Never. The Conservatives know who had access to the data and they are protecting that person. The time for a code of silence is now over; they must be clear and sincere with Canadians.

Who is Pierre Poutine? Who made the fraudulent calls? They must answer the questions.

[*English*]

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, I just did respond to the question. I pointed out that the Conservative Party did run a clean and ethical campaign in the last election, and is working with Elections Canada to address any problems that occurred in Guelph.

However, the member across the way continues to refuse to answer the question. In fact, he has been asked the question about his donations to the separatists almost as many times as he gave money to the separatists.

I give him the occasion one more time, to create a magic moment on the floor of the House and declare that after all those donations he has changed his way and he is now a federalist. Will he please stand and do that right now?

* * *

FISHERIES AND OCEANS

Hon. Lawrence MacAulay (Cardigan, Lib.): Mr. Speaker, the government has spent three years and $26 million on the Cohen report, yet it will not commit to implementing any of the report's recommendations. Along with Justice Cohen's 75 recommendations, he also expressed serious concern with the government's reckless changes to the Fisheries Act.

This is unacceptable. Will the government come to its senses, reverse the changes to the Fisheries Act and commit to implementing the recommendations of the Cohen report?

Hon. Gail Shea (Minister of National Revenue, CPC): Mr. Speaker, obviously the previous system needed improving. Under the new act, the government will actually be better able to protect fisheries from real threats as we have expanded the act to protect more than just the fish habitat, but also to protect fish from aquatic invasive species and local stressors as well.

The new act also strengthens the government's ability to crack down on individuals who break the rules and endanger sensitive species and areas.

These changes provide common sense for our stakeholders.

* * *

JUSTICE

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Mr. Speaker, even though Nathan Jacobson broke bail conditions in the U.S., the government sent lawyers to plead a bail bargain for his release. It has been public since July that there was an international arrest warrant for him and that he was a fugitive wanted by the U.S., yet the government apparently did nothing.

The Conservatives like to pretend they are tough on crime. Lord knows they cannot deport two Nigerian students fast enough for an honest mistake.

Did the government take any action to proactively locate and apprehend Mr. Jacobson before October 24 and if not, why not?

● (1440)

Mr. Robert Goguen (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, the member knows full well that the government does not interfere with police investigations. Nor does it interfere with the court process.

The prosecutors in this case acted completely independently, without unfettered discretion. The bail that was posed was $600,000. Both his Canadian and Israeli passports were surrendered. This is a matter that was acted upon immediately upon the American's request that he be arrested on October 24. On October 25, the very next day, he was arrested.

The case is now before the courts. It would be inappropriate to interfere with it. We have the best judicial system in Canada. Let them go for it.

* * *

[*Translation*]

41ST GENERAL ELECTION

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, the Minister of State for Democratic Reform knows that honesty in elections is crucial in any democracy and that in the 2011 election, thousands of misleading calls led voters to the wrong polling stations.

The political staffer fingered by the Conservatives has said that he is being used as a scapegoat and that he never could have orchestrated such a massive scam on his own.

Will the minister assume his responsibilities and get to the bottom of this organized deceit? Is he the minister for democratic reform or the minister of Conservative cover-ups?

Mr. Pierre Poilievre (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities and for the Federal Economic Development Agency for Southern Ontario, CPC): Mr. Speaker, I have already answered this question. The Conservative Party ran an ethical campaign in the last election. We will continue to work with Elections Canada to shed light on what happened in Guelph.

Now, we know that only one party has been found guilty of breaking the law by making robocalls, and that was the Liberal candidate for Guelph.

[*English*]

If the member wants to find out what happened in Guelph, perhaps he should walk just a few rows back and ask his Guelph colleague about all of the law breaking that they did.

* * *

FISHERIES AND OCEANS

Mr. Robert Chisholm (Dartmouth—Cole Harbour, NDP): Mr. Speaker, the final report of the Cohen commission should be a wake-up call for the government. It reveals the staggering scope of the Conservatives' mismanagement of the fisheries, including the drastic changes in budget 2012, such as gutting laws on habitat protection, slashing fisheries science capacity and cutting $75 million from the Department of Fisheries and Oceans.

Will the minister finally agree that the government is heading in the wrong direction, end the cuts in budget 2012 and enact the recommendations of Justice Cohen?

Hon. Gail Shea (Minister of National Revenue, CPC): Mr. Speaker, this is a very expansive report that has serious implications on a very important resource in British Columbia. We will carefully review the recommendations and work with our stakeholders and partners to take steps to ensure the salmon fishery in British Columbia is sustainable and prosperous for years to come.

We have increased science in the Department of Fisheries and Oceans. Recently, the Council of Canadian Academies presented a report which said that fisheries research in Canada was ranked first in the world by top science researchers.

Mr. Fin Donnelly (New Westminster—Coquitlam, NDP): Mr. Speaker, the minister does not seem to understand what is at stake. Wild salmon are at the heart of B.C.'s culture and economy. The Conservatives misled Canadians when they said that gutting habitat protection would in fact strengthen it. The Cohen report is clear that these reckless Conservative policies are putting salmon at risk.

Will the minister stop the double speak, stop stalling and commit today to implementing the recommendations to protect B.C. salmon?

Hon. Gail Shea (Minister of National Revenue, CPC): Mr. Speaker, obviously we know the importance of B.C. salmon. That is why we commissioned the report in the first place.

Justice Cohen spent nearly 36 months drafting this report. It would be a disservice not to consider it carefully. We must do our due diligence, read the report carefully and speak with our stakeholders and partners about the next step.

I can assure the member opposite that we have been supporting, building and conserving B.C. salmon over the last number of years.

* * *

[*Translation*]

THE ENVIRONMENT

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, according to the Cohen report, the Conservatives are already mismanaging fish stocks. Things will be worse—except for the Conservative elite—if the Navigable Waters Protection Act is weakened.

It is scandalous that over 99% of lakes will no longer be protected, but it is even worse that 9 out of every 10 protected lakes will be in Conservative ridings.

Why protect the lakes of friends of the Conservative party and not of others?

● (1445)

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, it is unbelievable that the New Democrats are misleading people in this way by conflating navigation with fish habitats and fish.

Navigation has to do with boats floating on water and not fish in water. It is ridiculous. It is completely nonsensical. It is an attempt to mislead Canadians.

We are going to continue to manage navigation. The officials at Fisheries and Oceans Canada will continue to manage fish stocks and officials at Environment Canada will manage the environment.

[*English*]

Ms. Megan Leslie (Halifax, NDP): Mr. Speaker, they say that they made the decisions based on science, but Conservatives have never used science to base any of their decisions on before. What makes them think we would believe they are doing it now?

People can see through this science-based smoke screen. Ninety per cent of all lakes in Canada fall in Conservative ridings. It makes me wonder if next they are going to protect fake lakes in downtown Toronto.

Why are million dollar cottages in Muskoka being protected from pipelines, while lakes for the rest of us are not?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, let me be clear. Ninety-eight per cent of applications received never pose a threat to navigation. This is not a responsible use of taxpayer dollars and shows just how much change is needed. This is why we have reformed the act. Now resources can focus on where navigation is and not waste valuable tax dollars by delaying projects that have no impact on navigation.

* * *

FOREIGN AFFAIRS

Mr. Ted Opitz (Etobicoke Centre, CPC): Mr. Speaker, the Supreme Court stood up for fair elections in my riding, including the importance of every vote.

I recently returned from Ukraine as an election observer. International observers there noted abuses of administrative resources, lack of transparency in campaign financing, imprisonment of opposition leaders and an absence of balanced media coverage, causing mistrust of the process by Ukrainian voters.

Would the Minister of International Co-operation deliver our government's formal response to what my observer mission witnessed?

Hon. Julian Fantino (Minister of International Cooperation, CPC): Mr. Speaker, when the pre-electoral environment is unfairly tilted in favour of one political group over another, this interferes with the ability of citizens to freely express their electoral will. It is disheartening that this year's parliamentary elections do not appear to have measured up to Ukraine's past democratic performance. This is of great concern to Canada, as we continue to advocate for freedom, democracy, human rights and the rule of law for all Ukrainians.

We look forward to the report and will deal with it when it is forthcoming.

* * *

CORRECTIONAL SERVICE CANADA

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Mr. Speaker, during the coroner's inquiry into Ashley Smith's death, video evidence, evidence the Conservatives did not want released, depicted Ashley's horrific experiences. Ashley Smith was transferred 17 times between 9 prisons in 5 provinces in just over a year.

This young woman was suffering with mental illness, but the system treated her self-harm as misbehaviour. The federal correctional investigator has been very clear. When it comes to self-harm in prison, the system must change. When will the minister act on the correctional investigator's recommendations?

Ms. Candice Bergen (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, this is a very sad case. Our hearts and our thoughts go out to Ms. Smith's family. We cannot imagine the sadness that they are continuing to experience.

As the Prime Minister said, the actions of some individuals in this video are clearly and completely unacceptable. The Correctional Service of Canada has taken action to change this so that it does not happen again. What this clearly shows is that not only is the federal government working, as the Prime Minister said, to address mental health in prison, but that the provinces also need to help us. We need to work together so that individuals who are dealing with mental health issues are addressed before they reach the correctional system.

[*Translation*]

Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP): Mr. Speaker, Ashley Smith's family deserves real answers.

Unfortunately, this is not an isolated case. In 10 years, the number of offenders with mental health problems has doubled. Moreover, 50% of offenders have engaged in self-mutilation, which is what Ashley Smith did before taking her own life.

In his recent report, the Correctional Investigator of Canada outlined clear recommendations to address these serious problems. Will the minister implement these recommendations?

● (1450)

[*English*]

Ms. Candice Bergen (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, our government has taken action to address mental health in prison. We have initiated a mandatory 90-day review so that individuals can have a plan and mental health assessment within 90 days of entering the correctional system. Clearly, prisons are not the place to address mental health issues.

In the case of Ashley Smith, the actions by specific Correctional Service of Canada staff were clearly unacceptable. We want to see changes. We want to see individuals who are mentally ill dealt with before they reach the correctional system.

* * *

HEALTH

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the government has done nothing to investigate reports that people have suffered adverse drug reactions to prescription medications. Sadly some have even died. It seems astounding that Health Canada is not following up on these critical issues of life and death, nor giving grieving families the answers they need.

These families deserve an explanation and accountability from the minister. What is her response and what will she do to ensure no further deaths occur?

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, our hearts go out to patients who have had adverse drug reactions. Our government has taken a leadership role in working with the provinces and territories to develop ways that we can work with them to address this issue. We do see it as a very significant part of the Canadian health care system.

[*Translation*]

Mrs. Djaouida Sellah (Saint-Bruno—Saint-Hubert, NDP): Mr. Speaker, the Conservatives' inaction puts many Canadians at risk.

The Conservatives have failed to respond to hundreds of reports revealing serious side effects associated with drugs commonly sold in pharmacies. Over 600 cases have been identified of children suffering from serious, and even fatal, side effects. Hundreds of families are worried and they deserve information about this troubling situation.

Will the Minister of Health conduct an investigation?

[*English*]

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Health, CPC): Mr. Speaker, the member should know that in Canada drugs are not allowed to be sold until scientists working with Health Canada have verified that they are safe when used as directed. Once approved, these drugs are subject to regular scientific review based on the latest information available. Canadian families should always speak to their family physician before taking any prescriptions or providing one to any children.

* * *

ABORIGINAL AFFAIRS

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, today in Winnipeg, provincial cabinet ministers joined Canada's aboriginal leaders for a two-day meeting on missing and murdered aboriginal women and girls. Three federal cabinet ministers were invited. None are attending.

AFN National Chief Shawn Atleo has said:

> Striking an independent and inclusive National Public Commission of Inquiry would demonstrate a clear and focused commitment to achieve positive change for and with Indigenous peoples.

Will the government commit today to calling a public inquiry on the tragedy of over 600 missing and murdered aboriginal women?

Ms. Kerry-Lynne D. Findlay (Parliamentary Secretary to the Minister of Justice, CPC): Mr. Speaker, the Minister of Justice and the Minister of Public Safety were in Regina to meet with their provincial and territorial counterparts where this matter was a major topic of discussion. Our government attaches great importance to the issue of missing and murdered aboriginal women. We are working with those counterparts to further develop strategies, coordinate efforts and share expertise on the issue.

In January 2012, a comprehensive missing woman report was released providing 52 recommendations. The province has recently acknowledged that our government has already implemented most of those recommendations at the federal level. We are taking this seriously and we are taking action.

* * *

NATIONAL DEFENCE

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, media reports describe Sub-Lieutenant Delisle's responsibilities as, "I prepare all the threat assessments for the ships when they deploy overseas, to any port". That means that a Russian spy was communicating some of our most important military intelligence to his masters.

Instead of letting this spy scandal leak out article by article, why does the minister not convene a judicial inquiry so that Canadians and our allies can have their confidence restored in our security system?

Hon. Bernard Valcourt (Associate Minister of National Defence and Minister of State (Atlantic Canada Opportunities Agency) (La Francophonie), CPC): Mr. Speaker, that question has been answered before in the House.

As the member knows, this matter is before the courts and it would be improper to comment on it at this time.

* * *

● (1455)

INFRASTRUCTURE

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, people from Toronto, Vancouver and Montreal are suffering through some of the longest and worst commute times in North America. Residents are either dodging falling concrete from Toronto's Gardiner Expressway or a giant sinkhole in Ottawa, and water quality is at risk in hundreds—

Some hon. members: Oh, oh!

The Speaker: Order. The hon. member for Trinity—Spadina has the floor.

Ms. Olivia Chow: Mr. Speaker, water quality is also at risk in hundreds of towns.

At a time when cities are desperately in need of investment in transit, roads and water systems, the Conservative government removed $2 billion from the infrastructure budget.

How do the Conservatives justify these nasty cuts?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, the member should know, just as the FCM does, that this is a case of responsible accounting and only that. It does not indicate a cut to any infrastructure program. The federal government does not grant funds to proponents until projects are completed.

[*Translation*]

Mr. Robert Aubin (Trois-Rivières, NDP): Mr. Speaker, we will make another attempt at getting an intelligible answer.

Canada's infrastructure is in bad shape. In Quebec, outdated water mains are exploding under pressure, overpasses are falling apart and collapsing, and ports, like the one in Trois-Rivières, are waiting for funding for development projects.

While stakeholders are being told to wait until 2014 because there is no more money to fund current programs, we have learned that $2 billion from the 2011 budget—which was supposed to be allocated to infrastructure—has not been spent.

How can the minister justify this situation?

Hon. Denis Lebel (Minister of Transport, Infrastructure and Communities and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, they seem to be experts at misleading Canadians.

The provinces and cities fund projects because roads and highways have always been a provincial area of jurisdiction. The NDP has it all wrong.

The bills are being paid for as they come in. The provinces and organizations look after this. The bills are paid when the work is complete. Projects have been well managed over the years. That is a fact. There have been no cutbacks to infrastructure programs.

* * *

[*English*]

FINANCE

Mr. Rodney Weston (Saint John, CPC): Mr. Speaker, today marks the beginning of Financial Literacy Month in Canada. With the recent global financial turbulence and the introduction of more financial products and services, financial literacy has become more important than ever for Canadian families. It means more money in their pockets and not in those of the banks and others.

Could the Minister of State (Finance) share the actions that our government is taking to promote financial literacy right here in Canada?

Hon. Ted Menzies (Minister of State (Finance), CPC): Mr. Speaker, indeed, financial literacy is very important to Canadians. That is why we have chosen November as the month to highlight the importance of being able to provide to Canadians a source of information so that they can make informed decisions for themselves. Unfortunately, much of the consumer protection legislation that we have put forward, the NDP has actually voted against.

Our initiative is giving Canadians better tools and more transparency when dealing with banks. We have also put in place credit card reforms to ensure that Canadians are better protected. However, as I have said, unfortunately, the NDP seems to like to vote against all of these protections.

CITIZENSHIP AND IMMIGRATION

Hon. Dominic LeBlanc (Beauséjour, Lib.): Mr. Speaker, two former high-ranking Afghan officials have been invited to Canada to speak at a university conference in Ottawa. Citizenship and Immigration Canada officials told them they had to travel to Pakistan to get their visas, which could be akin to imposing a death sentence on them.

Can the minister explain why this would not be qualified as a special circumstance and authorize visas to be issued in Kabul so that their lives would not be put in jeopardy? Why is the government effectively denying entry to Afghans who some years and months ago were allies of Canada?

Hon. Jason Kenney (Minister of Citizenship, Immigration and Multiculturalism, CPC): Mr. Speaker, the article upon which the question is based is inaccurate.

We issue visas very frequently to visiting Afghan officials who, if they have permission from their own foreign ministry or ours, can drop off their application directly at our mission in Kabul. Those who do not, typically courier their applications to our processing centre in Islamabad. No one has to travel there unless they are called in for an interview, which is not the case with respect to applications like these.

One of the individuals who was mentioned in the article has not applied for a visa, either at Kabul or Islamabad, and I understand the visa application of the other individual is before decision makers at Islamabad as we speak.

* * *

● (1500)

FOREIGN INVESTMENT

Ms. Niki Ashton (Churchill, NDP): Mr. Speaker, on Tuesday the Minister of Industry insulted the people of my riding.

When I asked him about Vale's "more bad news" announcement for Thompson, Manitoba, all he did was regurgitate talking points about cutting red tape and the Conservative carbon farce.

This one-sided foreign ownership deal with Vale highlights the failure of the government's net benefit policy. What kind of takeover policy means the loss of hundreds of Canadian jobs?

When will the Conservatives admit that their foreign takeover policies are a failure, and will they work with stakeholders to bring Vale to the table to protect Canadian jobs?

Hon. Christian Paradis (Minister of Industry and Minister of State (Agriculture), CPC): On the contrary, Mr. Speaker, we believe in foreign investment that provides a net benefit for Canada. We have our businesses in the global supply chain and we have a solid environment for business here. We have low taxes. We are opening market opportunities.

It is the total opposite of what the NDP is proposing: a global and job-killing carbon tax of $21 billion on the shoulders of Canadians. That would kill the economy, every single region of this country, and we will not go down—

The Speaker: The hon. member for Dufferin—Caledon.

VETERANS AFFAIRS

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, in the weeks leading up to Remembrance Day, Canadians across the country will take time to remember the sacrifices made by those who selflessly served our country in defence of our core values and freedoms. Canadians from coast to coast to coast will visit war memorials on November 11 and pay their respects to Canada's fallen soldiers. These war memorials are sacred ground and should be treated with the utmost respect.

Could the Minister of Veterans Affairs update the House on the government's support for our war memorials?

Hon. Steven Blaney (Minister of Veterans Affairs, CPC): Mr. Speaker, our Canadian war memorials should be treated with the utmost respect. That is why yesterday our government's members supported Bill C-217, an act to protect war memorials and cenotaphs in Canada, rightly brought forward by the member for Dufferin—Caledon.

[*Translation*]

I would have liked the New Democrat members to set aside their ideology out of respect for our fallen soldiers.

[*English*]

Unfortunately, the NDP voted against the bill. They voted against penalties for those who intentionally defile permanent tributes to Canada's fallen heroes.

Veterans and the fallen deserve better from elected members.

* * *

[*Translation*]

CANADIAN HERITAGE

Mr. Sylvain Chicoine (Châteauguay—Saint-Constant, NDP): Mr. Speaker, as we all know, the railroad has played a key role in Canada's history.

