

MINUTES OF PROCEEDINGS

Meeting No. 10

Tuesday, December 3, 2002

The Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources met at 3:33 p.m. this day, in Room 536, Wellington Building, the Chair, Raymond Bonin, presiding.

Members of the Committee present: Gérard Binet, Raymond Bonin, David Chatters, John Finlay, John Godfrey, Nancy Karetak-Lindell, Yvan Loubier, Inky Mark, Anita Neville, Brian Pallister, Benoît Serré and Maurice Vellacott.

Acting Members present: Bernard Patry for John Efford, Dominic LeBlanc for Brent St-Denis, Marcel Gagnon for Serge Cardin and Dick Proctor for Pat Martin.

In attendance: From the Library of Parliament: Mary Hurley, Analyst.

Witnesses: From the Department of Indian Affairs and Northern Development: Robert Winogron, Senior Counsel; Gilles Binda, Senior Policy Advisor, Nunavut Secretariat, Northern Program.

Pursuant to its Order of Reference of Wednesday, October 9, 2002, the Committee resumed consideration of Bill C-6, An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts (*See Minutes of Proceedings, Tuesday, November 26, 2002, Meeting No. 5*).

The Committee proceeded to Clause-by-Clause consideration of the Bill.

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

By unanimous consent, it was agreed,-- That all amendments put forth by the Bloc Québécois be withdrawn.

At 4:07 p.m., the sitting was suspended.

At 4:21 p.m., the sitting resumed.

On Clause 5,

Dick Proctor moved, -- That Bill C-6, in Clause 5, be amended by replacing lines 6 and 7 on page 3 with the following:

“nor in Council on the joint recommendation of the Minister and the Assembly of First Nations — and the Commission and the”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 5, be amended by replacing line 7 on page 3 with the following:

“Minister from a list of candidates approved by both the Minister and the Assembly of First Nations — and the Commission and the”

The question being put on the amendment, it was negated by a show of hands.

Clause 5 carried on division.

On Clause 8,

John Finlay moved, -- That Bill C-6, in Clause 8, be amended by replacing, in the English version, lines 28 and 29 on page 3 with the following:

8. (1) The Chief Executive Officer shall hold office during good behaviour for a term of not more

After debate, the question being put on the amendment, it was adopted by a show of hands.

By unanimous consent, Maurice Vellacott moved,-- That Bill C-6 in Clause 8, be amended by replacing lines 32 and 33 on page 3 with the following:

“(2) The Governor in Council may, on the recommendation of the Minister and the Assembly of First Nations, re-appoint the Chief Executive Officer on the expiration of any”

The question being put on the amendment, it was negated.

John Finlay moved, -- That Bill C-6, in Clause 8, be amended by replacing, in the English version, line 31 on page 4 with the following:

"sioner of the Commission."

After debate, the question being put on the amendment, it was adopted by a show of hands.

After debate, Clause 8, as amended, carried.

On Clause 20,

Dick Proctor moved, -- That Bill C-6, in Clause 20, be amended by replacing lines 20 and 21 on page 8 with the following:

“Governor in Council on the joint recommendation of the Minister and the Assembly of First Nations.”

The question being put on the amendment, it was negated by a show of hands.

Inky Mark moved, -- That Bill C-6, in Clause 20, be amended by replacing line 21 on page 8 with the following:

“of the Minister and the Assembly of First Nations, the Congress of Aboriginal Peoples and the Native Women’s Association of Canada.”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 20, be amended by replacing line 21 on page 8 with the following:

“of the Minister from a list of candidates approved by both the Minister and the Assembly of First Nations.”

The question being put on the amendment, it was negated by a show of hands.

Dick Proctor moved, -- That Bill C-6, in Clause 20, be amended by replacing line 23 on page 8 with the following:

“joint recommendation of the Minister and the Assembly of First Nations, at any time”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 20, be amended by replacing line 23 on page 8 with the following:

“recommendation of the Minister and the Assembly of First Nations, at any time”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 20, be amended by replacing line 34 on page 8 with the following:

“ten years and may be removed for cause by”

By unanimous consent, the motion was withdrawn.

Maurice Vellacott moved, -- That Bill C-6, in Clause 20, be amended by replacing line 35 on page 8 with the following:

“the Governor in Council, on the recommendation of the Minister and the Assembly of First Nations.”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 20, be amended by replacing line 3 on page 9 with the following:

“more than eight years and may be removed for”

By unanimous consent, the motion was withdrawn.

Maurice Vellacott moved, -- That Bill C-6, in Clause 20, be amended by replacing line 4 on page 9 with the following:

“cause by the Governor in Council, on the recommendation of the Minister and the Assembly of First Nations.”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 20, be amended by replacing lines 5 and 6 on page 9 with the following:

“(6) The Governor in Council may, on the recommendation of the Minister and the Assembly of First Nations, re-appoint a commissioner on the expiration of any term of”

The question being put on the amendment, it was negated by a show of hands.

Inky Mark moved, -- That Bill C-6, in Clause 20, be amended by replacing line 7 on page 9 with the following:

“office in the same or another capacity on the recommendation of the Minister and the Assembly of First Nations, the Congress of Aboriginal Peoples and the Native Women’s Association of Canada.”

The question being put on the amendment, it was negated by a show of hands.

Cause 20 carried on division.

On Clause 22,

Dick Proctor moved, -- That Bill C-6, in Clause 22, be amended by replacing line 39 on page 9 with the following:

“22. (1) The Chief Commissioner, subject to the direction of the Commission, is respon-”

By unanimous consent, the motion was withdrawn.

Clause 22 carried by a show of hands.

On Clause 23,

Inky Mark moved, -- That Bill C-6, in Clause 23, be amended(a) by replacing, in the English version, line 8 on page 10 with the following:

“specific claims under this Act;”

(b) by replacing, in the English version, line 10 on page 10 with the following:

“validity or compensation; and

(c) by adding after line 10 on page 10 the following:

(d) obtaining, developing and distributing educational materials for public information in respect of specific claims and fostering public understanding of this Act, including an understanding of the role and activities of the Commission and the Tribunal.”

The question being put on the amendment, it was negated by a show of hands.

Clause 23 carried on division.

On Clause 26,

Dick Proctor moved, -- That Bill C-6, in Clause 26, be amended by replacing line 12 on page 11 with the following:

“other assets and that arises from a unilateral undertaking by the Crown or from an”

The question being put on the amendment, it was negated by a show of hands.

Dick Proctor moved, -- That Bill C-6, in Clause 26, be amended by replacing line 15 on page 11 with the following:

“(ii) under any legislation or proclamation — pertaining to”

The question being put on the amendment, it was negated by a show of hands.

Dick Proctor moved, -- That Bill C-6, in Clause 26, be amended by deleting lines 32 to 38 on page 11 and lines 1 to 17 on page 12.

The question being put on the amendment, it was negated by a show of hands.

Inky Mark moved, -- That Bill C-6, in Clause 26, be amended by deleting lines 33 to 35 on page 11.

The question being put on the amendment, it was negated by a show of hands.

Clause 26 carried on division.

On Clause 28,

Maurice Vellacott moved, -- That Bill C-6, in Clause 28, be amended by adding after line 38 on page 13 the following:

“(3) All preparatory meetings shall take place within six months of the claim being filed unless the claimant agrees in writing that they may continue beyond this period. After this period has elapsed, if there is no such agreement, proceedings in relation to the claim shall be deemed to be suspended while the claim is under the consideration of the Minister for the purposes of section 30.”

The question being put on the amendment, it was negated by a show of hands.

Clause 28 carried on division.

On Clause 30,

Dick Proctor moved, -- That Bill C-6 be amended by deleting Clause 30.

The Chair ruled that the proposed motion was out of order on the grounds that a Clause cannot be deleted.

Inky Mark moved, -- That Bill C-6, in Clause 30, be amended by replacing line 10 on page 14 with the following:

“ter will negotiate the claim together with the Minister’s written reasons for the decision.”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 30, be amended by replacing line 10 on page 14 with the following:

“ter will negotiate the claim. The Minister shall submit the decision to the Commission and the claimant within one year after the completion of the preparatory meetings unless an extension has been granted under subsection (3).”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 30, be amended by replacing lines 17 to 23 on page 14 with the following:

“(3) The Minister may, on notice to the claimant, apply in writing to the Commission for permission to submit the decision referred to in subsection (1) to the Commission after the one-year period referred to in that subsection has expired. In the application, the Minister shall specify the reasons why it is not possible to submit the decision before the expiration of the period. In considering the application, the Commission shall give the Minister and the claimant a full and fair opportunity to be heard.

(3.1) If an application is granted under subsection (3), the Commission shall specify if any further delays might be allowed and, if so, under what circumstances. Any application for a further delay must conform with the procedural requirements set out in subsection (3). If the Minister fails to submit the decision in accordance with the requirements specified by the Commission on granting the application, that failure shall, for the purposes of section 31, be deemed to be a decision of the Minister not to negotiate the claim in question.