Yet, as the country's 150th birthday approaches, the Conservatives are refusing to recognize Exporail as a national museum, despite the fact that a report of the Standing Committee on Canadian Heritage recommended that the House recognize it as such in 2007.

Exporail is a source of pride for my riding, the entire region and railroad enthusiasts throughout Canada.

Why are the Conservatives refusing to give this museum the status it deserves?

[*English*]

Mr. Paul Calandra (Parliamentary Secretary to the Minister of Canadian Heritage, CPC): Mr. Speaker, as my hon. colleague knows, the committee did bring forward a 150 report, which will be somewhat of a road map to help celebrate the best country in the world, Canada, on our 150th birthday.

Unfortunately, when we brought forward to the House the creation of two new national museums, one in Winnipeg and the Pier 21 Museum of Immigration, the NDP voted against it. We recently brought forward a new $25 million investment for the new Museum of Canadian History. The NDP members, without even seeing the legislation, have already said they will be voting against that as well.

When it comes to cultural spending and funding for artists—

The Speaker: The hon. member for Saanich—Gulf Islands.

* * *

FOREIGN INVESTMENT

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Mr. Speaker, now that the Canada-China investment treaty can be legally ratified as soon as tomorrow, I wish to make one more plea to the Prime Minister to reconsider.

He should examine the Australian experience. There is a much larger volume of trade between Australia and China, in fact, six times as much. There is $60 billion in Chinese investment in Australia, and $7 billion in Australian investments in China.

Why do I mention it? Because the Australians did an independent risk-benefit analysis of this kind of investment treaty and decided the risks outweighed the benefits to their sovereignty and to their economy.

Please do not ratify.

● (1505)

Right Hon. Stephen Harper (Prime Minister, CPC): Once again, Mr. Speaker, as we have known for some 20 years now, Canada has been trying to secure protection for job-creating Canadian investments in the Chinese marketplace. This is something that those who create jobs in this country have long wanted. We have been pleased we have been able to take this step forward, and I notice there has been universal good reception to this agreement from those who are creating jobs for Canadians. Obviously, this government is going to move ahead and make sure we are able to access that important market and build jobs throughout this country.

* * *

[*Translation*]

PRESENCE IN GALLERY

The Speaker: I wish to draw the attention of members to the presence in our gallery of His Excellency Hansjörg Walter, President of the National Council of Switzerland.

Some hon. members: Hear, hear!

* * *

BUSINESS OF THE HOUSE

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Mr. Speaker, I am honoured to rise on behalf of the official opposition to ask the government what it has planned for the House for the remainder of this week and for next week.

Today, I will ask questions about Bill C-45, a monster bill from the government, which does not seem to understand the situation at all. The 450-page bill combines issues such as reducing funding for research and development, or protecting lakes in Muskoka, but nowhere else in the country. All of that is found in and among budgetary measures.

What makes even less sense than the bill itself is the lacklustre effort the government made to be transparent about its plan to have the bill studied in committee.

[*English*]

Let us recap where we have come to so far with the government and how its plan, if we can call it that, is going ahead.

Two weeks ago, the government announced a deal to have the committee study the bill, apparently giving it powers for amendments. Since then, motions to conduct these studies at individual committees have been introduced and then suddenly disappeared.

Yesterday, in question period, the Conservative committee chairs refused to answer questions; they did not know or they did not understand them. Just one hour after question period, the finance minister made a commitment that something else would actually happen to perhaps amend the bill.

Now committees can recommend to the FINA committee, but those amendments have no more precedence than motions moved at the committee itself. It only looks like it was a plan written on the back of a napkin, but that would be insulting to plans written on the back of a napkin.

This is the budget of Canada we are talking about. I know relationships take a lot of work, but perhaps the House leader, maybe the whip and the finance minister, could actually get together to organize a conversation to proceed in some logical manner that would allow the bright light of sunshine—

Some hon. members: Oh, oh!

The Speaker: Order, please.

The hon. member for Bourassa is rising on a point of order.

[*Translation*]

Hon. Denis Coderre: Mr. Speaker, this charade of Thursday statements between leaders is shameful; this is not a debate. The House Leader of the Official Opposition must ask a simple question to the Leader of the Government in the House of Commons, who must respond to inform us on what is on the agenda for the week. That is all. What is going on now is abuse and is a matter for debate.

[*English*]

The Speaker: There have been previous speakers who have urged members who are speaking to the Thursday question to do so as succinctly as possible.

I will give the floor back to the hon. member for Skeena—Bulkley Valley, with that in mind.

Mr. Nathan Cullen: Absolutely, Mr. Speaker, and my friend will get to his campaign soon enough.

Communication is the key in all of these relationships, so perhaps the House leader can update the House. What is the actual plan with respect to their enormous budget implementation act, and, number two, will they allow committees to finally, not only study the bill in a realistic timeline, but also make amendments so Canadians can know that legislation that moves through this place actually helps this country?

Hon. Peter Van Loan (Leader of the Government in the House of Commons, CPC): Mr. Speaker, while I do not know anything about a so-called deal that the NDP House leader talked about, I do know the Conservative Parliamentary Secretary to the Minister of Finance announced a process she was going to recommend to the finance committee to allow study of the bill, which I understand was adopted yesterday. It is a large bill, but it is not as large, of course, as the one that the Leader of the Opposition had when he was part of the cabinet in Quebec.

However, that being said, it is important that it be studied.

[*Translation*]

Consequently, as our government proposed, next week, 11 committees, including the finance committee, will study the important and necessary economic measures proposed in Bill C-45, the Jobs and Growth Act, 2012.

Yesterday, the finance committee got to work on this bill, not even 24 hours after the House passed it at second reading. This bill will implement key measures, like an extension of the small business hiring tax credit; and let me assure the House, it will definitely not implement the New Democrats' $21.5 billion, job-killing carbon tax.

Turning to business in the chamber, we will start second reading of Bill S-8, the Safe Drinking Water for First Nations Act, momentarily. I think it will be today.

Tomorrow, we will start report stage—and, ideally, third reading—of Bill C-24, the Canada–Panama Economic Growth and Prosperity Act.

As a former trade minister, I can tell you that the NDP is opposed to free trade. They have made that clear numerous times by dragging out debate, delaying and voting against free trade agreements here in the House. In fact, the hon. member for British Columbia Southern Interior outlined his party's position when he stated that "trade agreements threaten the very existence of our nation." That is the NDP position.

We will continue debating free trade with Panama next week, on Tuesday and Wednesday. This bill will finally put into law our free trade agreement—an agreement which was signed here in Ottawa almost two-and-a-half years ago.

On Monday, we will resume the second reading debate on Bill S-9, the Nuclear Terrorism Act, before question period. Based on the speeches we heard the last time it was before the House, I hope that these two extra hours of debate will be sufficient for it to proceed to committee.

After question period on Monday, we will see Bill C-36, the Protecting Canada's Seniors Act to combat elder abuse, considered at report stage and, hopefully, third reading.

Royal Assent

Also Monday will be the day designated, pursuant to Standing Order 66(2)(*a*), for resuming the adjourned debate on the seventh report of the Standing Committee on Government Operations and Estimates.

Finally, next Thursday, we will consider Bill C-44, the Helping Families in Need Act, which I understand was considered clause by clause at the human resources committee this morning. Given the unanimous endorsement the bill received at second reading, I hope it could pass and be sent to the other place before we rise for the constituency week.

● (1510)

[*English*]

Mr. Marc Garneau: Mr. Speaker, on a point of order, I seek unanimous consent for the following motion, that, notwithstanding any Standing Order or usual practices of this House that the Standing Committee on Finance meet during the week of November 12 to 16 for the purpose of hearing from witnesses in pursuance of its examination of Bill C-45, and that the following standing committees meet during the week of November 12 to 16 for the purpose of hearing from witnesses in pursuance of their consideration of the subject matter of Bill C-45: the Standing Committee on Aboriginal Affairs and Northern Development, the Standing Committee on Agriculture and Agri-food, the Standing Committee on Citizenship and Immigration, the Standing Committee on the Environment and Sustainable Development, the Standing Committee on Fisheries and Oceans, the Standing Committee on Health, the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, the Standing Committee on Justice and Human Rights, the Standing Committee on Public Safety and National Security and, finally, the Standing Committee on Transport, Infrastructure and Communities.

The Speaker: Does the hon. member for Westmount—Ville-Marie have the unanimous consent of the House to propose this motion?

Some hon. members: Yes.

Some hon. members: No.

ROYAL ASSENT

[*English*]

The Speaker: Order, please. I have the honour to inform the House that a communication has been received as follows:

Rideau Hall

Ottawa

October 31, 2012

Mr. Speaker:

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 31st day of October, 2012, at 6:01 p.m.

Yours sincerely,

Stephen Wallace

Secretary to the Governor General and Herald Chancellor

The schedule indicates that the bills assented to were:

Bill S-206, An Act respecting World Autism Awareness Day—Chapter 21, 2012; and

Bill C-46, An Act to amend the Members of Parliament Retiring Allowances Act—Chapter 22, 2012.

GOVERNMENT ORDERS

● (1515)

[*English*]

SAFE DRINKING WATER FOR FIRST NATIONS ACT

Hon. John Duncan (Minister of Aboriginal Affairs and Northern Development, CPC) moved that Bill S-8, An Act respecting the safety of drinking water on First Nation lands, be read the second time and referred to a committee.

He said: Mr. Speaker, today I am proud to speak in support Bill S-8, the safe drinking water for first nations act. This proposed legislation is an essential part of a larger collaborative strategy to ensure that residents of first nation communities can reliably access clean, safe drinking water, like all other Canadians.

Provinces and territories each have their own legally binding safe drinking water standards. These laws assign responsibility for the specific tasks and standards that protect the safety of drinking water, such as treatment and quality testing protocols. Under these laws, provincial, territorial and municipal authorities collaborate to ensure that residents have access to safe, clean and reliable drinking water. Regulations differ based on local circumstances, but the overall impact is the same, as regulations help establish a chain of accountability and quality control.

In contrast, there are currently no legally enforceable protections governing drinking water and waste water on first nation lands. With the exception of a small number of self-governing first nations that have established laws in this area, most residents of first nation communities do not benefit from the legal protections for safe drinking water that all Canadians expect and deserve.

Bill S-8 would directly address this gap by enabling the federal government to work with first nations on a region by region basis to create regulatory regimes to govern drinking water in first nation communities.

It is important to note that Bill S-8 is enabling legislation. Following passage of Bill S-8, the Government of Canada would work in close partnership with first nations and other stakeholders to develop federal regulations tailored to their unique regional circumstances.

The underlying principle of Bill S-8 is simple: all Canadians, regardless of where they live, should have access to safe drinking water. In other words, when it comes to drinking water, the law should offer the same level of protection to Canadians, whether they live on or off reserve.

I want to speak to the long and collaborative effort leading up to this bill, which our government initiated six years ago to correct this serious issue. In 2008 we introduced the first nation water and waste water action plan, which provided $330 million in water and waste water funding over two years for treatment facility construction and renovation, the operation and maintenance of facilities, and training of operators on reserve. We have since renewed this program twice, most recently in economic action plan 2012.

Between 2006 and 2014, our government will have invested approximately $3 billion in water and waste water infrastructure and related public health activities to support first nation communities in managing their water and waste water systems. Throughout the same time period, we have invested in over 130 major projects and funded maintenance and operating costs of over 1,200 water and waste water treatment projects. We also invest $10 million a year to support the training and certification of first nation water systems.

However, we do recognize that funding is not the only solution to ensuring safe drinking water and health and safety. That is why in 2009 we initiated a national assessment of first nations' water and waste water systems. This was the most rigorous, comprehensive and independent study of its kind ever conducted in Canada, surveying 97% of drinking water and waste water systems on first nation lands. Site visits to the 571 participating first nations began in September 2009 and concluded in November 2010. The assessment took more than 18 months and involved the inspection of approximately 4,000 drinking water and waste water systems. The results, released last year, provide a comprehensive summary of the situation, including the amount of investment required to address deficiencies and reduce risk. They provide Canada with an unprecedented reference tool that will inform future water and waste water initiatives. This is for priority setting, appropriately done.

● (1520)

One of the main problems identified by the assessment was the lack of crucial regulations pertaining to operations, maintenance and operator qualifications when it comes to drinking water on reserve. This is consistent with the message conveyed in 2011 in the report by the Auditor General, which identified the lack of a legislative framework for first nations drinking water as a major impediment to ensuring clean drinking water for first nation communities.

Over the course of the past six years, we have also heard from countless other organizations and from first nations members, as well as other key stakeholders, about their concerns related to safe drinking water on reserve.

In 2006, an independent panel, consisting of experts jointly appointed by our government and the Assembly of First Nations, travelled across Canada for a series of public meetings. It listened to more than 110 presentations and received and considered more than two dozen written submissions. The independent panel heard from a wide range of people, representatives of first nations, provincial, territorial and municipal authorities, as well as private sector organizations.

The panel's final report stands as a valuable contribution to the effort to improve drinking water quality in first nation communities. A key recommendation was the development of appropriate regulations.

The following year, the Senate standing committee held a separate series of hearings to investigate the matter. In May of 2007, it released a report that called similarly on the government to undertake a comprehensive consultation process with first nation communities and organizations to develop regulatory options.

Our government responded to these calls for action and at the beginning of 2009, after significant consultation with first nations technical experts and leaders across the country, we released a discussion paper that outlined a proposed solution that would allow for regional differences to be reflected in the development of future regulations to be developed in partnership with first nations following the passage of enabling legislation. This discussion paper served as the basis to develop the approach outlined in Bill S-8, namely legislation that provides for the establishment of regulations that reflect the diverse needs and realities of first nations across the country.

In early 2009, a series of 13 engagement sessions were held across Canada. During these sessions, representatives of first nations, provinces and territories discussed the proposed legislative framework and identified potential improvements. Our government also provided funding to first nation organizations so they could conduct regional impact analyses of the proposed legislative framework. To discuss specific regional issues, further meetings were held with first nation chiefs and organizations. The government maintained an open dialogue with first nations throughout this time, explaining the purpose of the legislation and responding to concerns.

After the 2011 federal election, government officials and representatives from my office met on a without prejudice basis with representatives of first nations to discuss issues of concern and to explore potential solutions, in particular with first nation organizations from Alberta and the Atlantic region.

I have personally met with chiefs at several key crossroads in the negotiations to maintain forward momentum. The direction given to ministerial and departmental staff involved in these discussions was based on establishing and maintaining a respectful and credible relationship.

● (1525)

The progress made during these sessions is reflected in the legislation now before us. The commitment and leadership demonstrated by first nation leaders to improve the legislation should be commended.

There are several key differences between Bill S-8 and its predecessor. First and foremost, Bill S-8 includes a non-derogation clause, developed in collaboration with the Alberta Assembly of Treaty Chiefs, that specifically addresses the relationship between the legislation and aboriginal and treaty rights under section 35 of the Constitution Act, 1982.

A preamble has also been added to describe this government's intention to develop regulations working with first nations. The proposed legislation also features new language to clarify several key points. In particular, the legislation would not automatically apply to first nations that are signatories to self-government agreements; regulations would not include the power to allocate water supplies or license users of water for any purpose other than for accessing drinking water; regulations on source water protection on first nation lands would be restricted so as to protect it from contamination; only the powers necessary to effectively regulate drinking water and waste water systems would be conferred on any person or body; and first nations would not be held liable for systems owned by third parties that are on first nations lands.

Bill S-8 was first introduced in the Senate in February of 2012, where it was subject to further scrutiny and review by the Standing Senate Committee on Aboriginal Peoples. During my testimony to the committee, I reiterated our government's intention to collaborate with first nations on the development of regulatory regimes.

As I described to committee members, we will work with first nations to ensure that the proposed regulatory regime will be rolled out in a phased approach over several years. Our government will work with first nations to develop regulations that would establish standards comparable to those that safeguard drinking water elsewhere in Canada. These regulations would come into force once communities have the capacity to adhere to them.

I also expressed the same commitment in a letter I sent to every first nation in Canada that would be subject to the legislation. A similar letter was sent to the chair of the Standing Senate Committee on Aboriginal Peoples. This government's intentions are clear. We want to ensure all Canadians have access to safe drinking water. This is a matter of health and safety.

Clearly, the passage of Bill S-8 would extend the collaborative effort that was launched more than six years ago. This effort has inspired steady progress on drinking water issues. It has followed a strategic step-by-step approach that has addressed all of the main factors that conspire to undermine access to safe drinking water in many first nation communities.

Training and certification programs have increased the number of qualified operators. Protocols and procedure manuals have been published and disseminated. Investments in infrastructure have upgraded dozens of treatment facilities. Plans are in place to strategically address the specific needs of other facilities.

Bill S-8 also serves as a clear demonstration of our government's commitment to strengthening the relationship between Canada and first nations through working in partnership to address issues of mutual concern. It proposes a process that would see first nations and government officials work together to design and implement appropriate regulations. Some first nations have already expressed their eagerness to work with the government to develop these regulations.

Back in November of 2011, the Liberal member for Toronto Centre put forward a motion calling on the government to improve first nations access to safe drinking water.

● (1530)

The House fully endorsed this motion. I hope that now my hon. colleagues opposite will honour their noble commitment to improving access to safe drinking water and back this very important legislation, which would go far beyond the words of that motion. On this side of the House, we are interested in more than passing motions. We are interested in concrete action. I hope the opposition will stand with the government as we move forward to take concrete action for first nation peoples.

Thousands of Canadians currently lack the legislative protection needed to safeguard the quality of their drinking water. Bill S-8 would not only ensure that this gap is closed but that it is done in close partnership with our first nations partners. I urge my hon. colleagues to endorse Bill S-8.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, clearly the minister has indicated that when the original Bill S-11 was tabled, the government heard, loudly and clearly, that there were some deficiencies in the bill. Now Bill S-8 has come as a revised form, but there are still some gaps in that piece of legislation.

I have two specific questions for the minister. In the preamble, as he pointed out, the bill indicates that the departments have committed to working with first nations to develop proposals for regulations to be made under this act. There is nothing in the act that outlines what those working relationships might look like. In the past there has developed a level of mistrust because under the specific claims legislation, for example, there was a protocol agreement signed where there was a commitment to work with first nations. However, when one of the assistant deputy ministers came before the aboriginal affairs committee, she indicated that the commitment to working did not actually mean that they were going to engage in a process.

So would the minister make a commitment in this House today to define exactly what working with first nations, in the preamble, would look like? Could he also comment on the fact that what this act does is propose a process to develop regulations, which have no oversight in Parliament? How he would see Parliament having oversight of that regulatory process?

Hon. John Duncan: Mr. Speaker, in my speech I outlined a long process to get to where we are today, and that process was loaded with consultation. When we had the committee hearings in the Senate, we had representation there that indicated very strongly that some of the first nations that were involved saw this as a model for how to develop first nations legislation. I intervened at a personal level when we had some difficulties with the original bill and we were trying to get to the current format of the bill, because this is a very loaded issue from the standpoint that it gets tied in with water allocation and with provincial issues. It becomes a very broad conversation, so we had to find a way to address all those concerns, and I believe we have achieved that.