(3.2) If an application is refused under subsection (3), the refusal shall, for the purposes of section 31, be deemed to be a decision of the Minister not to negotiate the claim in question.”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 30, be amended by replacing line 19 on page 14 with the following:

“ry meetings, report to the claimant and the Commission on the”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 30, be amended by replacing line 21 on page 14 with the following:

“Minister’s decision and the”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 30, be amended by deleting lines 24 to 27 on page 14.

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6 be amended by adding after line 27 on page 14 the following new clause:

“30.1 If the Minister decides not to negotiate a claim, the Minister shall issue in writing a comprehensive explanation for the decision to the Commission and the claimant. The

explanation shall specify all evidence and case law relied on by the Minister in making the decision. If the claimant is not satisfied with the explanation, the claimant may request the Commission to investigate the decision and the facts on which the decision was based. Upon completion of the investigation, the Commission shall issue to the claimant and the Minister a written report setting out its findings and recommendations.”

The question being put on the amendment, it was negated by a show of hands.

Clause 30 carried on division.

On Clause 31,

Dick Proctor moved, -- That Bill C-6 be amended by deleting Clause 31.

The question being put on the amendment, it was ruled out of order.

The Chair ruled that the proposed motion was out of order on the grounds that a Clause cannot be deleted.

Inky Mark moved, -- That Bill C-6, in Clause 31, be amended by replacing line 29 on page 14 with the following:

“to negotiate a specific claim together with the reasons therefor, the Commission”

The question being put on the amendment, it was negated by a show of hands.

Clause 31 carried on division.

On Clause 32,

Dick Proctor moved, -- That Bill C-6, in Clause 32, be amended by replacing lines 36 to 43 on page 14 and lines 1 to 8 on page 15 with the following:

“validity of a specific claim to the Tribunal.”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 32, be amended by replacing lines 40 and 41 on page 14 with the following:

“support of the claim have been identified and re-”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 32, be amended

(a) by replacing, in the English version, line 43 on page 14 with the following:

“Minister; and”

(b) by replacing lines 4 to 8 on page 15 with the following:

“resolved.”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 32, be amended by replacing lines 1 to 3 on page 15 with the following:

“(b) a dispute resolution process appropriate for resolving the issue has been used without the issue having been”

The question being put on the amendment, it was negated by a show of hands.

Clause 32 carried on division.

Clauses 33 and 34 carried severally on division.

On Clause 35,

Maurice Vellacott moved, -- That Bill C-6, in Clause 35, be amended by replacing lines 41 and 42 on page 15 with the following:

“that position have been identified and researched and”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved,-- That Bill C-6, in Clause 35, be amended by replacing lines 1 to 3 on page 16 with the following:

“(b) a dispute resolution process appropriate for resolving the issue has been used without the issue having been”

Clause 35 carried on division.

On Clause 41,

Maurice Vellacott moved, -- That Bill C-6, in Clause 41, be amended by replacing line 16 on page 18 with the following:

“the recommendation of the Minister from a list of candidates approved by both the Minister and the Assembly of First Nations.”

The question being put on the amendment, it was negatived by a show of hands.

Inky Mark moved, -- That Bill C-6, in Clause 41, be amended by replacing line 16 on page 18 with the following:

“the recommendation of the Minister and the Assembly of First Nations, the Congress of Aboriginal Peoples and the Native Women’s Association of Canada.”

The question being put on the amendment, it was negatived by a show of hands.

Dick Proctor moved, -- That Bill C-6, in Clause 41, be amended by replacing line 16 on page 18 with the following:

“the joint recommendation of the Minister and the Assembly of First Nations.”

The question being put on the amendment, it was negatived by a show of hands.

Inky Mark moved, -- That Bill C-6, in Clause 41, be amended by replacing line 23 on page 18 with the following:

“recommendation of the Minister and the Assembly of First Nations, the Congress of Aboriginal Peoples and the Native Women’s Association of Canada, at any time”

The question being put on the amendment, it was negatived by a show of hands.

Dick Proctor moved, -- That Bill C-6, in Clause 41, be amended by replacing line 23 on page 18 with the following:

“joint recommendation of the Minister and the Assembly of First Nations, at any time”

The question being put on the amendment, it was adopted by a show of hands.

John Finlay moved, -- That Bill C-6, in Clause 41, be amended by replacing, in the English version, line 31 on page 18 with the following:

“Chief Adjudicator shall hold office during”

After debate, the question being put on the amendment, it was adopted.