Ongoing, I have made commitments in writing, at the committee and in every other way that the consultation process on the regulations will continue and that we will not move faster than the capacity development of the first nations in terms of operator certification and their ability to have things in place prior to any enforcement of the regulations.

● (1535)

Mr. Greg Rickford (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, for the Canadian Northern Economic Development Agency and for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I first want to thank the minister for his leadership on this file and acknowledging that we needed to do a thorough engagement process, one that had never been done before, not in the size or scope of any legislation, certainly not from my perspective after almost two decades of living in the north and seeing the extent to which we performed our consultations to develop the framework he was explaining.

I would like to ask him if he could explain a little more the thorough engagement process that has occurred between the Government of Canada and first nations. Are there technical experts involved? Did community members get a chance to speak about these really important issues before our framework or pathway was established?

Hon. John Duncan: Mr. Speaker, we have had a long period of consultation on this bill. There has been much input from technical experts, community members, people who inform the leadership and their legal counsel. This was unprecedented consultation, in my view. I am not aware of any other piece of legislation in this place that has taken that length of time in a collaborative fashion to get to final form. I believe we are currently looking at a bill that is about as good as it can get.

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, the Expert Panel on Safe Drinking Water for First Nations said it is clear that it is not credible to go forward with any regulatory regime without adequate capacity to satisfy the regulatory requirements. The government's own estimates identify a $5.8 billion shortfall to deal with the first nations waste and waste water capacity gap.

We thank the minister and his government for voting for the opposition day motion by the member for Toronto Centre, but I would like to ask the minister whether we can anticipate in the upcoming 2013 budget the amount of money that would be required to meet the objectives of this bill. When, in a long-term strategy, could 100% of first nations homes in 100% of first nations communities be expected to have safe drinking water?

Hon. John Duncan: Mr. Speaker, it is our intent to move as quickly as possible on all of this infrastructure, certification and operator training question, because this is a health and safety issue. We have discovered, with our serious investments to date, that the national assessment set some pretty good priorities. I can say that when I was here for 13 years in opposition, we used to hear horror stories about water systems on first nation reserves over and over again, and now we have addressed many of those.

We have also moved forward from the standpoint that, because we have made those investments, we have learned a lot and there are new and more cost-effective technologies. We have a circuit rider training program in place; we have increased the percentage of the systems that have fully certified operators, both for water and waste water systems; and we have told the communities that we do not expect full compliance on anything until such time as the infrastructure and all the certifications are in place. That is all very positive.

● (1540)

Mr. Kennedy Stewart (Burnaby—Douglas, NDP): Mr. Speaker, I have great concerns about the water quality on reserves in British Columbia. I know there are a number of pipeline projects that are slated to go through reserves in B.C. In particular, the Kinder Morgan company wants to run a new pipeline through 15 first nations reserves. When asked, the head of the National Energy Board said it would expropriate land on these reserves and put these pipelines through without the consent of first nations.

I am wondering if the minister can say whether he would allow that to happen in these reserves in British Columbia.

Hon. John Duncan: Mr. Speaker, I certainly was not expecting that question on this bill. I am not aware of those statements. This is part of an environmental assessment process we have not even come to yet with Kinder Morgan. Therefore, that is an inappropriate question and it would be inappropriate for me to respond at this time.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, I rise to speak to Bill S-8, An Act respecting the safety of drinking water on First Nation lands. I am going to start differently than I planned because I want to respond to something that both the minister and the parliamentary secretary addressed in their speeches or their questions.

I want to start with a quote from the UN Declaration on the Rights of Indigenous People. Article 18 says:

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

Article 19 says:

> States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

It was interesting to hear people describe the consultation process as engagement. It is an interesting twist of words, because when we talk about full, prior and informed consent, I am sure that many nations would argue that engagement does not equal full, prior and informed consent. I want to turn for a moment to some comments about the engagement or so-called consultation process.

The Safe Drinking Water Foundation, in a position statement it issued on April 14, 2009, talked about this engagement process. It said that few first nations voices were heard at the engagement sessions, but enough were present that INAC was able to claim that they were engaged. It said that many first nations in Manitoba, Saskatchewan and Alberta did not receive their engagement session invitation packages in sufficient time for people to attend the sessions. For example, George Gordon First Nation received its package on January 25 at noon when the engagement session was taking place the following day in Saskatoon, three hours away. Of course, we know what winter road conditions can be like in Canada at that time of year, so it adds an additional stress.

In addition, the Safe Drinking Water Foundation said that civil servants dominated conversations in each discussion group, offered incomplete and inaccurate information and failed to relay first nations' concerns to the larger audience. The INAC official report omitted all of that.

Consultation is all in the eye of the beholder. There are some guidelines that first nations have proposed in terms of what meaningful consultation would look like. I have been hearing from people who do not feel this process fulfilled that responsibility to consult.

I want to turn to the legislative summary of the safe drinking water first nations act that was put out by the Parliamentary Library so that people understand what it is we are talking about today. In the legislative summary it says:

> The bill provides for the development of federal regulations governing the provision of drinking water, water quality standards and the disposal of waste water in First Nations communities...the bill also establishes that federal regulations developed in this regard may incorporate, by reference, provincial regulations governing drinking water and waste water in First Nations communities.

It goes on to say:

> The delivery of safe drinking water to on-reserve First Nations communities is critical to the health and safety of the communities' residents. Access to safe, clean, potable water is also closely tied to the economic viability of individual communities. For more than a decade, research has indicated that many First Nations communities lack adequate access to safe drinking water. A 2001–2002 assessment found that the quality of almost three quarters of drinking water systems in First Nations' communities were at significant risk.

I know some of those numbers have changed since then and I will talk about the waste water and drinking water assessments that the government commissioned.

Later on in the legislative summary it indicated some key challenges. It says:

> In addition to the absence of a regulatory framework and the lack of clarity regarding roles and responsibilities...core issues relating to the provision of safe drinking water on reserves include the high costs of equipment for, and construction and maintenance of, facilities in remote locations; infrastructure that is either obsolete, entirely absent or of low quality; limited local capacity and ability to retain qualified or certified operators; and the lack of resources to properly fund water and waste water system operation and maintenance.

All of us in the House would agree that there are significant challenges on first nation reserves about access to safe quality drinking water and to the functioning of the waste water treatment systems.

● (1545)

In my own riding of Nanaimo—Cowichan there is the St'át'imc reserve which butts up against the municipality of Nanaimo. We literally have a reserve that is in an urban area and there has just recently been an agreement to allow the extension of the water system, but the reserve has been there for decades.

The ability of the residents to engage in economic development on their recognized traditional lands has been hampered by the fact that they do not have access to clean water. In fact, on one of the reserves they are trekking in water. This is a reserve right beside the city of Nanaimo. We are not talking about some remote reserve hundreds of miles away that is accessible by air only, or ice road, or sealift.

Therefore, this is not just a rural and remote community problem. There are reserves close to urban areas that do not have the infrastructure to not only supply safe drinking water, but to enable them to engage in the economy in a more meaningful way.

Back in 2005, the report of the Commissioner of the Environment and Sustainable Development also highlighted the problem of drinking water for first nation communities. I want to touch on a couple of points here.

The report noted that when it came to the safety of drinking water:

> —residents of First Nations communities do not benefit from a level of protection comparable to that of people who live off reserves.

It goes on to say that:

> Despite the hundreds of millions in federal funds invested, a significant proportion of drinking water systems in first nation communities continue to deliver drinking water whose quality or safety is at risk. Although access to drinking water has improved, the design, construction, operation, and maintenance of many water systems is still deficient. Moreover, to a significant extent, the success of the First Nations Water Management Strategy depends on INAC and Health Canada addressing the management weaknesses we have noted.

The report talks about a number of management weaknesses between the departments. It goes on to say:

> The technical help available to First Nations to support and develop their capacity to deliver safe drinking water is fragmented. Given that most First Nations communities have fewer than 500 residents, and that providing drinking water has become more complex, the development of institutions that can provide ongoing technical support is critical to a continuing supply of safe drinking water for these communities.

In part, many first nation communities have relied on tribal councils to help them with technical advice and organizational administration. In the last round of budget cuts, we saw tribal councils had their funding cut. That is going to significantly impact on some of these smaller communities' ability to deal with some of these very complex issues.

The report, “Drinking Water on First Nations Communities” also highlighted some challenges . It is important to state this because it is a very complex problem. It says about location:

> Many First Nations are located on the Canadian Shield, or other difficult terrain, making it technically difficult and costly to provide water services. Some reserves are isolated and can be accessed by roads only in winter; some have limited access to electricity or other forms of energy. Water sources are often located off reserves, and it is difficult for First Nations to protect them.

Interestingly, on the difficulty of protecting water, we have just seen a number of waterways no longer included in the Navigable Waters Protection Act. Many of those waterways on first nation reserves are no longer protected. Did the department do an analysis of what this change in the Navigable Waters Protection Act would have in the context of this legislation? I understand from a briefing from government officials that it has not been done.

It is a very important question. If first nations cannot protect their waters by whatever means available to them, one questions how they would improve the quality of the drinking water.

Other challenges include accountability. The report says:

> Federal departments set requirements that make First Nations responsible for providing day-to-day drinking water. It is not clear who is ultimately accountable for the safety of drinking water.
>
> Costs and financing...It is difficult to find and retain operators.
>
> Technical standards. It is not clear which standards are applicable. Provincial guidelines and regulations on drinking water are to be applied except when less stringent than federal standards.

The population growth on reserves has been noted in report after report. This report says that:

> On-reserve population is estimated to increase by 230,000 people between 2004 and 2021. It is difficult to estimate population growth and economic development in each community to plan water systems that can meet drinking water needs for 10 to 20 years.

● (1550)

It is a very challenging environment that we are operating in.

In the Report of the Expert Panel on Safe Drinking Water for First Nations, there was a number of matters that it highlighted.

First, it states:

> Pursuing “laws of general application” is too uncertain
>
> If it could be established that provincial laws of general application applied to Indian reserves, legal frameworks would be instantly in place and a great deal of consultative and Parliamentary process avoided. However, in the view of legal counsel to the panel, applying provincial drinking water and wastewater law as a law of general application is “fraught with such uncertainty that it is neither a viable nor effective option.”

We know that provincial laws differ from province to province so there will be a very uneven level of water quality standards from province to province, depending on which province the first nation resides.

It report says that before there is any legislation that there are preconditions that must be in place before legislation moves forward. The first is, “Provide resources, discuss and deal with high risks”. It says:

> The federal government must close the resource gap
>
> First, and most critically, it is not credible to go forward with any regulatory regime without adequate capacity to satisfy the regulatory requirements. While it is tempting to assume that putting a regulatory regime in place would reduce the dangers associated with water systems, exactly the opposite might happen. This is because creating and enforcing a regulatory regime would take time, attention and money that might be better invested in systems, operators, management and governance.

> But the problem is more fundamental than the resources that would be lost to creating a regulatory regime. The underlying issue is that the federal government has never provided adequate funding to meet the 1977 policy commitment of comparable facilities on reserve....If funding were supplemented to cover only the costs of a regulatory regime, the gap would continue.
>
> We therefore see it as a precondition to moving forward on any of the viable options that the federal government must finally close the resource gap. It must provide, over a reasonable period, the funding needed to ensure that the quality of First Nations water and wastewater is at least as good as that in similar communities and that systems are properly run and maintained.

That is a precondition.

It also goes on to say that discussion with first nations is essential. It says:

> The second precondition is the need for the federal government to assess whether it has a legal duty to consult with First Nations affected by any of the three options. This duty, according to the Supreme Court arises "when the Crown has knowledge, real or constructive, of the potential existence of the aboriginal right or title and contemplates conduct that might adversely affect it."

As the minister pointed out, it indicates in the preamble that it will work with first nations, but nowhere is that working relationship defined. Because of the ongoing mistrust with the government, that relationship needs to be clearly spelled out about how first nations will be consulted, not just engaged, in the development of these regulations, as we saw from other consultative processes.

I spoke this morning to Bill S-2 about the so-called consultative process that was conducted with matrimonial real property. Wendy Grant-John tabled a very thorough report and many of the critical recommendations were disregarded when Bill S-2 was brought forward. Therefore, not only must the consultation process be outlined and resources attached to it, but there must be a commitment that when that consultation process is completed, the recommendations that come forward be actually incorporated into the regulations.

Finally, one of the other preconditions was, "Deal with high-risk communities immediately". It says:

> —any of the options would take time – probably several years – to reach the ultimate goal of safer drinking water for all First Nations. In the meantime, however, many reserve residents face serious risks from the drinking water available to them, sometimes from collective systems but...often from individual wells or other water sources.

It talks about the fact that we cannot just wait for the regulations to be developed or legislation to move forward. Rather we have to actually deal with the high-risk systems.

I want to touch briefly on the National Assessment of First Nations Water and Wastewater Systems. As I indicated earlier, in early 2000 a significant number of wastewater systems and water quality systems were at risk. That number has come down. I will give the government credit to the extent to which it has invested money over the years, so the numbers have reduced, but we know it has not been enough.

To provide a couple of really important numbers on this, nationally 571 of the 587 first nations, 97%, participated in the National Assessment of First Nations Water and Wastewater Systems study. That is important.

● (1555)

It says that "12 First Nations have no active infrastructure on reserve lands, in some cases [this was] as a result of recent or ongoing land claim settlements".

Under the heading "Individual Systems", the document states that "[a]n assessment was completed for approximately 5% of the individual well and septic systems". Some of these numbers are still staggering. It goes on to say:

> 36% of the individual wells sampled did not meet the requirements of the GCDWQ for a health related parameter (i.e. arsenic, barium, bacteriological, etc.) and 75% did not meet the GCDWQ for an aesthetic parameter (i.e. hardness, sodium, iron, manganese, etc.). Approximately 47% of the septic systems assessed had operational concerns identified, which were usually attributed to limited maintenance (not pumping out septic tank regularly), leaching beds installed in inappropriate soils and age....

It then states, "A risk assessment has been completed for each water and wastewater system according to the INAC Risk Level Evaluation Guidelines". Overall, of the 807 water systems inspected, 39% were categorized as high overall risk, 34% were categorized as medium overall risk and 27% were categorized as low overall risk. Therefore, 73% of the systems have some level of risk.

There have been some improvements. We know the number of boil-water advisories has decreased. However, there are still significant problems with the water systems.

That leads me to a comment that I made earlier around the need to invest in the capacity for these water systems for first nations. Later on in the report, it did indicate:

> Small water systems are generally found to have a higher risk rating than larger water systems. In many cases, these small facilities were not designed to meet current protocols and do not have the same level of resources available for operation as larger systems. In addition, the overall risk of a system appears to increase with remoteness.
>
> Of the high risk systems, 150 systems serving 16% of the on-reserve population are flagged as high risk as a result of a bacteriological exceedance.

Of the 532 waste water systems inspected, 14% were categorized as high overall risk and 51% were categorized as medium overall risk. Again, what we are seeing is that there continues to be significant risk attached to both the water quality and to the waste water systems.

The report also made an estimate about what was required to upgrade to meet the protocol. The report said, "The total estimated construction cost to meet protocol is $1.08 billion". That is a lot of money. However, we are talking about people's health and safety. It says:

> [These] requirements...are considered to be related to health and safety, providing minimum levels of treatment, providing firm capacity, standby power and best management practices.

Members can see that the scope and the magnitude of the problem are very serious.

Groundwater is an important source and in a paper that was put forward by Sarah Morales, a submission to Expert Panel on Safe Drinking Water, she pointed out that it is estimated that 750,000 people in British Columbia, and this is not just first nations, rely on groundwater as their drinking source. She said that protection of this drinking water source had become a major issue in British Columbia where the aquifers, underground sources of water, and so on, were at risk. She also said that the bacteriological contamination of private domestic wells was an issue across the province.

Members can see how important it is for whatever regulation or legislation we put in place to be effective in terms of dealing with water quality. It is also important that first nations have the resources they require to construct and maintain, and to train their operators, and that there is a meaningful consultation in the development of these regulations.

Based on what we have before us, unless there is some serious amendment to this piece of legislation, New Democrats will not be able to support it.

● (1600)

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, during the member's speech she referred to the capacity on first nations with regard to water and waste water. There was some inference that depending on the size of the capacity of the water or waste water system, it would determine how well that water or waste water could be treated.

The member is well aware that the capacity of water and waste water is not based upon how good the system is, but upon how good the system was that was put in. Would she agree that most waste water systems that are put in first nations communities today are to the same standard as anywhere else in Canada and that not one is substandard?

Ms. Jean Crowder: Mr. Speaker, that is an interesting question. There has been a great deal of discussion about the systems that have been installed in various communities. I am sorry if the member thought I was implying there were substandard systems installed. I was not implying that. The challenge is that sometimes systems are installed that are not actually appropriate for the size of the community. There are different kinds of systems.

In one community I visited, a very sophisticated system had been installed that was inappropriate for the size of the community. There was a huge cost to the community to operate that system in terms of chemicals, the operator training that was required and whatnot. It was not that it was a substandard system. It was a system that was inappropriate for that community.

The bigger challenge is that there are significant numbers of communities at risk, either because they do not have the training that is required or there is not appropriate monitoring. Sometimes there are well systems, whether community wells or individual wells, and there are some questions about the kinds of monitoring that goes on. If some of these wells fail, communities cannot afford to replace them.

In one of the communities I visited, the wells were all contaminated and the community is currently having to truck in water. It is more about whether the resources are available to operate, maintain and construct new facilities as appropriate.

Ms. Chris Charlton (Hamilton Mountain, NDP): Mr. Speaker, I want to commend my colleague on an excellent speech this afternoon. She has much more expertise in this area than I do and I hope she will forgive me.

I have a hard time believing the minister because he has such a long record of broken promises. Members will know that water is an internationally recognized human right. We have also made commitments to the rights of indigenous people, but the Conservative government still continues to ignore the rights of Canada's first nation communities.

A study commissioned by this very government found that an investment of $5 billion over 10 years is needed with an immediate investment of $1.2 billion. However, we are seeing in the bill that the government has ignored the recommendation from the Assembly of First Nations dealing with safe drinking water and is still advocating for incorporation by reference of provincial laws, effectively placing much of the responsibility with the provinces.

I have to ask myself what we are doing here. How much is this going to cost the provinces? We know the federal government is not coming to the table to pony up. I wonder if my colleague would elaborate on what this means for provinces such as hers, British Columbia, and provinces right across the country.

● (1605)

Ms. Jean Crowder: Mr. Speaker, an analysis done by Koch Thornton on March 27, 2012, made a couple of observations about the problems with Bill S-8. One of them, of course, was that there is no new funding. It said:

> The implementation of a complex source-to-tap water regulation regime, as contemplated by Bill S-8, is an enormous undertaking.

Then it went on to talk about how much money that would cost. It does acknowledge that Bill S-8 cannot provide for new government spending, but it indicates that what should have happened was that an appropriation bill should have also been tabled in order to indicate the government's commitment to the funding that is required.

The other thing the member for Hamilton Mountain talked about was inherent rights. This memorandum also talks about the failure to respect inherent aboriginal treaty rights and that the original bill, Bill S-11, took a very top-down approach. It talked about the abrogation and derogation clauses, but also about how the preamble does not cover some of the issues around what that consultation process would look like for including first nations.

On the whole issue of provincial regulation, from my understanding of it, it is not so much that this is a downloading for provincial governments in terms of cost but a reconciliation of standards at the provincial level. That would mean that even though the federal government has a nation-to-nation responsibility for first nations, it is actually saying, “Where you live will determine what your water quality standards are”.

Mr. Greg Rickford (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, for the Canadian Northern Economic Development Agency and for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I appreciated the hon. member's presentation. Obviously, there are a few things we do not agree on. However, what is clear is that we agree on a couple of things.

First, with regard to capacity, we know that reporting, monitoring and maintenance is an absolutely essential facet to any comprehensive plan to address these issues and with that, an ongoing investment in infrastructure.

I appreciate the member's recognition and acknowledgement that this government has made those key investments to infrastructure and so, the final piece in this three-pronged response would be a piece of legislation.

She mentioned earlier some high-risk statistics. It is worth pointing out that some of those high-risk statistics are high-risk communities in one province but may not be in a high-risk category in another province. This depends, of course, upon a couple of key things. First, what those provincial standards are and what systems they use or do not use that constitute high risk.

As a practical matter, in terms of the need for a piece of legislation, Bill S-8 would fill that legal and regulatory vacuum. That is to say that the federal government and the first nation communities, for the first time ever, would bring together the three essential components: the capacity piece, reporting, monitoring and maintenance; the ongoing investment in infrastructure; and the need to create a regulatory framework so that first nation communities and the federal government of Canada can work together.

Would she agree that the legislation would do that and would also address the discrepancies between high risk as they are different or may be different from one jurisdiction to the other, be it a province or a territory?

Ms. Jean Crowder: Mr. Speaker, my understanding is, and this is again from the national assessment of first nations report, that:

> A risk assessment has been completed for each water and wastewater system according to the INAC Risk Level Evaluation Guidelines.

My understanding is that they used the INAC not the provincial guidelines.

With regard to infrastructure, what the risk assessment did identify was that there were still serious infrastructure deficits in the country. The bill before us, and as I pointed out the Senate could not tie money into the bill, has no commitment going forward for the water and waste water systems .

The National Assessment of First Nations Water and Wastewater Systems, in its summary of recommendations, clearly indicated that infrastructure investment was absolutely required. It included:

> —works and measures associated with ensuring current systems meet the requirements of the various protocols, thereby reducing the risk associated with these systems; [and] the approach to addressing future servicing needs associated with the projected growth in First Nation communities.

We are not seeing that.

I indicated that over the next several years we are going to see an enormous growth in first nation communities and yet, we do not see a plan of action moving forward that would accommodate this growth in population. We already have systems that are overloaded and at risk and now we are going to add population growth.

It is essential that, if we are going to move forward with legislation, we actually commit to put the resources in place to ensure that first nations can meet those commitments.

One of the concerns with this piece of legislation is that there would be a downloading to chiefs and councils and to communities for the liability and for the cost of these systems. They may be held to a standard that they simply cannot achieve because they do not have the resources to do it.

● (1610)

Hon. Carolyn Bennett (St. Paul's, Lib.): Mr. Speaker, this is a hugely important topic that we are discussing this afternoon. I do not think that there is anyone in this chamber who does not believe that the question of unsafe drinking water has been a chronic problem and an embarrassment to Canada. Many first nation communities, especially northern and rural communities, are still living in third world conditions here in Canada in 2012.

[*Translation*]

On September 30, 2012, 116 first nations communities throughout Canada were still subject to a drinking water advisory.

[*English*]

This is clearly unacceptable and requires immediate action.

As National Chief Shawn A-in-chut Atleo, Assembly of First Nations, said, “Access to safe, potable water and sanitation is a basic human right”. Unfortunately, the bill would simply provide for the development of federal regulations governing the provision of drinking water, water quality standards and the disposal of waste water in first nation communities.

[*Translation*]

According to every report addressing the tragic situation of water on reserve, the massive infrastructure deficit—and problems with capacity—must first be addressed before any legislation is passed.

[*English*]

I remember visiting the communities in northern Manitoba a little more than two years ago during the outbreak of H1N1. In Garden Hill, only 50% of the community had access to safe drinking water. In Wasagamack, only 20% of the homes had access to safe drinking water, and those are the homes on the footprint of the health unit. There are federal labour laws that insist people working in that space have to have clean drinking water.

Unfortunately, this bill does not provide any additional resources or funding to address this critical capacity gap in infrastructure, nor in training. Further, there are serious concerns about the lack of real consultation with first nations during the development of the legislation, infringements on first nations jurisdiction and the inadequacy of the non-derogation clause currently in the bill.

The government's own national assessment on first nations water and waste waster systems, released on July 14, 2011, identified 314 water systems as high risk. It is interesting that the report was ready in April but somehow ended up delayed in order to not actually influence the election of 2011. The majority of high-risk systems served a small population, and water systems in remote communities were 2.5 times more likely be at high risk than low risk.

Now, more than a year after the release of that report on the national assessment on first nations water and waste water systems, which shows 73% of reserve water systems at high or medium risk, the Conservatives have failed to make any real progress toward the right of every first nations community to clean, safe, running water. As previously noted, as of September 30, 2012, there were still 116 first nations communities across Canada under a drinking water advisory. This is simply unacceptable.

I want to remind this Chamber that some of the communities that do not have drinking water at all and have to truck bottles of water to each home are not included in those statistics.

● (1615)

[*Translation*]

The Assembly of First Nations estimates that it will cost approximately $6.6 billion over 10 years to address this deficit. The 2012 federal budget allocated $33.8 million over two years for first nations water systems and wastewater infrastructure. This level of funding will perpetuate the status quo from previous years and is grossly inadequate.

[*English*]

"The National Assessment of First Nations Water and Wastewater Systems" said it would cost $1.08 billion to bring everything up to protocol immediately. The government's own estimates identify a $5.8 billion funding shortfall to deal with the first nations water and waste water capacity gap.

After the release of the national report on September 13, 2011, I wrote to the minister with respect to what we thought was impending legislation on water and waste water management. I quote:

> I am writing to you on behalf of Liberal Leader Bob Rae and my Liberal colleagues in the Senate and House of Commons to convey the position of our caucus regarding the government's approach to creating a regulatory regime for drinking water for First Nations on reserve. Our position [which has not changed] has two main points:
>
> First, Liberals will not support any legislation on safe drinking water that is introduced without an implementation plan for additional resourcing that fully addresses the deficiencies identified in the *National Assessment of First Nations Water and Waste Water Systems* (prepared by Neegan Burnside Ltd., April 2011). There is a clear consensus that the resource gap must be addressed as a precondition to any regulatory regime. The *Report of the Expert Panel on Safe Drinking Water for First Nations* (November 2006) states unequivocally that "it is not credible to go forward with any regulatory regime without adequate capacity to satisfy the regulatory requirements..". This precondition was repeated by witnesses at the Standing Senate Committee on Aboriginal Peoples during its study of Bill S-11, An Act respecting the safety of drinking water on first nations lands, in spring of 2011.
>
> Second, the government must collaborate with First Nations and obtain their free, prior and informed consent [as stated in the United Nations Declaration on the Rights of Indigenous People] on the range of regulatory options regarding safe drinking water identified by the *Expert Panel on Safe Drinking Water for First Nations* before the re-introduction of legislation. This approach is consistent with the Crown's obligation under the law, existing treaties and the United Nations Declaration on the Rights of Indigenous Peoples.

We went on to say:

> It is essential that the concerns raised in this letter are fully addressed in the government's policy on safe drinking water for First Nations. The body of survey data, research and parliamentary testimony on this matter are a clear guide on what must be done. It is up to the government to adopt a new approach of collaboration and mutual accountability—one that we believe will surely have better results for the health and well-being of First Nation citizens.

That was the letter we sent September 13, 2011, and we have not changed our minds.

A year ago, in November 2011, the Conservative government supported the Liberal Party motion introduced in the House of Commons calling on the government to address, on an urgent basis, the needs of those first nations communities whose members have no access to clean running water in their homes. Yet, the government has still not moved to resolve this deplorable situation a year later.

The 2012 federal budget allocated a measly $330.8 million over two years for first nations water infrastructure. However, this money simply maintained the status quo from the previous year and was far from what is required. The Expert Panel on Safe Drinking Water for First Nations was clear, and I will say it again. It is not credible to go forward with any regulatory regime without adequate capacity to satisfy the regulatory requirements.

According to that report, regulation alone will not ensure safe drinking water. Any regulations must be accompanied by the adequate investment in human resources and physical assets. Yet, the government is content to impose standards and regulation on first nations regarding water and waste water treatment without providing the required investment in physical assets or capacity-building assistance to deal with the problem.

Where are the additional resources and funding to address the capacity gap? Where is the credible plan to bring first nations water systems up to a level comparable with other Canadian communities and the plan to keep them there, meaning the adequate training to keep those systems working after they have been installed? Where is the credible plan to have enough training and certification that the first nations themselves can design?

● (1620)

When I visited the Beausoleil First Nation in your riding, Mr. Speaker, I heard the story of unacceptable waits for a membrane just to fix a state-of-the-art treatment plant. There was worry after a lightning storm. There were fully qualified and very experienced 20-year veterans, who were unable to step into the water treatment plant after an electrical storm because they had not met the criteria. Even though in any oral exam these people were encyclopedic about the microbiology and the planning of it, they had to wait until the next morning for the first ferry for someone from the mainland to come along, to even walk into the plant.

It is ridiculous that we cannot find a system that allows people to work who know how to do the things that need to be done for their people. They end up on a boil water advisory because of that gap. It is just totally unacceptable and shows that no one is listening to these people as to what it takes to meet their needs.

The government must immediately target sufficient financial resources to close the capacity gap for first nations, in terms of both infrastructure and training regarding water and waste water systems on first nations land. Most of all, it must listen to first nations themselves and involve them in the planning for the placement of these projects as well as the training and certification.

There is no question that the goal of the bill is right. We want to address health and safety issues on reserve lands and certain other lands, by providing for regulations and waste water. Unfortunately, we believe the work has not been done in developing the kinds of regulations that are required. The regulations, on a province-to-province basis, to mirror existing provincial regulatory schemes, may not work all of the time. First nations must be consulted this time.

Despite the Prime Minister's rhetoric at the recent Crown–first nations gathering about resetting the relationship, the Conservative government has shown a total disregard for the rights of indigenous people. The government has used the same flawed approach on first nations accountability and matrimonial real property without discussions on the specifics of the bill with stakeholders or political parties before tabling.

[*Translation*]

Numerous witnesses who appeared before the Senate committee said that they were frustrated that the government did not consult the first nations regarding the drafting of this bill.

[*English*]

Introduced in the Senate in May 2010, Bill S-11, Safe Drinking Water for First Nations act, was sharply criticized by first nations and NGOs for ignoring the expert panel recommendations and for claiming sweeping jurisdiction without consultation.

Bill S-8 has most of the same flaws as its predecessor and does not seem to have taken first nations concerns into account. Consultation requires both a substantive dialogue and that the government listen and, when appropriate, incorporate what it hears into its approach. Consultation is not an information session, as we have heard time and time again, legislation after legislation, by the government. How can the government cite The Expert Panel on Safe Drinking Water for First Nations as the prime example of its consultation process and then move forward with a regulatory regime without a plan to deal with capacity issues for implementation? Consultation is of no use if the government simply disregards what it hears.

It is also unacceptable that the current non-derogation clause in the bill still expressly allows for the abrogation or derogation of aboriginal and treaty rights.

It is clear that the legislation completely misses the mark and fails to deal with the real issues underscoring first nations access to clean, safe drinking water. Until the government comes forward with a credible plan to deal with the huge shortfall in funding for needed infrastructure and the training required to further develop the operational capacity within communities to maintain that infrastructure, we are not going to tackle this national disgrace.

That is what the government's own expert panel has told it. That is what first nations is telling it. It is time for the government to listen.

It is with sadness, I remind the House, that it was seven years ago when the Kelowna accord was signed, after 18 months of work with first nations and provinces and territories. Five billion dollars was assigned to close the gap, and then the agreement was torn up as soon as this government came to office. We are seven years behind where we could have begun to address the problem with that money that was expressly for these purposes.

● (1625)

This afternoon I asked the minister whether we could expect to see in budget 2013 the kinds of dollars the Conservatives' own expert panels stated would be necessary to fix this problem.

To me, a strategy must be what, by when and how. My question for the government and the minister, accordingly, is when will 100% of first nations homes in 100% of communities have the same access to safe and potable drinking water and to waste water management as other Canadians in all communities and municipalities in this country?

I implore this House to actually call upon the government to put in place the dollars necessary to meet the objectives of the bill. Otherwise the bill is totally useless.

Mr. Ray Boughen (Palliser, CPC): Mr. Speaker, I have just a couple of observations. First, the Government of Canada also initiated a national assessment of first nations' water and waste water systems, resulting in the most rigorous, comprehensive and independent report of its kind. The assessment released on July 4, 2011 showed that the majority of risk is due to capacity issues, although infrastructure issues and lack of enforceable standards are also a factor.

Departmental officials, first nations and other stakeholders are encouraged by the recommendations and the next step. Funding is only part of the solution to address the provision of safe drinking water on reserve. Enforced regulations are also necessary to protect the health and safety of first nations.

The national assessment and numerous other reports have addressed the need for water and waste water regulatory regimes and standards on reserve. That is why the introduction of safe drinking water legislation remains a priority for the Government of Canada, and it is our intention to introduce the bill during the fall sitting of Parliament.

Hon. Carolyn Bennett: Mr. Speaker, I think the member actually made my point, which was that the panel said that we cannot go forward without the dollars to build the capacity to do this, both for infrastructure and the training to keep that infrastructure running.

I am still not sure. I understand that the parliamentary secretary asked that member to get this on the record, but really, the question he is asking supports the view on this side of the House that no regulations will work unless there are the dollars for the capacity and the training needed to meet the objectives of the bill.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, the member for St. Paul's spoke eloquently and from the heart. The problem is that the Liberal Party of Canada was in power. The problems with drinking water did not occur overnight. They did not suddenly appear when the Conservative government got elected. These problems keep resurfacing, and have been around for some time. It is perhaps time for this country called Canada to meet its obligations. Political parties should not only talk about these issues when they are in opposition, they must take action when they are in power.

Unfortunately, the Liberal Party of Canada left a terrible legacy, that of the three wise monkeys: speak no evil, see no evil, and hear no evil. The Senate is the perfect example of this—just look at this bill.

Can the member for St. Paul's tell us whether she is going to walk the talk?

● (1630)

Hon. Carolyn Bennett: Mr. Speaker, I agree entirely with the member. This is a non-partisan issue. The history of our aboriginal people is a shared history among all Canadians and a shared history among all political parties.

I remember the Kelowna accord. It was a start. It involved 18 months of consultations between the provinces, territories, and aboriginal leaders. Afterwards, there was a real strategy for health, education, affordable housing, infrastructure, accountability and also economic development, and it included $5 billion over 5 years to begin to improve this situation, which is an embarrassment to all Canadians.

[*English*]

Mr. David McGuinty (Ottawa South, Lib.): Mr. Speaker, I would like to ask my colleague a question, but perhaps I will just get a couple of facts on the record first.

I am glad to see that the government is bringing this bill forward. After all, it was four front-line cabinet ministers in the government who were named by Mr. Justice Dennis O'Connor as being responsible for the Walkerton crisis, which killed many Ontarians and poisoned thousands of others.

The second thing I would like to remind the House about is that right now, for example, we are seeing the Experimental Lakes Area of Canada being completely killed in terms of funding. It is a global masterpiece of research for water and freshwater in the country. Moreover, the Environment Canada water research unit has been completely eliminated by the government. There is no water research capacity left. NRC's water research division has been slashed. The list goes on. The sustainable development technology Canada fund has been exhausted. There is no new money coming forward for water technologies.

How does my colleague react to that, particularly given the importance of not only Canada's first nations' drinking water crisis, but also the fact that one of the fastest growing environmental technology marketplaces in the world is to actually deal with water and waste water?

Hon. Carolyn Bennett: Mr. Speaker, we are also hearing across the country from first nations about navigable waters and why, in this omnibus bill, the only lakes and rivers protected seem to be in Conservative ridings. What happens to the lakes and rivers that first nations, Métis people and Inuit need for their livelihood? These waters must stay pure and remain something they can count on.

Many first nations leaders will tell us that they used to be able to put a cup in the water and drink it, that water is really important to them, the lifeblood of their existence. Just fixing bad water is not the issue. Protecting our water systems and being able to actually develop an economic development strategy that includes safe drinking water and waste water management should also be part of the economic development strategy for first nations.

● (1635)

Mr. LaVar Payne (Medicine Hat, CPC): Mr. Speaker, I would like to ask the member a question and talk about safe and reliable drinking water and the increased capacity that we have.

I am quite amazed that it appears that the member opposite and the Liberal Party are prepared to oppose this bill, in clear contradiction of the motion that the Liberal Party put forward and that was carried unanimously in this House of Commons. I am wondering how she can square that.

I would also like to speak about the circuit rider training program. It is an important first vehicle for first nations operators to receive ongoing training and mentoring on-site. Since 2006, Aboriginal and Northern Affairs has increased funding from about $5 million to $10 million per year to hire more trainers. There are currently perhaps only 65 circuit trainers working for first nations across the country.

However, I would first really like to know how the hon. member is going to square that circle I mentioned.

Hon. Carolyn Bennett: Mr. Speaker, I will repeat the motion for the member:

> That the House call on the Government of Canada to address on an urgent basis the needs of those First Nations communities whose members have no access to clean, running water in their homes....

That actually means money. It means there must be the dollars for the infrastructure, the water treatment and the waste water plants, as well as the training that is required.

The 2012 federal budget did not deal with the billions of dollars that the federal panel said was required to fix this problem. We will see what happens when it comes to the committee. However, I was clear with the minister from September of last year that without some commitment to the money it will take to fix this problem, it will be very difficult for us to support this raining down of legislation: thou shalt do this and thou shalt do that, with no money to support it at all from the government.

[*Translation*]

The Acting Speaker (Mr. Bruce Stanton): Pursuant to Standing Order 38, is my duty to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Thunder Bay—Superior North, Telecommunications; the hon. member for Gaspésie—Îles-de-la-Madeleine, Fisheries and Oceans.

Mr. Jonathan Genest-Jourdain (Manicouagan, NDP): Mr. Speaker, I would like to note that I will split my speaking time with my colleague, the member for Algoma—Manitoulin—Kapuskasing.

My speech will concern the bill respecting the safety of drinking water on first nation lands. And I would emphasize "first nation lands". The French version of the bill is quite ambiguous about this. Does the expression "terres des premières nations" also include traditional lands? I will come back to that later.

This bill is an opportunity for me to expand on certain concepts outlined in my previous speeches that deserve to be explained in clearer terms for all Canadian citizens as a whole.

I will apply the principles of feedback here. Some of my colleagues, constituents and employees have told me that my way of speaking may seem arcane at times. This is something of an occupational hazard since I spent two years working for my band council on consultations about private cottage leases with Quebec's department of natural resources and wildlife. I subsequently taught at the college level and gave a course on legal and administrative aspects of aboriginal organizations. That has necessarily had an effect on the way I speak. Sometimes people may feel a bit lost as result of the terms I use, including "Indianness", "fiduciary relationship" and "fiduciary obligation". Today I will take stock and try to express those ideas in simpler terms. This is where we stand as a society. The general public must understand that, if we have to deal with legal texts that aim to circumvent those obligations by indirect means, that has something to do with all these subtleties surrounding the aboriginal question.

Certain concepts of aboriginal law should be explained since the bill before us is worded in a roundabout way that suggests there has been some recurring intrigue in the study of recent Conservative legislative initiatives respecting first nations.

Over the past year and a half, I have observed that a number of initiatives to amend the Indian Act, or matters specific to aboriginal identity in this country, have been designed to divide up the crown's current obligations toward aboriginal communities. This is quite distressing since, in many cases, those matters are entrenched in the Constitution. From the moment they concern identity issues, they are "Indianness" issues and issues that fall under the fiduciary relationship that must exist between the crown and aboriginal people. These are matters for the courts. The Supreme Court has staked it all out, through case law in particular; it is not codified. The ins and outs of this fiduciary obligation, of the fiduciary relationship, are not codified. However, they are clearly marked out. Many judges have adopted positions on these matters. We must examine the case law in order really to take stock of the scope of this fiduciary obligation.

Today I will try to explain it all in simple terms. From the moment an initiative, whether a legislative or a field initiative, is brought forward by the government and can interfere with title, traditional activities and aboriginal identity issues, it becomes an obligation issue, a fiduciary relationship issue. The government has a duty to adopt a rigorous principle of precaution and avoid affecting or unduly altering that relationship and matters that are entrenched in the Constitution. "Indianness" issues are all identity issues of the communities and of the Canadian government.

Coming back to matters specifically pertaining to drinking water, surface water and groundwater, I see from this bill that the Conservatives are trying to distance themselves somewhat from that obligation. This obligation falls, first and foremost, to the government. As is the case for Canadians as a whole, access to drinking water is a government obligation.

The aim of this specific bill is to make regulations that will ultimately transfer the entire burden to the communities, without—and this is worth noting—granting the necessary management budget and without any concern for water quality or damage to the water table.

● (1640)

Ironically, in 2012, the Conservatives are in the spotlight for approving a number of mining and forestry sector initiatives. Inevitably, those initiatives most often involve traditional first nations lands across the country. In communities that live in remote regions and in most cases return to those traditional lands, which have been theirs for more than 20,000 years—they have visited every square centimetre of them—there is a special relationship with drinking water sources on the land.

If the water table is damaged and the quality of surface water sources is no longer good, that is often related to this development, to these explorations. From the moment you carry on mining exploration—you drill and remove and analyze an ore sample—there is a real chance the water table will be affected.

If the Conservative government is trying to distance itself today, that is no doubt because it knows perfectly well that the intrigues involving the communities' traditional lands are linked to the lack of quality, to a damaged water table and to the often fair or debatable quality of surface water.

That is why I suspect the government, today, of trying to offload the responsibility onto the communities which, at the end of the day, have to deal with the radon gas contaminated water. It is just an example, but it is a relevant example that concerns my own riding.

In this particular case, it is clear that the relationship with the freshwater sources located on traditional lands is one of the first nations' bastions of identity.

This unilateral initiative violates the principles of the Crown's fiduciary responsibility, which describes the contribution of aboriginal peoples to the development of measures that have a major impact on the ancestral rights, titles and interests of the first nations. When I refer to fiduciary relationships, and fiduciary obligations, I should point out that this, too, is tied to this notion.

It means that governments, before considering and instituting measures that may hamper the traditional activities of communities and violate their identity and their rights—both treaty rights and ancestral rights—must, first and foremost, ensure that communities are involved, which is not the case here. Once again, this is a unilateral initiative. It has been decried internationally. Canada has been exposed in this matter.

I humbly submit that all of these initiatives are destined to fail as long as the first nations are not on the front lines, because these decisions must, ultimately, be the fruit of their reflection, and must be implemented by them.

In this instance, the government is trying to shirk its responsibility and distance itself from negative perceptions associated with its failure to take charge of issues that are its exclusive responsibility.

● (1645)

Ms. Élaine Michaud (Portneuf—Jacques-Cartier, NDP): Mr. Speaker, I would like to congratulate my colleague on his very eloquent and very complete speech. I think our colleagues on the other side will have learned much from it.

I think clean drinking water is a fundamental right. My colleague may have heard of the municipality of Shannon in my riding, which has had to deal with contaminated water problems and needed substantial federal investments in order to get access to a potable water system.

Why is the government not investing in first nations communities, when they have a significant problem—even worse than in my riding—when it comes to access to drinking water?

I would like to hear more from my colleague on that question.

Mr. Jonathan Genest-Jourdain: Mr. Speaker, I thank my colleague for her question. I will tell her now that the cost, in both financial and human terms, for remediating many surface water sources and water tables, is enormous at the present time. I think the Conservatives are starting to realize this today. There are analyses that have been brought to their attention.

Most often, these water sources, water tables and surface water sources, are located on traditional lands. The Conservatives know very well that their fiduciary duties mean that at this time, it is the people in power who have to make sure that services are delivered to the public and that the public has access to that water.

I know of communities very close to here, in Pontiac county, that simply cannot drink the water in their homes because the level of radioactivity exceeds all relevant standards. These are heavy costs, and they are the result of negligence that has gone on for decades, and today we can see the result. That is why the Conservatives are trying to distance themselves and shift the burden onto someone else.

[*English*]

Mr. David Wilks (Kootenay—Columbia, CPC): Mr. Speaker, as the member sits on the aboriginal affairs committee with me, he would know that in the past two years our Conservative government has put forward $338 million toward first nations water and waste water systems. That is a significant amount of money. He would also understand that this money needs also to have first nations' buy-in for those systems to be put in.

Would the member agree that our government is working toward access for first nations to clean water and waste water systems but that it requires the first nations to buy in to the process and that we cannot force a first nation into it?

[*Translation*]

Mr. Jonathan Genest-Jourdain: Mr. Speaker, I thank my colleague for his question.

There are always numbers to be cited regarding massive investments, but I would say that what is being done at present is damage control. That money could have been invested differently people's quality of life had come first, rather than mining and industry agendas. We might not have needed to invest hundreds of millions of dollars in filtration systems for remediation and to ensure that people are drinking clean water in those areas.

If there had been better oversight of resource development initiatives, perhaps we would not be in the situation we are in today. If there had been better oversight of the impact of illegal occupation of the land for decades, we would not be where we are today. The negligence of the Conservatives today is cited as the problem, but the negligence of many others, before that, has also contributed.

The negligence has piled up over the years, and today we have this utterly deplorable result. If efforts had been made from the outset, there would be no need to invest hundreds of millions of dollars in water remediation and treatment in 2012.

● (1650)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, late last fall, the interim leader of the Liberal Party brought in a motion for an opposition day, where we would recognize the importance of having clean running water for all Canadians. If memory serves me correctly, all members of the House voted in favour of that motion.

Given the very nature of the importance of having access to clean water, to what degree does the member believe the government is making it a priority issue, considering the fact that the House itself voted in favour of a motion that virtually said this is something we have to do?

[*Translation*]

Mr. Jonathan Genest-Jourdain: Mr. Speaker, I thank my hon. colleague for the question.

On the face of it, the government is going to say all the right things. It will say that it is crucial that first nations have access to clean drinking water, just as every other Canadian does. However, it will be their actions in 2012 that will be lacking, given that really fixing the problem would be extremely costly, not to mention the human resources that would be needed, often in very remote regions. Common sense must prevail, and the Conservatives will have to give in and listen to the fact that fixing the situation is crucial and that access to clean drinking water is a fundamental right that belongs to all Canadians.

It is an enormous undertaking, and even with the best intentions in the world, so it will remain until fundamental changes take place in industrial practices and in social intervention, and until water quality is monitored in these communities, which are often remote.

[*English*]

Mrs. Carol Hughes (Algoma—Manitoulin—Kapuskasing, NDP): Mr. Speaker, I am glad to join the debate today on this bill, but it is not because this is a good piece of legislation. It is a bill that misses the mark on an important issue.

The legislation concerns itself with a basic human right: the right to safe, sufficient, affordable drinking water. For too many in this world, that is unattainable, but while it might be tempting to think that struggle is the stuff of distant and impoverished nations, it is difficult to admit this is a challenge in many Canadian communities. It is even more difficult to admit how many of those—in fact, a disproportionately large number of them—are first nations communities.

For a country blessed with the freshwater resources of Canada, it should be unimaginable that this is the case. Yet here we are today debating a bill that seems more interested in pursuing a Conservative view of how first nations should be run than dealing with the actual problem. Bill S-8 is long on prescriptions and predictably short on resources to back them up, which helps explain, in part, why this is a problem that persists.

What we have is another in a series of bills that excuses the government from its primary obligations to first nations while subjecting those communities to substantial risk, significant financial burdens and a patchwork of provincial standards for the delivery of safe drinking water. What this bill does not do is adequately address the needs of first nations to build capacity in order to develop and administer water and waste water systems on their lands.

This bill would provide for federal regulations to govern drinking water, water quality standards and the disposal of waste water in first nations communities, which sounds good enough, but we will see that the devil is in the details, like the way it leaves communities on the hook for existing problems they may not have created, even if what they really want to do is start over in an attempt to get things right.

Some of the items covered in this legislation are the training and certification of operators for drinking and waste water systems; source water protection; the location, design, construction, modification, maintenance, operation and decommissioning of drinking water and waste water systems; drinking water distribution by truck; the collection and treatment of waste water; the monitoring, sampling and testing of waste water and the reporting of test results; and the handling, use and disposal of products of waste water treatment.

As I mentioned, these regulations may incorporate, by reference, provincial regulations governing drinking and waste water in first nations communities. What is not mentioned is that those regulations are not uniform, which could lead to unequal burdens for communities for what is primarily a federal responsibility.

The Expert Panel on Safe Drinking Water for First Nations expressed concern about using provincial regulations, claiming it would result in a patchwork of regulations, leading to some first nations having more stringent standards than others. Incredibly, the regulations in this bill would overrule any laws or bylaws made by a first nation. This is becoming old hat for the government. It has an insatiable capacity for paternalistic measures when it comes to first nations. That goes hand in hand with the seemingly uncontrollable urge to shortchange first nations with crippling cutbacks, as we saw recently with tribal councils. In keeping with the Conservatives' desire to excuse themselves from federal responsibilities, this bill would limit the liability of the government for certain acts or omissions that occur in the performance of their duties under the regulations the bill sets out.

As I mentioned at the outset, safe drinking water is a basic human right. For many first nation communities, adequate access to this has been a well-known problem for more than a decade.

This is not the first crack the Conservatives have had at this issue, either. What is unfortunate is how this really is not any better than the previous attempt.

The other place has sent us a similar piece of legislation that also tried to undermine the primary responsibility of the federal government when it comes to first nations. We have already seen the preference to employ the mishmash of provincial regulations on water safety instead of determining an even and consistent set of regulations, regulations that should have been arrived at in consultation with first nations instead of by unelected and unaccountable professional politicians in the other place. Perhaps if there were a few people involved in developing these regulations who would ultimately have to use them, we might be debating a bill with a little more merit to it.

I would not want anyone to think that New Democrats do not appreciate the need to address inadequate water systems or to improve standards in what can only be viewed as far too many communities for a country as rich as Canada. We understand the connection to health and economic well-being that flows from safe, dependable and affordable water. It is this legislation that is missing the mark.

● (1655)

For example, this bill would make first nations liable for water systems that have already proven inadequate, but has no funding to help them improve those deficient systems. Even if the first nation wants to build a replacement that would better suit their needs, it has to maintain their old and often costly systems at the same time. It is a case of "Sorry, you're stuck with it, and it's a money pit". In that respect, this is a recipe for failure.

Then there is the end run on aboriginal rights that is written in to the bill. It is a seemingly innocuous statement that sets a terrible principle. By adding the words, "except to the extent necessary to ensure the safety of drinking water on First Nation lands", the previous clause that states nothing in the bill may be taken as abrogating or derogating from aboriginal or treaty rights is negated.

I want to state that is a Conservative view of how relations should be pursued with first nations and bears no resemblance to the New Democrat belief that the relationship between Canada and our first nations should be rooted in a respectful nation-to-nation dialogue on matters like this.

It is a relationship that should grow out of a trust that is built in many ways, including through legislation arrived at as a result of thorough consultation and not as the product of a patriarchal view of how things could be better when viewed through the narrow lens of red and black ink on a ledger sheet.

New Democrats believe that regulations alone will not help first nations people to develop and maintain safe on-reserve water systems. They need crucial investments in human resources and physical infrastructure, including drinking water and sewage systems, and adequate housing. It is naive to think this can be achieved on the cheap.

In the riding of Algoma—Manitoulin—Kapuskasing, Constance Lake First Nation's water supply has been through a state of emergency. Its traditional water source has been contaminated by blue green algae, which resulted in a shutdown of the community's water treatment plant. After drilling two new wells, it is off boil water advisories for the first time in years, but it requires a new system to ensure quality and to meet its growing demand. Under this legislation, it would be liable for the old system while it tried to build a new one.

I want to reiterate the importance of safe drinking water. I would encourage all members to take a few moments to become familiar with the good work of the Safe Drinking Water Foundation. Its excellent website is a treasure trove of information and includes this language with respect to the challenges we are discussing today:

> While it is hard for many rural communities to provide safe drinking water, the situation in First Nations communities is especially difficult. Since 1995, a number of reports have highlighted the unacceptable situation in these communities. Health Canada still tells approximately 120 communities to boil their water and Indian Affairs says that there is a good chance that water systems in 85 communities could break down. Without a proper regulatory framework and enough resources, First Nations will continue to face this risk to public health. We work with First Nations to improve public policies to make sure that First Nations get the systems and resources they need.

I would have the government note the reference to working with first nations and the need to provide resources to go along with the proper regulatory framework.

Ultimately, the Safe Drinking Water Foundation sees the challenges for what they are, that what is really needed is for the government to sit down with first nations in a peer-to-peer manner and work together to develop a kind of regulatory framework that will ultimately change the circumstances for many first nations.

While the government is able to ram through legislation, that should not be its goal, especially for issues as important as this. If the government is able to go back to the drawing board, undertake the necessary consultation to legitimize the process and draw up legislation that reflects as much, it will be better received on the opposition benches and, more important, among Canada's first nations.

I want to also mention that the Chiefs of Ontario, the Nishnawbe Aski Nation, the Assembly of Manitoba Chiefs and Treaty 7 first nations in Alberta have signalled continued concerns with the proposed legislation, signing among others the need to address infrastructure and capacity issues before introducing federal regulations.

It is not only the opposition that is against this legislation; it is first nations that would actually benefit from better drinking water. They know this is not what they need. They need actual resources.

● (1700)

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, I want to go back to the drinking water advisory notices. When we have a situation on a reserve where the quality of the water is questioned, these drinking advisories go out. Members might be surprised to know that back in September 2012 well over 100 of those advisories were issued for on-reserve quality of water related issues.

That is one of the reasons why I believe this chamber needs to give more attention to the issue of good quality drinking, running water for all Canadians.

Would the member comment on the serious nature every year when so many communities are given these drinking water advisory notices because of inadequate or water of poor quality?

Mrs. Carol Hughes: Mr. Speaker, I appreciate the member's comments with respect to the advisories. It is truly a sad day, and there have been a lot of sad days, when we see so many advisories going out.

However, it is not just about the advisories. In April 2011, and let us just look at that piece because those are the specifics I have right now but I know this continues on, 1,880 first nations homes reported no water services and 1,777 reported no waste water services. We can see that the infrastructure within our first nations has been lacking for quite some time. I would have to remind the member that the Liberals had 12 years to do something about and they did not.

I did also want to add a couple of things. I mentioned Constance Lake First Nation, which is one of the first nations in my community. It has had serious issues with its water. I spoke about mercury poisoning last night during my late show. That continues on. Health Canada indicated that it was not a problem. Even the Minister of Health said that there was no issue for them to drink its water.

This is what Constance Lake First Nation have in one of its newsletters right now. It said that Health Canada had said the water was good to drink, that it was safe. The newsletter adds that this is still not believed because tea is still black in colour on top of pots and kettles. It says that the high levels of manganese and iron in its new water are causing these visual changes in tea. The first nation has questioned whether that water is still good to drink.

● (1705)

Mr. Greg Rickford (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, for the Canadian Northern Economic Development Agency and for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I appreciate this opportunity and I appreciate the work this member does with us on the committee. I want to raise two things as briefly as I need to be.

First, this whole notion of a lack of consultation is just foolish. Even before I was elected, in my capacity in two different professions, which were almost totally invested in first nations communities, I have never seen a government so thoroughly walk lock-step with first nations leadership across the country from coast to coast to coast since 2006 with the AFN, with community leadership.

I was working with community members to help draft reports for this national consultation. Frankly, there has not been legislation so thoroughly consulted with its constituents.

Further to that, with respect to the aboriginal treaty rights the hon. member raised in her speech, I remind her that Bill S-8 addresses the relationship between legislation and aboriginal treaty rights under section 35 of the Constitution Act and it will not infringe on aboriginal and treaty rights, other than to the extent necessary to take health and safety measures to protect the source of drinking water.

I hope she can grasp the technical dimensions of that and the important and prevailing help—

The Acting Speaker (Mr. Bruce Stanton): We will give the hon. member for Algoma—Manitoulin—Kapuskasing some time.

Mrs. Carol Hughes: Mr. Speaker, we have to question with respect to consultation. We are getting emails, we are talking to the chiefs and they are telling us the same thing, that they are not being consulted.

When the government says that it is consulting, it is specifically picking on who it wants to consult with to get the point of view for which it is looking.

Just on this note, I could turn around and ask the questions. If the hon. member wants to make a speech, he is more than welcome to make it. Why is the government refusing to invest in safe drinking water for aboriginal communities, despite the recommendations of a government-commissioned study and the recommendations of its own expert panel? This is the question that needs to be answered by the government.

[*Translation*]

Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP): Mr. Speaker, I would like to inform you that I will be sharing my time with my colleague, the member for Rivière-des-Mille-Îles.

I will start by quoting Shakespeare, who said, "Much ado about nothing". Clearly, with regard to drinking water, we have a collective obligation to achieve a result. It is not enough just to talk about it; we actually have to do something about it.

We have before us a bill that comes from the Senate, which in theory embodies wisdom and experience. However, this Senate is asleep at the wheel. They only wake up at about the same time as my colleagues in the Liberal Party. The Liberals were in power for 12 years, and now that they are in the opposition, they realize there is a problem with drinking water. It is sad to say, but it is astonishing to see how some people are concerned about problems not when they are in a position to solve them, but only once people have withdrawn their support. The current Conservative government policy is based on the policy that was developed by our colleagues in the Liberal Party.

There are people who do not deliver on their mandate, and who never deliver on their mandate. They only want to talk about these problems once they are in opposition. For example, the 2% increase on spending on higher education was introduced by the Liberal Party. It would be interesting if, one day, the Liberal Party actually put their money where their mouth is. They should stop saying one thing and doing another. That would solve a lot of problems.

Unfortunately, Canada as a whole is affected by this record of failure, and this is the main problem. There is an old proverb that says, “Charity begins at home”. In the future, Liberal policies will have to be distinct from Conservative policies, once they are in power. The record on the whole range of aboriginal issues is a disaster on every point right down the line, and drinking water is only one problem among many.

Infrastructure is not tailored to suit the needs of the aboriginal communities. It is deteriorating while the first nations population is experiencing its highest growth rate ever. This is not a problem that will diminish, but one that will intensify over the years. People on reserves are living in third world conditions. They are living in third world conditions here, in Canada. In a country that claims to be rich and developed, we allow a part of our population to live in conditions that are comparable with those in the third world. This situation is the result of a long-standing lack of political will.

Support for education is very low. We talked about it again this fall. The government talks about it, but perhaps it should stop introducing Senate bills and private members' motions and actually decide to take action on education.

I would like to bring up a particularly important point and say that education is probably the best way for people to lift themselves out of poverty and to participate fully in the prosperity of this country. This is important to note.

Access to health care is difficult and sometimes there are no health care services. Aboriginal communities have the highest rate of suicide in Canada. More attention must be given to health care and prevention. All this results in an extremely high unemployment rate and grinding poverty, and leads to exclusion. It makes me wonder whether so much negligence is perhaps not race-related.

If there were no drinking water for a week in a neighbourhood in my riding, there would be a riot, and the whole of Parliament would support me in finding a solution to the problem. In this example, I am talking about a drinking water shortage that lasts just a few weeks, but in aboriginal communities it is a problem that has gone on for years and years.

● (1710)

It is obvious that Parliament is still at the discussion and research stage. That is where the problem lies.

We are dealing with a government that invites white supremacists to speak before the Standing Committee on Citizenship and Immigration. We can only imagine what it will do with petitions from aboriginal peoples. They are the government's lowest priority, and it shows.

I invite everyone here to observe the reaction of the Conservatives when aboriginal communities appear before the Standing Committee on Finance. They ignore them, barely listen to them, are paternalistic and behave in a haughty manner towards them. The problem with fine speeches is that "words are wasted on a hungry man". We suggest that the government "deliver the goods". Once it does that, we might be able to listen to its proposals a little more attentively. Credibility is something that has to be built.

Since 1911, there has been a long string of reports, including one on aboriginal communities and their right to a water and sewer system. The report stated clearly that a substantial financial commitment would be necessary for the development of infrastructure and that it would cost $4.7 billion over 10 years to meet the needs of the community. An amount and an objective are clearly stated: it will cost this much for drinking water and for sewer systems.

In response to the urgent need to invest $1.2 billion, the government committed to paying $330 million over two years, in 2010, and nothing in 2011. It simply threw in the towel. It is all very well to talk about projects, but promises must be kept. The funds need to be available, but they are not. It has been claimed that efforts were made in the past, but they were clearly inadequate and did not continue.

This leads us to ask an important question. Are the Conservatives really in power to serve Canadians? Providing drinking water to Canadians ought to be a government priority, because the government should care for its citizens. But no, they do not see the urgency of the situation.

I can guarantee that if there were ever a shortage of drinking water somewhere in a Conservative riding, the Conservatives would not talk about it for six years before taking action. Things would move more quickly. Studies carried out over a 10-year period have shown that first nations communities do not have access to drinking water. This is not exactly news.

The bill includes the following words:

> [...] to the extent necessary to ensure the safety of drinking water on first nations lands.

It was a United Nations priority. The problem is that the current government pays about as much attention to the United Nations priorities for aboriginal peoples as it does to aboriginal peoples themselves.

The results have been disastrous. Let us not forgot that the government, in fact all parliamentarians and the people of Canada, have an indisputable moral obligation as human beings to provide assistance to anyone who is in danger. It is even mentioned in the Criminal Code. Unfortunately, when aboriginal people are involved, this moral obligation disappears.

As a people, If we deny assistance to others in need, we become accomplices to genocide. It is morally unacceptable and amounts to throwing in the towel. The NDP refuses to do so, and to be a party to the inaction of far too many previous successive governments.

It is a debate that we, the NDP members, will engage in once we are in power. We will deliver the goods.

● (1715)

[*English*]

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Mr. Speaker, it is interesting that the New Democratic members choose to throw stones in glass houses. I would refer to a report of the Assembly of Manitoba Chiefs related to the flooding of massive amounts of water. On April 3, 2012, a class action was commenced against the government of Manitoba—that being NDP of course—for damages suffered by members of the first nation residing on several different reserves that the flood cut through.

It says that the members of the first nation allege that the government of Manitoba breached their treaty rights to use and occupy the reserve lands and that they are in a position that, once they were evacuated by the government of Manitoba, Manitoba breached its fiduciary duty to provide them with adequate accommodations, medical care, schooling for their children and dietary needs. This is the NDP government in the province of Manitoba.

When the member tries to say the Liberals could have done something, we are trying to address the issues of today. Will the member not acknowledge that today there is a very serious issue regarding water quality and attempts to ensure there is running water in all of our communities across Canada? In fact the leader of the Liberal Party brought in a motion to that effect, which all members of the House supported. All political parties need to pick up and do what they can to deal with this issue as opposed to trying to politicize—

[*Translation*]

The Acting Speaker (Mr. Bruce Stanton): Order, please. We must allow time for the answer.

The hon. member for Marc-Aurèle-Fortin.

Mr. Alain Giguère: Mr. Speaker, I will say it again: governments must put their money where their mouth is. Governments have never delivered the goods. There comes a time when we must produce results. There is more to results than just talk. It takes more than just scribbling on a piece of paper from the Senate and calling it legislation. We must deliver the goods.

Unfortunately, whether the issue is drinking water, housing, access to education, access to economic prosperity or anything else, Canada as a country has never delivered the goods, and that responsibility falls to all politicians.

● (1720)

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, I would like to thank my colleague from Marc-Aurèle-Fortin for his excellent speech. I share his outrage at this government's highly paternalistic attitude toward first nations.

As the hon. member mentioned, the lack of infrastructure is a major problem.

Could he comment on the shortfall regarding how much this government has invested in infrastructure for first nations reserves?

Mr. Alain Giguère: Mr. Speaker, there used to be an agreement between first nations and the Government of Canada: the Kelowna accord, which provided for a $1 billion investment every year. Had we had that money, we could have started solving the problem long ago. Funding is severely lacking now.

Moreover, reports from experts—including the government's own experts—show that we need an additional $4.7 billion for infrastructure, including water systems and drinking water. That is significant.

On top of that, this government has the unfortunate habit, when criticized by a band council, to put that band in trusteeship. We saw a sad demonstration of that approach to the housing situation in Attawapiskat. We can hardly speak of negotiating infrastructure issues when one party acts as judge, jury and executioner.

The Acting Speaker (Mr. Bruce Stanton): Before I recognize the honourable member for Rivière-des-Mille-Îles, I must inform her that I will have to interrupt her at approximately 5:30 p.m. at the end of the time provided for government business.

The hon. member for Rivière-des-Mille-Îles.

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Mr. Speaker, I am pleased to rise today on Bill S-8 concerning the safety of drinking water on first nation lands.

Essentially, the bill provides for the development of federal regulations governing the supply of drinking water, water quality standards and the elimination of wastewater in first nations communities.

It also stipulates that these regulations may incorporate, by reference, provincial regulations concerning drinking water and wastewater in first nations communities. Access to drinking water is crucial to the health and safety of all Canadians, including the 500,000 people spread out among approximately 560 first nations.

Access to drinking water is also closely tied to the economic viability of various communities. For the past 10 years or more, studies have shown that many first nations communities do not have adequate access to safe drinking water. On September 30, 2012, 116 first nations communities across Canada were subject to an advisory regarding the quality of their drinking water.

In April 2011, the Minister of Aboriginal Affairs and Northern Development estimated that 1,880 aboriginal households did not have running water and that 1,777 households did not have sewage services. In total, 807 water systems serve 560 first nations. It is estimated that a quarter of the water systems in first nations communities present a potential risk for the health and safety of the consumers.

I would like to speak briefly about the sharing of responsibilities in the area of water management. On first nations reserves south of the 60th parallel, the responsibility to guarantee the safety of drinking water is shared among first nations communities and the federal government. The chief and council are responsible for the planning and development of facilities that meet the needs of the community, especially in the supply of drinking water.

Aboriginal Affairs and Northern Development Canada provides funding for the supply of water and its associated infrastructure, in particular for the construction, modernization, operation and maintenance of water treatment facilities on reserve. The department also provides financial support for training purposes and for the issuance of facility operator certificates.

In this debate, it is important to stress that the crux of the problem has to do with under-investment by the federal government. According to a 2011 independent evaluation on water and sewage systems in first nations communities, $1.08 billion would be required to bring existing water and sewage systems in compliance with federal guidelines and protocols, and provincial standards and regulations.

It will also be necessary to put about $79.8 million into work that is not related to construction, such as training operators and preparing plans for protecting water sources and emergency response plans. In total, it will cost $4.7 billion over 10 years to guarantee that the first nations communities' water and wastewater system needs are met. That one-time investment of $4.7 billion is in addition to the regular operating and maintenance budget, estimated at $420 million a year.

When we consider the extent of the need, it is easy to understand that the Conservative government's recent investments amount to only a drop in the ocean. We also have to understand that access to drinking water involves investing in infrastructure, but also funding the science and the regulation.

Drinking water has to be stringently managed and regularly analyzed to ensure that it is safe and to protect public health. The provinces have put legislation and regulations in place to secure their drinking water distribution systems, but those do not apply on reserves.

Health Canada is responsible for ensuring that drinking water quality monitoring programs are in place and has to collaborate with the provinces and territories to make recommendations about drinking water quality in Canada.

● (1725)

Environment Canada is responsible for developing standards, guidelines and protocols for wastewater systems located on federal or aboriginal land, as defined in the Canadian Environmental Protection Act.

These same departments, which are responsible for conducting water management studies based on rigorous scientific standards, are engaging in mass layoffs of dozens of scientists because of the Conservative government's budget cuts.

It must be noted that over 1,500 federal government professionals and scientists represented by the Professional Institute of the Public Service of Canada were informed this week that their positions will be affected by the government's irresponsible budget cuts.

Two thousand professionals represented by the Professional Institute of the Public Service of Canada, including 100 at health Canada, received a work force adjustment notice when the 2012 federal budget was tabled.

As well, in the Public Service Alliance, it is estimated that 1,200 unionized positions will be affected by the cuts at Health Canada and Aboriginal Affairs and Northern Development Canada. In short, the Conservative government's budget cuts could reduce oversight.

In 2005, however, the Auditor General of Canada said that in most first nations communities, drinking water was analyzed less often than required under the recommendations for drinking water quality in Canada.

Why does the Conservative government want to set us back 10 years by making cuts to science and oversight?

In March 2012, I had the opportunity to participate in the showing of Wapikoni mobile in Boisbriand. This is an excellent travelling audiovisual creation project that criss-crosses aboriginal communities in Quebec to give young people an opportunity to tell their stories on film and in music. It is an excellent project, and one that has unfortunately been cut by the Conservative government.

In short, the NDP recognizes that the water supply systems are jeopardizing the health and welfare of the first nations.

But we also find it unacceptable that Bill S-2 proposes only to transfer responsibility for water supply systems to the first nations without giving them the resources they need in order to acquire adequate systems that meet their needs.

Like most first nations organizations that have spoken to this, and I am thinking in particular of the Assembly of First Nations, the Chiefs of Ontario, the Nishnawbe Aski nation, the Assembly of Manitoba Chiefs and the nations that have signed Treaty 7 in Alberta—

● (1730)

The Deputy Speaker: The member will have two minutes the next time if she wishes to finish her speech.

It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

REFLECTING THE REALITIES OF CANADIAN ARTISTS ACT

The House resumed from September 26 consideration of the motion that Bill C-427, An Act to amend the Income Tax Act (income averaging for artists), be read the second time and referred to a committee.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, this is something that has been talked about for quite some time. Actually, it was in practice in a general sense back in the 1970s and 1980s. I believe that it was discontinued around 1987.

I want to congratulate the member for Jeanne-Le Ber for bringing this forward. It is a comprehensive bill. I said to him that when one amends the tax code this way and uses the formula to do it, there are probably only about five people who could truly understand how the formula works and those five people should probably be locked away. It is comprehensive, no doubt, but nonetheless it is something that is necessary. I congratulate the member because he did some fine work in the legislation.

Before getting into the discussion of the actual bill, there are several things in it. This is something for the arts industry in this country, for people who create, who disseminate material from their own imaginations. The dissemination process today is not what it used to be. It is far more instantaneous. We are not even getting into talking about copies anymore. Now it is all about clouds and instant access for the world.

It is difficult for artists nowadays to recoup their investment in their own work, whether through music, through art, productions, plays, movies and so on. This would allow, through the tax code, these people to actually make a living or at least get them to the point where they could make a better living and reap the benefits of what they do. That is because of the nature of what they do and how they are able to receive remuneration.

If we think about this for a moment, authors spend roughly three to five years writing a book. I am not an author but I assume three to five years is in the ballpark for a major novel. All of a sudden, they publish it and it is out there in the market. If they are lucky the book gets on the bestseller list for a period of two or three months and the income comes in dramatically, and most of it during that period. Then the book goes to paperback and then to digital, and slowly but surely, the amount of revenue received from it dwindles.

However, all that money that is received in income falls into one taxation period. If artists receive all revenues from their created work in one year, obviously they will be taxed at a higher level than if the income were spaced over three to five years. If this were treated like a normal job in the world of taxation, people would be taxed over the period that they worked on it, three to five years or maybe more.

There is an unfairness in this. There are other industries where that is the case. There used to be a situation where we could apply this principle to the general public, but we no longer do that. It was changed because the tax code was simplified in the late 1980s and the difference in rates between the top and bottom were not as great, so that concept was thrown out because it was said not to be as beneficial.

It is beneficial for certain industries to this day and this is one of those industries. It would allow artists to average their income over a two- to five-year period. We can debate and amend as to what that number would be, but certainly the principle is sound in the sense that artists could amortize income over a certain period of time that reflects the amount of work put into the body, as opposed to all the money they have received in a short period of time. That is simply the nature of the business.

Income averaging is a concept that dates back to agriculture and to the fisheries as well, where people get an incredible amount of money in a short period of time and try to average that out. Luckily, we have government programs to help them do that. Fisherman's EI is another example of that. It is not called income averaging, but that is essentially what they are doing. They get an average income over the course of the year instead over a short period of time.

● (1735)

Many of these projects, when it comes to the artistic world, reflect that nature. There may be a project that goes year over year. That is fine. The bill does not affect those people who are getting a steady income. However, what it does do is even out income for those who are on their own.

Let us face it, artists in our country are on their own, doing their own thing. Not only are they artists but they have to become financial analysts and tax people. It is difficult for them to follow all the rules, given that there are so many rules around what they do because they are pretty much on their own. It is expensive to hire a taxicab. What we see reflected in the bill is fairness in the tax system.

I may have neglected to mention it and members may have figured this out, but I will be voting yes to this particular bill, just in case I gave anyone the wrong impression.

The number of stakeholders who agree with this all over the artistic community is phenomenal. This is why we have been talking about this issue for quite some time. The stakeholders have talked about this ad nauseam. The individual who brought the bill here is an artist. I have seen him in movies. He is good at what he does.

Stakeholders who support the bill are: the Canadian Federation of Musicians, ACTRA, the Independent Media Arts Alliance and the Canadian Conference of the Arts. These are broad umbrella groups that give the bill a lot of support.

The angst from all this, as I am sure members will hear, is whether we can do it for this one group and not do it for the others. Someone once said to me that if we cannot do it for all, we should not do it for any. Does that really make a lot of sense? What about when Saskatchewan created medicare? Would the federal government at the time have said it could not do it because if it did it for one province it would have to do it for the rest? We did do it for the rest. It took one province to show leadership and do it.

By being a leader on this particular issue, the arts community could be the leader and open it up for others. Granted, it could be an expensive endeavour. We realize that. In a time of austerity we have to keep that in mind. However, it is certainly one of those things where we should allow these people to continue to make a living at what they do.

The other thing is to look at how many of our talented people go south of the border. Would income averaging allow these people to have a better life in our country and they would not have to go south of the border, particularly actors and performers? The numbers are out there. I think it would. Some people could argue that it would not. It is hard to tell. However, it certainly gives them a better footing in our country to be able to make a living, to pay their mortgages, to pay for their vehicles and to help raise their families. That, in essence, is what this is about. It is a social concern. It is something that provides this particular community with the tax fairness it needs.

Back in the last election campaign, the Liberal Party endorsed this. This is from the 2008 election. It states:

> Support for Canada's arts and culture must also extend to support for artists themselves. That is why a Liberal government will provide income averaging for artists drawing on the inspiration of Quebec's income-averaging provisions.

There we go. We have a leader here, a province to look to for how this is done, similar to the way the Province of Quebec handled pensions and similar to the way Saskatchewan handled medicare. What Quebec represents is a vanguard to how this plan could be implemented.

As for costing, Finance Canada estimates the income averaging bill, Bill C-427, would cost the federal treasury approximately $10 million a year. That is not a lot in total spending for the government. It estimated that this measure would benefit approximately 55,000 individuals, with an average benefit of $130 or more.

We get the idea that it is not a tremendous measure. It is not a great anchor hoisted upon our federal treasury. However, it is something that would go a long way for the individual artist or artist groups who want to receive fairness from the tax system and to make a living in our country without having to go somewhere else.

I applaud my colleague for bringing this forward.

● (1740)

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, I am very pleased to speak in support of the bill.

I would like to thank my colleague, the member of Parliament for Jeanne-Le Ber, for his tireless efforts on behalf of Canada's artist community. I would also like to thank the previous speaker for his support of this bill and some of the important points he laid out.

Before I start, I should say that the member who introduced the bill has had a long and distinguished career as an independent artist. He learned first-hand how unforgiving our tax system can be for those engaged in creative enterprise.

The member has consulted extensively with the artistic community. He is determined, and I am hoping we can all support him in his efforts to enact this modest measure of promising, one could say, greater fairness to those in the artistic community.

Bill C-427 seeks to enact a form of income averaging for artists and cultural entrepreneurs under the federal tax code and to exempt from taxation a portion of their income derived from royalties and residuals.

It would allow artists, as carefully defined under the Status of the Artist Act, to average their income for the purposes of federal taxation over a period of two to five years, producing significant tax savings on a flexible scale.

It would exempt from taxation the first $10,000 in income derived from royalties, residuals and other special payments.

It would ensure greater overall tax fairness for a specialized group of taxpayers significantly disadvantaged under the existing federal tax code by the inconsistent hours of work associated with their careers and by punitively high levels of taxation in years of high earning. They are further disadvantaged by lack of access to certain government programs such as employment insurance.

The act would also stimulate a broader public debate about how government can act to appropriately recognize and valorize the cultural industry and artists who enrich our society, unify our country and represent an ever more crucial driver of economic growth, which I will talk about a little later.

[*Translation*]

Despite strong support for the arts and the existence of many highly developed and competitive cultural industries, Canada lags far behind a number of other developed countries in terms of fiscal policy actions designed specifically to support the work of artists and cultural entrepreneurs.

Due to irregular working hours and fluctuating incomes often associated with their work, artists are almost always disadvantaged both by outrageous tax rates in years where their income is high, and also by their inability to take advantage of certain federal programs, including employment insurance, the Canada pension plan and others.

Bill C-427 will give artists the small business support they need by allowing them to spread their income over a chosen period and make significant tax savings over two or five years. It will of course be possible for them to reinvest their savings in their business and for them to better provide for themselves and their families.

A number of governments, in Canada and abroad, have implemented income averaging mechanisms in order to acknowledge the particular status of certain groups of taxpayers, of cyclical or seasonal industries, whose incomes do not fit the stable and predictable formula of wage-paid work. There are income averaging models specifically for artists in dozens of European countries, including England, France, Germany, the Netherlands and other countries that are Canada's trading partners.

● (1745)

Here in Canada, income averaging models have been used on a number of occasions to provide support to our east coast fishers and to invest in resource exploration projects and in other high-risk employment sectors. In 2004, the Quebec government introduced the only permanent income averaging system in Canada.

[*English*]

Most people understand the importance of arts and culture for the dynamism, expressiveness and vitality that it offers Canadian society, but many do not realize the economic and positive impacts. In a landmark study in 2007, the Conservative-leaning Conference Board of Canada calculated the overall economic footprint of Canada's cultural sector to be greater than $84.6 billion or a staggering 7.4% of Canada's real GDP. By way of context, this means that cultural industries make a larger annual contribution to the Canadian economy than fisheries, mineral extraction and a variety of other crucial industries, accounting for over 1.1 million jobs.

Freelance artists in Canada overwhelmingly confront a situation of income precariousness. The Canadian socio-economic information management program administered by StatsCan indicates that, based on the North American Industry Classification System, the average annual income of an independent Canadian artist was only $37,476 in 2011, which is significantly less than that of tradespeople, contractors and virtually every other variety of independent employee in the Canadian economy. This is not a lifestyle of galas and soirées; it is survival, often on the very edge of the poverty line.

[*Translation*]

The measures included in Bill C-427 are completely affordable. The analysis conducted by the Department of Finance, further to the request we made to the Parliamentary Budget Officer to give a figure for the cost of the bill, determined that the total cost of the bill's implementation would be less than $25 million in deferred income tax per year.

The impact of passing the bill will be both reasonable and widely shared. Using the best information available from Statistics Canada, the Parliamentary Budget Officer calculated that some 55,000 taxpayers would probably take advantage of the income averaging provisions in Bill C-427, with an average savings of about $130 per taxpayer. Similarly, the consequences relating to the royalties exemption provision in the bill would benefit some 41,600 Canadians involved in artistic pursuits, with an average savings of about $1,500 per taxpayer. This represents real money in the pockets of real taxpayers that will be used to stimulate Canada's economy and Canada's economic recovery.

● (1750)

[*English*]

In the few seconds I have left, I want to once again thank the hon. member for introducing this bill. As was mentioned earlier, it already enjoys the endorsement of ACTRA and other major national organizations representing Canadian artists. It is a way of stimulating our economy, putting more money into our communities, supporting the arts and at the same time supporting small business. Therefore, I urge all members to support this bill.

Mrs. Shelly Glover (Parliamentary Secretary to the Minister of Finance, CPC): Mr. Speaker, thank you for allowing me the opportunity to speak to this NDP proposal to grant some preferential treatment in the area of taxes to a select few Canadians.

Before I continue, let me say at the start that our Conservative government is tremendously proud of the talent and accomplishments of Canada's artists, whether they are international stars such as Justin Bieber, Ryan Reynolds, Seth Rogan and Carly Rae Jepsen or our local stars in our community theatres like my son, handsome actor Michael Strickland, who is always a star in his mother's eyes.

[*Translation*]

The arts and artists not only enrich our lives; they also express and strengthen the Canadian identity, and that is why we appreciate and support them. By this I mean more than moral support. We have made major investments in the arts sector since 2006. The following are a few examples of these. We have established two new national museums. We have increased Canada Council for the Arts funding to an unprecedented level. We established the Canadian Media Fund to support Canada's film and television industries, and the creation of content for digital media. We have invested in cultural infrastructure. We introduced the children's arts tax credit.

We have also expanded our contributions to the arts through various initiatives in the economic action plan 2012. For example, we gave further support to museums through the Canada travelling exhibitions indemnification program, and maintained our record level of financial support to the Canada Council for the Arts in spite of the current budget situation. I am pleased to point out that these initiatives were warmly welcomed by the arts community.

The Canada Council said that it was "enormously heartened by the positive message sent by the 2012 budget and the support of the government in recognizing the Council's leadership role…This vote of confidence in the Council is a clear signal of support for the arts as the creative heart of the nation."

The Canadian Museums Association added that it was, "very pleased with this budget…museums are being identified as important generators of jobs and growth in Canadian society."

Indeed, we support and value the arts not only because they contribute culturally to Canada, but also because of their importance to the Canadian economy. The arts sector generates $46 billion in economic activity in Canada and provides jobs for more than 635,000 Canadians, twice as many as in the forest industry.

One thing is clear: the arts play an important positive role in employment and growth across Canada. They generate many jobs, help to attract investment to our communities and contribute much more as well. As we said previously, the arts are an integral part of a vigorous economy.

That is only one of many reasons why our government will continue to provide solid and full support to Canadian arts and artists through sound but affordable policies to help them compete and succeed.

● (1755)

[*English*]

That brings me to the conversation around the NDP proposal today. We have to ask if today's NDP proposal is the kind of affordable policy that would truly help the arts to grow. Would it be fair to other taxpayers? First, let us look at the issue of fairness.

While the idea of giving artists alone special tax treatment to reduce their tax bill in high-income years may sound attractive to high-income artists who would benefit, it likely would raise concerns for other taxpayers, especially those who also may see big swings in their incomes from year to year. This list would include everyone from our farmers, fishermen, real estate agents, car salesmen and self-employed contractors to seniors who may realize large capital gains, such as in the selling of a family cottage. The list goes on and on. I am sure we would all agree that, even though they work in different ways, artists and all the groups I mentioned work very hard and with dedication.

To suggest that someone's work is more valuable than another's by giving them a special tax break would not be well received and would raise serious fairness concerns. On that note, I will quote the well-known and widely respected University of British Columbia economics professor Kevin Milligan. Professor Milligan looked closely at this proposal and concluded the following:

> [T]he NDP's tax policy proposals still need some more rehearsal time....
>
> [I]ncome averaging is an extremely clumsy apparatus for supporting the arts—to the extent it would even help at all. Let the debate on support for culture flourish, but let's keep income averaging out of it.

Quite clearly the NDP's proposal for income averaging would make the tax system more complex and only benefit a select few Canadians, with questionable effectiveness. Indeed, general income averaging for all Canadians, not only for artists, was permitted in Canada at times in the 1970s and the 1980s. It proved such a policy failure then that it was phased out completely. Moreover, with reforms to the personal tax system since the 1990s, the case for income averaging is even weaker.

Again I quote Professor Milligan:

> [I]ncome averaging deserved its death, and should stay that way.
>
> First, [in the 1970s and 1980s] the averaging mechanisms became extremely complicated.... [They] added a substantial administrative burden to the tax system.
>
> Second, we don't have so many tax brackets any more. In 1971, there were 17 different federal tax brackets.... Now in 2011, with only four broad brackets, volatile income creates fewer problems.

Nevertheless, even if we were to ignore all the other policy concerns with this proposal, like its lack of fairness and administrative complexity, we would still have to consider its cost. In times like these, Canadian taxpayers want to know that their tax dollars are being used wisely and that their elected representative knows and considers the cost of any proposals he or she makes.

We have looked at the cost of today's NDP proposal, and it would be significant, in the tens of millions of dollars at a bare minimum, and likely much more depending on the take-up. We have also asked the Parliamentary Budget Officer to cost the proposal to further illustrate the significant cost.

I am somewhat disappointed to note that we had to cost this proposal because the NDP simply did not bother to do so initially. Indeed, last year, when the NDP first proposed income averaging for artists, this is what the NDP said when asked about its cost at a press conference. I am quoting the hon. member for Timmins—James Bay in a 680 News story that is still posted online for all to see. When questioned about the total costs, the NDP member could not give an answer. He simply said, "We don't have the exact number...."

No responsible Canadian family would ever consider adding something to their household budget when they did not know the cost, and they would expect the same of their MPs.

[*Translation*]

To conclude, our government will take action and will support the arts, as it has repeatedly demonstrated. But it will do so by supporting sound, effective and affordable policies.

● (1800)

[*English*]

I stand here today on behalf of the Government of Canada, saying that we respect all taxpayers equally. We expect equal treatment. That is something the NDP has said time and time again in this place. I would ask them, how on earth could they propose such a bill that would treat Canadians differently? I would suggest that they rethink this. It is not fair to most Canadians who are in the exact same situation. If one looks at the costs to include all Canadians who face this very type of situation, we are looking at significant costs that have not even been considered by the NDP member who submitted this. I would suggest it is something that ought to have been done before he got so deeply into this.

Mr. Andrew Cash (Davenport, NDP): Mr. Speaker, first of all, I congratulate my colleague from Jeanne-Le Ber for his hard work on this subject, which is very important to Canadians from coast to coast to coast and in my riding of Davenport, where we have one of the highest concentrations of artists in the country.

No doubt every one of them who is listening has taken offence to the speech we just heard from the other side. When we are talking about favouring some taxpayers over others, those guys on the other side of the aisle wrote the book on it. The Conservatives dole out heaps and heaps of delicious tax cuts to the wealthiest corporations in Canadian history, and then turn around and display once again how much they do not understand arts and culture in this country. They are still in that frame, where they think that artists go to galas and sip champagne.

I would point out to the Conservative members who represent ridings in the greater Toronto area, in Vancouver, and on the East Coast that artists are significant contributors to the local economy. They are engaged in their communities. In many communities across this country, when communities are grappling with issues such as violence, unemployment or youth disengagement, they often turn to the arts and culture sector, and the expertise that has been developed over many years in their communities by artists, for solutions to some of the more difficult community issues that we need to grapple with in our society.

I want to start there because it is clear that if the government misses this opportunity, it is just one more wasted opportunity to actually nurture this sector, which even by the most conservative accounts—and their numbers are lower than the Conference Board of Canada's numbers, and in fact about half of the latter's—has a significant economic footprint in this country.

What we need to be doing is crafting policy that nurtures and supports an emerging, stable, vibrant, middle-class of artists in Canadian society. That is not what is happening right now. I think the government likes the situation as it is right now, because it fits its neoconservative, neoliberal frame, which is either feast or famine. In the arts and culture sector, that is exactly the situation. That is one of the things this bill seeks to address.

I have sat on the heritage committee since I got here in May 2011. It is clear that many parliamentarians, and certainly many members on the government side, do not understand how artists make a living in Canada and the fact that by and large most artists live below the poverty line and yet contribute in a very robust and muscular way to the economy. It is a construct that is completely skewed against them.

One of the reasons it is skewed against them is that much of our employment policy, much of our policy around our social safety net, is predicated on stable employment over a stable, consecutive period of time. Well, that is just not how artists work.

In fact right now we are studying the video game industry at the heritage committee. This is an emerging industry that employs artists, actors, and musicians. It is a new and vibrant industry, and we are looking at ways in which we can nurture it, because the industry could potentially be an even bigger job creator. It creates jobs for artists, and it creates jobs for other people too.

● (1805)

That is another point, because artists create jobs for other people. If we look at the Conference Board of Canada's numbers, artists are significant economic engines. Oftentimes, they are really individual, sole proprietorship, freelance operators. They almost always have no access to employment insurance during those periods they cannot find work. They are rarely able to access CPP. They do not get sick leave. They do not get bereavement leave. They do not get parental leave of any sort. They basically have to work every day. Even if they do not have work, they are out hustling other work.

What a measure like this would do is take a realistic look at how an artist makes a living.

We are not in the 1950s any more, folks on the other side. We are just not. I know that is a hard message for some of them to get. However, we are not. We are not in an economic reality now where people get jobs when they leave school, work for the same company for 40 years and retire with a decent pension that allows them to live in dignity. We are not in that situation any more, in part because of the policies of the government on the other side.

Artists, on some levels, are the canary in the coal mine when we look at the way the economy is going, when we look at the employment that is out there. When we look at the latter, we see serial contract employment. We see young people who are working in multiple part-time jobs, we see young people who are working as contractors for a couple of months, then looking for other work. We see people who are classed as freelance employers or self-employed, whereas maybe even as recently as a couple of years ago, they would have been classed as employed. However, their employers have now deemed them to be self-employed in order to cut down on their own costs, which is something that the government turns a blind eye to.

We are not going to turn a blind eye to the realities of work today, especially in our urban centres, and we are not going to turn a blind eye to artists. In fact, I am very proud to speak in support of my colleague's bill today because it would deliver on a promise that we made, a promise that Jack Layton and the whole team made in the 2011 election around income averaging. This is an expression of how we view tax fairness in our society.

The Conservatives' idea of tax fairness is to give taxpayer dollars to the wealthiest corporations, which then turn around and close factories and go somewhere else. I am sorry, but that is not what we are here to do. That is not what this party, the NDP, stands for. This bill underlines part of the policy that we are building toward in this party. This bill represents a larger vision, but is also something that has very much been supported in the arts and culture sector in Canada.

I do want to say that the concept that many people have about the arts and culture sector is that people just sit around, sip champagne, get grants from government and produce nothing. However, what we are talking about today are workers, arts workers, in a milieu that is difficult for many of us to understand because we have not taken the time to understand it. I think one of the things I am most proud of is that my hon. friend from Jeanne-Le Ber has taken the time to craft a well-thought-out bill that has been costed. I am very proud to speak on its behalf and on behalf of the artists's who live in my riding of Davenport and right across the country.

● (1810)

Mr. Chungsen Leung (Parliamentary Secretary for Multiculturalism, CPC): Mr. Speaker, thank you for the opportunity to speak to today's NDP costly proposal for special preferential tax treatment for a select few Canadians.

Let me preface this by saying I fully appreciate that our country attempted, during the period 1971-88, to do some sort of income averaging, but now I think there are many other tax administrative tools that are much more effective and efficient in providing that type of income security and income levelling out.

Before I continue with my remarks here today, I want to be clear that our Conservative government has always been a strong supporter of the arts and culture. Our government recognizes that arts and cultural activities enrich our lives immeasurably as individuals, communities and as a country. Not only are they an expression of the many faces and many stories of Canada, but because of that, they help strengthen and define our Canadian identity.

I am very pleased to have this opportunity to highlight some of the support that is available to Canadian authors, musicians and other artists under our Conservative government.

First, Canadian authors and publishers benefit from the Canada book fund. Its principal objective is to ensure access to a diverse range of Canadian-authored books in Canada and abroad. The program seeks to achieve this objective by fostering a viable Canadian book industry that publishes and markets Canadian-authored books.

For our filmmakers, key measures include the Canadian film or video production tax credit, which objective is to encourage Canadian programming and develop an active domestic production sector. This fully refundable tax credit is available at a rate of 25% of the qualified labour expenditure for an eligible production.

Musicians can benefit from the Canada music fund. Its objective is to enhance Canadians access to a diverse range of Canadian music choices; to increase the opportunities available for Canadian music artists and entrepreneurs; and to ensure that Canadian music artists and entrepreneurs have the skills, know-how and tools to succeed in a global and digital environment.

Members of the performing arts can take advantage of the Canada arts presentation fund, which gives Canadians direct access to a variety of quality artistic experiences, by providing financial assistance to arts presenters and the organizations that support them.

These artists can also benefit from the Canada arts training fund, which contributes to the development of Canadian creators and future cultural leaders of the Canadian arts sector by supporting the training of artists with high potential through institutions that offer training of the highest calibre.

It is clear that our government is helping artists to market their works and providing them with the tools they need to succeed on a local, national and international scale. Our Conservative government will continue to stand behind our artists and champion their causes and indeed, we are doing more. We provide numerous special incentives through the tax system to support the cultural industry in Canada. For instance, employed musicians may claim the cost of maintenance, rental, insurance and capital cost allowance on musical instruments against employment income earned as a musician.

Employed artists are also entitled to deduct expenses related to their artistic endeavours, up to the lesser of $1,000 or 20% of their income derived from employment in the arts. Artists who receive prizes for meritorious achievement in the arts, such as the iconic Governor General's awards in arts, do not have to pay taxes on these awards. As I noted earlier, film producers can receive a tax credit for Canadian film and video productions, including the cost of scriptwriters. Also, self-employed artists receive an immediate deduction for the cost of producing their work, even if the work is unsold and remains part of their creative inventory.

Clearly, our Conservative government wants to see a thriving cultural industry in this country, and we understand that the best way to achieve this is through a low tax plan. The positive initiatives I have highlighted are measures that benefit artists of today; however, we also are looking to help the artists of tomorrow. We understand the necessity to assist Canada's next generation of great artists, possibly the next Céline Dion or Justin Bieber. That is why we introduced the children's arts tax credit, available since 2011, to promote children's participation in artistic, cultural, recreational or developmental activities.

● (1815)

This credit is provided on up to $500 of eligible fees per child in respect of qualifying children's programs for those under the age of 16. This credit has been warmly welcomed across Canada, especially among moms and dads.

Here is what Christin Dewald, organizer of an arts summer camp in Calgary, said:

> ...it shows that our society understands the importance of creativity in the development of children. The children who attend our classes have the opportunity to use their whole brain. We see children develop new skills like problem solving and risk taking. As a result, these kids enjoy increased self-esteem.

Clearly, our government is supporting artists and helping to foster the arts here in Canada with smart and affordable policies. Unfortunately, today's NDP proposal is not such a similar policy. I would like to point out that income averaging, as outlined in today's NDP proposal, is an idea that was tried and failed in the 1970s and the 1980s.

As the Parliamentary Budget Office report on C-427 itself points out, expert opinions even then, "...suggested that the averaging provisions were exceedingly complex".

Basically, when income averaging existed previously it proved to be a failure as tax policy, as it was used primarily by high-income taxpayers to avoid paying taxes. Not surprisingly, that is why over 20 years ago the then federal government eliminated income averaging.

Furthermore, bringing back income averaging today fails to recognize that there have been major reforms to the Canadian tax system since that time. When income averaging existed in the 1980s, Canada had 10 tax brackets. Today we have only four brackets, and the top federal marginal tax rate has decreased from 34% to 29%, not to mention that all federal surtaxes have been eliminated.

Again, all those tax reforms have made the need to bring in income averaging essentially redundant. However, do not simply take my word for it. Listen to the independent experts and the economists who have studied income averaging proposals.

For instance, here is what Kevin Milligan, a professor of economics of the University of British Columbia, had to say about income averaging and today's NDP proposal specifically:

> [T]he NDP's tax policy proposals still need some more rehearsal time.... Many Canadians support the presence of a healthy cultural sector in our society. However, income averaging is an extremely clumsy apparatus for supporting the arts—to the extent it would even help at all. Let the debate on support for culture flourish, but let's keep income averaging out of it.

I could not agree more with that statement. We all support the arts and we all want to see the arts succeed in Canada, but we want and should want to do that with smart, affordable and effective policy. Unfortunately, income averaging is not such a policy.

[*Translation*]

The Deputy Speaker: The hon. member for Argenteuil—Papineau—Mirabel has about seven minutes.

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): Mr. Speaker, the bill introduced by the hon. member for Jeanne-Le Ber deals directly with justice and equality among all Canadians. The bill allows income averaging for artists and cultural entrepreneurs under federal income tax practices. It also makes some income that is derived from royalties or gratuities tax-free.

The Canadian tax system is crucial to our government, but it is hardly fair for artists. In addition, artists do not have much of a social safety net to rely on. The tax system puts them at a disadvantage because of the irregular hours usually associated with their work and because of punitively high taxation during years of high earnings. The years before and after a high-earning year should be taken into account, since they are often very modest. In terms of the social safety net, artists are often ineligible for certain government programs, such as employment insurance, Canada pension plan, and so on.

This bill addresses one of the challenges that comes with a career in the arts. At a reasonable cost, we could help nearly 100,000 Canadians make ends meet and guarantee that they are no longer put at an unfair disadvantage.

The performing arts are unparalleled for the flexibility required because artists are hired, but they can easily be fired. By definition, any creative work carries its share of risks and uncertainty that expose the artist to a precarious life, more so than the typical salaried worker. It is obvious that this work model is only sustainable if the government is prepared to provide an element of stability in the employer-employee relationship. That is what we would like to do.

Managing risk is a vital function that prevents prolonged and intermittent periods of unemployment from making employment in the world of arts and entertainment even more precarious. The principle of income averaging for artists, in general and in Bill C-427 in particular, has almost universal support from members of Canada's cultural community. They believe that this measure can mitigate the uncertainty of the artist's work. Unlike what the Conservatives seem to be saying, income averaging is quite common throughout the world and it is an effective means of spreading out the tax liability.

I will talk about an organization that is an economic driver in my riding and in the Montebello region: Outaouais Rock, which hosts the largest rock festival in Quebec. When Alex Martel, the business manager of Outaouais Rock, heard about Bill C-427, introduced by my colleague from Jeanne-Le Ber, he wrote to me to say that he wanted to offer his support, as well as the support of all those involved with Outaouais Rock, for this bill that would do a lot for artists.

Artists and people who work on stage or behind the scenes, like Mr. Martel, recognize that work is needed to adapt our tax system to artists' realities. This year, the economic spinoffs of Rockfest in Montebello were estimated at $4 million. The festival brings in a number of investments to our region and is good for all those who live there. It also acts as a tourism draw for the region.

Careers in the arts, as in many seasonal industries, are often characterized by large fluctuations in income and by irregular work hours. This situation has an unfortunate consequence: it harshly penalizes artists on their taxes when they receive a higher income.

● (1820)

Contrary to what the government seems to believe, careers in arts and culture make an enormous contribution to our economy. The least we can do in return is to take into account the distinct nature of work in the arts and give artists their just due so that they can continue to enrich our culture. Artists, artisans and those who work in the cultural industry generate huge economic spinoffs and positive economic externalities. They need us to adjust the tax system so that it takes into account their reality.

To quote Gabrielle Roy, “Could we ever know each other in the slightest without the arts?” There is no better way to describe the importance of the arts in our society. This reminds us of the importance of supporting these occupations that are essential in our society.

This bill is an excellent example of how much the NDP supports artists and the cultural industry. This sector leaves a huge economic footprint. It accounts for a large part of our GDP. It provides many jobs and generates good economic spinoffs.

My colleague's bill recognizes the importance of this industry and is an excellent way to allow artists who live for their art to also make a living from it.

● (1825)

The Deputy Speaker: The hon. member for Jeanne-Le Ber has five minutes to respond.

[*English*]

Mr. Tyrone Benskin (Jeanne-Le Ber, NDP): Mr. Speaker, would that I had more time to address the time-shifting, trans-dimensional contributions of my colleagues from across the way. I will bring this back to this dimension and this reality.

The bill would respond to the needs of artists. It has very little to do with support for the arts and institutions. The institutions that get the get tax credits and support that the Conservatives have talked about are fine. This is about the artists. A lot of the contributions to these organizations do not necessarily trickle down to the artists. The bill looks at the work that artists do, the remuneration they get and looks at a way of helping in spike years to ease some of the massive tax burdens that artists have because of it.

I will address one issue in particular. The fact of how we would pay for this is a question that kept coming from the other side. We would pay for this by the same means as are all tax easements contained in the tax code. It would be done through choices, through making a good choice for artists. This bill would offer an investment into the economy. It would allow artists to put more money into their pockets so they could contribute to the economy and to themselves as small businesses and as people. This is not about whether a film can be made. It is about what happens after that film is made.

The other thing I will touch upon is the question of what we say to other sectors that look at this bill and ask, “What about us?” What we say to them is that this is the beginning. It is the beginning of a conversation we need to have in how we collect taxes. We can no longer look at the tax regime as being how much money people make and how much they should be taxed. We have to look at it in addition to how that money is made.

Farmers have particular needs, as do insurance workers, car salesmen and artists. This is not be about selecting a few individuals and special treatment toward those individuals. It looks at the realities of this group of individuals and this a portal, if I may continue the same analogy, to looking at how we tax our citizens.

When the Income Tax Act came into being in the 1940s as a means of funding the war effort, the labour force looked different. There were labourers, factory workers or office workers. It was very simple. Now it is as diverse as the medical industry, as I have said before. We go to the GP now not to get fixed as much as to get a little slip to go to see a specialist in one area or another. The workforce is that same way. We need to start to look at ways to derive income tax from our citizens in ways that reflect how they make their money and not simply how much money they make.

To again address a comment that was made on the other side, this bill has been costed. It has been costed by the Parliamentary Budget Office. The income tax averaging aspect of this bill would come in at around $7 million, rounded up to $10 million. That money goes back into the pockets of our citizens, which eventually goes back into the coffers through economic and consumer activity and through investment activity. I cannot think of a better way to help artists in our country by giving them that power to be full and active members of the economic and cultural community that is Canada.

● (1830)

The Deputy Speaker: It being 6:30 p.m., the time provided for debate has expired.

[*Translation*]

The vote is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And five or more members having risen:

The Deputy Speaker: Pursuant to Standing Order 93, the recorded division stands deferred until Wednesday, November 7, immediately before the time provided for private members' business.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

TELECOMMUNICATIONS

Mr. Bruce Hyer (Thunder Bay—Superior North, Ind.): Mr. Speaker, in June I said the government was leaving underprivileged Canadians behind with the cancellation of the Community Access Program, or CAP. I would like to expand on that today.

The Conservatives' omnibus budget brought in a number of changes to Canadian programs and legislation, as we know, including the elimination of the Community Access Program, which started in 1995. The program was intended to expand Internet service to all Canadians. When questioned on the cancellation, the government is quick to claim that 98% of Canadians now have Internet access. However, this number does not tell the real story, or the whole story, and I would like to delve a little deeper.

While Internet access has expanded among well off Canadians, many others are left disconnected. Internet service is still thin in remote areas, like the small towns and reserves in Thunder Bay—Superior North. Moreover, many low-income households cannot afford to access the Internet. The Conservatives think that leaving this many Canadians without Internet access is acceptable. Are they content to leave these Canadians cut off?

It does not end there. The government overhauled employment insurance in its budget as well. To qualify for EI, Canadians must provide proof that they have conducted daily job searches. However, the Internet is by far the most useful tool Canadians have when they look for a job. People who are out of work, or have lower paying, or seasonal jobs often cannot afford Internet access. This makes it harder for them to find a job and to access EI. What a Catch-22.

Conservatives say that they are committed to helping every Canadian find work, yet they are constantly taking away the very tools that Canadians need to accomplish that.

Disadvantaged youth and seniors are also disproportionately impacted by the decision. Without the knowledge or tools they need to access email and the web, seniors find themselves more isolated.

CAP funding was also used to offer training courses on how to use the Internet. This was an important part of bridging the so-called digital divide between those with Internet skills and those without. As government programs and other daily services are increasingly being offered online, this strategy to increase digital literacy is a major benefit of that program, one that will also be lost with this cancellation.

I received a letter over the summer from the Multicultural Association of Northwestern Ontario in Thunder Bay, which used CAP funding at its youth centre. The centre is located in the inner city, where many underprivileged youth rely on those free services to get through school, to find jobs, or to keep in touch with families, many of whom live far away on remote reserves. The letter says, in part, "Regular evaluation of the hundreds of kids we serve reveal they benefit tremendously from the free community access program services we offer". At least they did before the Conservatives axed the program.

Without this program, we cannot offer the training and services needed by underprivileged Canadians to create a better life for themselves and their children. Cancelling this program means that many disadvantaged citizens are being left behind and we are telling them that we just do not care.

We should care. Internet connectivity is essential for all Canadians. It is with this in mind that I ask the government to stand up for Canadians, not just the well off, and reinstate this essential program.

● (1835)

Mr. Greg Rickford (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, for the Canadian Northern Economic Development Agency and for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, the issue at the heart of the hon. member's question is the importance of affordable access to broadband services for all Canadians. This is an issue we can all agree on.

For Canada to succeed in the digital economy of today and tomorrow, all Canadians must have access to leading-edge broadband infrastructure. It is absolutely critical that rural Canadians have access to the same broadband services as do urban Canadians. Broadband is increasingly the platform over which public services, such as health care education, are provided to citizens and it is how Canadian culture, news and community engagement are being delivered to homes. It is also a key enabler of economic development and opportunity in regions across the country.

The community access program was created to bring computer and Internet technologies to Canadians across the country in order to encourage them to participate in the knowledge-based economy. In 1995, when CAP was established, only 40% of Canadian households had a computer and only one in ten of these households had Internet access. By helping to put computers connected to the Internet into libraries, schools and other sites across the country, CAP successfully helped Canadians connect during a time when an Internet connection at home was an exception to the rule. My, how things have changed.

In 2010, more than three-quarters of Canadian homes had broadband Internet connection. What is more, over 30% of us are connected to broadband networks everywhere we go, through our mobile wireless devices like the ubiquitous BlackBerry. This is a direction Canada must continue on, making sure broadband is accessible to every Canadian home and making sure we have the infrastructure in place to support the boom in mobile communications.

That is why the Government of Canada invested more than $88 million in Broadband Canada, connecting rural Canadians throughout the Thunder Bay—Superior North region and the great Kenora riding. I think the member probably missed it. He was musing about seating arrangements here in the House of Commons, no doubt, when we made that important announcement that this government was committed to bringing faster and higher quality Internet to more than 218,000 households across the country. That is a remarkable achievement.

For a country as large and diverse as Canada, we know the work is far from over and more must be done to increase access to more advanced services, increasing consumer choice, lower prices and the changing technology of the computer industry itself.

We recently announced decisions that will continue to promote our goals of competition and investment in the sector and to see that all Canadians indeed benefit, including those in rural areas.

We are supporting competition and investment in the upcoming spectrum auctions by applying rules that will enable new wireless competitors to access the spectrum that they need to meet consumer demand for mobile broadband.

We are applying specific measures in the upcoming auction to see that Canadians in rural areas have access to the most advanced services in a timely manner. All Canadians should be able to benefit from the fastest mobile speeds and the latest devices. These are the first specific measures of their kind in Canada.

Finally, we are also extending and improving the existing wireless roaming and tower-sharing policy to further facilitate competition. These policies provide access to existing networks and infrastructure to support better services for consumers.

Together, these actions are helping to provide Canadians across the country with more choices at lower prices for the broadband services that have become so important in our daily life.

● (1840)

Mr. Bruce Hyer: Mr. Speaker, the hon. member for Kenora has done a good job of demonstrating how most Canadians are getting well connected to the Internet. Where we differ is that I care about all Canadians, even those who are not well off.

I cannot understand why the Conservatives think cancelling this valuable program is anything other than mean-spirited and short-sighted. The community access program has very clear benefits for Canadians seeking employment, for example. Would keeping the program around not be the right way to help Canadians get back to work and to enable them to achieve the long-term prosperity to which the Conservatives say they are committed?

The Americans understand the importance of giving their citizens the tools to get back on their feet. Through their aptly titled Connect2Compete program, they offer low-cost Internet service to low-income households and refurbished computers for $150.

If our government has an alternative such as this to compensate for the cancellation of the community access program, I would be happy to hear about it, but it does not.

Mr. Greg Rickford: Mr. Speaker, I remind the hon. member that the environment was much different when the community access program was launched more than 17 years ago. Time changes for Canadians, but maybe not for this particular member. Access to the Internet was limited, and the government wanted to introduce Canadians to the benefits of participating in a knowledge-based economy. The program has successfully met that objective.

Our government is looking ahead. We are taking major steps forward to improve digital infrastructure in this country. This will help Canadians in every region of the country, including the great Kenora riding, to access the modern broadband services they need to engage in the digital economy, no matter where they live.

First, we are lifting foreign investment restrictions for telecommunications companies with a small market share. These targeted actions will remove a barrier to investment for the companies that need it most. We are applying specific build-out requirements to see that rural Canadians have access to advanced services in a timely manner.

Our government believes that Canadians, in both urban and rural areas, deserve value for their hard-earned money. We are taking action to see that they get it.

[*Translation*]

FISHERIES AND OCEANS

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): Mr. Speaker, I would like to thank the parliamentary secretary for being present this evening.

The government is cutting budgets for science and research. Over the past year, there have been budget cuts to an unbelievable number of programs and organizations conducting research in a wide variety of fields.

The Experimental Lakes Area program has been eliminated. This internationally recognized program with huge spinoffs for Canada will cost more to close and move than the $2 million that the government hopes to save. Can the Minister explain the logic behind this decision?

At Fisheries and Oceans Canada, there have been a number of budget cuts and layoffs in fields relating to research and science. For instance, the ocean pollution monitoring program has been eliminated, along with its 75 scientist positions.

The Conservatives are eliminating scientist positions at the Maurice Lamontagne Institute. The positions that have been eliminated are all related to the program that studies the effect of contaminants on water and aquatic life. How can the Minister cut programs that have the potential to protect our fisheries and our water?

The Conservatives have closed the Fisheries Resource Conservation Council. The FRCC was science-based and assessed the total allowable catches every year. Its objective was to protect the viability of fish stocks. The council protected our fisheries over the long term.

These kinds of budget cuts have dramatic consequences. In the 1990s, nearly 50% of jobs in the fishing economy were lost because the stocks of groundfish, such as cod and redfish, collapsed. This is one example that clearly shows the role that science can and must play.

How can Fisheries and Oceans Canada protect our fisheries over the long term without access to the necessary information? It seems that the only information the Conservatives find acceptable is information that comes from the Prime Minister's Office. If science contradicts what they want to do, they cut budgets.

This is not how a country is supposed to be governed. Information is not supposed to be hidden. Information is supposed to be distributed. The Conservatives must not forget that they are there to serve Canadians, not to control them by preventing science from providing them with information. The Conservatives would know this if they were in the habit of consulting the people before making hasty decisions. It is essential to consult the people on issues that affect them directly.

In Gaspé and the Magdalen Islands, we are well aware of this. The Canada-Newfoundland and Labrador Offshore Petroleum Board lacks the resources to consult the people of the Gulf of St. Lawrence. The government has decided to withdraw from oil exploration in the Gulf. However, if a catastrophe were to occur, the fishing economy in the Gulf would suffer enormously. If the Conservatives consulted with the scientists, they would know that this is a significant risk. This is a perfect example of information that has not been effectively distributed. How can the government make decisions if it does not have all the information?

Why do the Conservatives not do everything they can to make enlightened decisions? Canadians want to know the facts. The Conservatives do not want to know the facts and seem to prefer working in the dark.

● (1845)

Mr. Greg Rickford (Parliamentary Secretary to the Minister of Aboriginal Affairs and Northern Development, for the Canadian Northern Economic Development Agency and for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, I appreciate the question and the work being done by the member for Gaspésie—Îles-de-la-Madeleine.

[*English*]

I am pleased to have the opportunity to address the House on the important issue of science at Fisheries and Oceans Canada. Fisheries and Oceans Canada is implementing measures that will contribute to the elimination of the deficit and support economic prosperity. Science remains essential to the department. Fisheries and Oceans Canada will continue to build scientific knowledge about the aquatic environment and fisheries resources to support long-term sustainability and conservation objectives in a more efficient and cost-effective manner.

In this context, DFO is establishing an advisory group to obtain scientific information on the biological effects of contaminants. In addition to this advisory group, the department will continue to maintain the Centre for Offshore Oil, Gas and Energy Research, which is a world renowned centre of expertise located at the Bedford Institute of Oceanography. COOGER, as it is known, will continue to provide scientific knowledge to ensure the safe and environmentally sound management of oil and gas, while the newly established advisory group will provide priority advice on biological effects of oil and gas. Together, COOGER and the environmental advisory group will ensure that the department has the necessary scientific information related to contaminants, including oil and gas.

Science will continue to be the backbone of departmental decisions.

The advisory group will be reaching out to other researchers within the academic community and private industry. The department has had great success in collaborating with academia and industry over the years. For example, the department has established a variety of university networks under the auspices of the Natural Sciences and Engineering Research Council to create synergies and fund aquatic science in Canada. These networks include: HydroNet, which focuses on the impacts of hydroelectric facilities on aquatic ecosystems; the Canadian Healthy Oceans Network, which conducts research on marine biodiversity; and the Capture Fisheries Research Network, which examines ecosystem health in relation to fishing.

Results of these academic departmental research collaborations become part of the scientific information that the department uses to develop policies and make decisions about our aquatic environment and fishery resources. Rest assured, the department's own scientists will continue to conduct research in support of the sustainability of Canadian fisheries. In addition to research, the science sector will conduct other functions, including providing scientific advice, conducting monitoring, providing essential products and services, and managing scientific data and information about our aquatic ecosystems.

The key words are “science” and “scientific”. The science sector undertakes these important science functions to support the department's three strategic outcomes: economic prosperity for maritime sectors and fisheries, sustainable aquatic ecosystems, and safe and secure waters. The science program within Fisheries and Oceans Canada is diverse. It is at the cutting edge of scientific investigation with research institutes and laboratories across Canada.

In conclusion, the department continues to invest in its science programs. Recent investments have been made in fisheries science, species at risk science, aquatic invasive species and climate change. As needs for new scientific knowledge emerge, the department will address them, guided by science.

● (1850)

[*Translation*]

Mr. Philip Toone: Mr. Speaker, I thank the parliamentary secretary for his speech.

[*English*]

I am very interested in seeing where COOGER will take us. I am sure it will be an old story that may be hunting new ideas and I am looking forward to seeing how that will turn out.

I question why we need to create new structures when previous structures were already in place. We already had a number of organizations such as the Fisheries Resource Conservation Council, which did much of the work that he just described, and it has been cut, to be replaced by new advisory groups that have undefined mandates and memberships.

How will these advisory groups be consulting the population, who will be members and when will we be hearing from them?

Mr. Greg Rickford: Mr. Speaker, on rebuttal, our government understands that science is essential to the long-term sustainability of Canadian fisheries. The science sector at Fisheries and Oceans Canada will continue to provide the science advice that is necessary to make responsible decisions about Canada's aquatic resources.

We will continue to make investments in government science. Departmental researchers will continue to work with the academic community and industry partners. These collaborations enhance scientific knowledge in support of the department's mandate, and help to leverage recent investments in government science. Knowledge gained from scientific research will continue to inform decisions and policies.

The department will continue to focus its use of research-dedicated resources to priority areas that directly support conservation and fisheries management. We remain a committed and strong proponent of science and will continue to reinforce and enhance our strong science program at Fisheries and Oceans Canada.

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:52 p.m.)

CONTENTS

Thursday, November 1, 2012

ROUTINE PROCEEDINGS

GOVERNMENT ORDERS

STATEMENTS BY MEMBERS

ORAL QUESTIONS