Maurice Vellacott moved, -- That Bill C-6, in Clause 41, be amended by replacing line 33 on page 18 with the following:

“ten years and may be removed for cause by”

By unanimous consent, the motion was withdrawn.

Maurice Vellacott moved, -- That Bill C-6, in Clause 41, be amended by replacing line 34 on page 18 with the following:

“the Governor in Council, on the recommendation of the Minister and the Assembly of First Nations.”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 41, be amended by replacing line 3 on page 19 with the following:

“than eight years and may be removed for cause”

By unanimous consent, the motion was withdrawn.

Maurice Vellacott moved, -- That Bill C-6, in Clause 41, be amended by replacing line 4 on page 19 with the following:

“by the Governor in Council, on the recommendation of the Minister and the Assembly of First Nations.”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 41, be amended by replacing lines 5 and 6 on page 19 with the following:

“(7) The Governor in Council may, on the recommendation of the Minister and the Assembly of First Nations, re-appoint an adjudicator on the expiration of any term of office in”

The question being put on the amendment, it was negated by a show of hands.

Inky Mark moved, -- That Bill C-6, in Clause 41, be amended by replacing line 7 on page 19 with the following:

“the same or another capacity on the recommendation of the Minister and the Assembly of First Nations, the Congress of Aboriginal Peoples and the Native Women's Association of Canada.”

The question being put on the amendment, it was negated by a show of hands.

After debate, Clause 41, as amended, carried on division.

On Clause 45,

Maurice Vellacott moved, -- That Bill C-6, in Clause 45, be amended by replacing line 25 on page 20 with the following:

“(e) discovery proceedings, so as to ensure the full and fair disclosure of all material and information in the possession of all parties that relates to any issue before the Tribunal;”

The question being put on the amendment, it was negated by a show of hands.

Clause 45 carried by a show of hands.

On Clause 53,

Maurice Vellacott moved, -- That Bill C-6, in Clause 53, be amended by replacing lines 21 and 22 on page 23 with the following:

“place that is suitable for all parties, into the issue in respect of which the panel”

The question being put on the amendment, it was negated by a show of hands.

Clause 53 carried.

On Clause 56,

Inky Mark moved, -- That Bill C-6, in Clause 56, be amended by replacing lines 38 and 39 on page 23 and line 1 on page 24 with the following:

“relation to the claim, based ”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 56, be amended by replacing lines 38 and 39 on page 23 and line 1 on page 24 with the following:

“relation to the claim, to a maximum of twenty-five million dollars, based”

The question being put on the amendment, it was negated by a show of hands.

Dick Proctor moved, -- That Bill C-6, in Clause 56, be amended by replacing lines 38 and 39 on page 23 and lines 1 to 3 on page 24 with the following:

“relation to the claim, based on just compensation for economic losses;”

The question being put on the amendment, it was negated by a show of hands.

Inky Mark moved, -- That Bill C-6, in Clause 56, be amended by replacing lines 12 to 14 on page 24 with the following:

“(2) Two or more specific claims shall be treated as one”

The question being put on the amendment, it was negated by a show of hands.

Clause 56 carried by a show of hands.

On Clause 71,

Maurice Vellacott moved, -- That Bill C-6, in Clause 71, be amended by replacing line 25 on page 27 with the following:

“judicial review under the *Federal Court Act* on application by a party.”

The question being put on the amendment, it was negated by a show of hands.

Clause 71 carried on division.

On Clause 73,

Maurice Vellacott moved, -- That Bill C-6, in Clause 73, be amended by adding after line 16 on page 28 the following:

“(1.1) Notwithstanding subsection (1), any amount allocated by the Crown for the payment of awards of compensation in a particular fiscal year shall be fully paid out at the end of that fiscal year if, at that time, there are any awards of compensation that have been granted to a claimant but not yet fully paid.”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 73, be amended by replacing lines 20 to 23 on page 28 with the following:

“quoted by a bank for a guaranteed investment certificate with a five year term in the month in which the award was made,”

The Chair ruled that the proposed motion was out of order on the grounds that it changes the terms and conditions of the Royal Recommendation.

Clause 73 carried by a show of hands.

On Clause 76,

Maurice Vellacott moved, -- That Bill C-6, in Clause 76, be amended by replacing line 14 on page 29 with the following:

“of this section, the Minister, together with the Assembly of First Nations, shall undertake”

The question being put on the amendment, it was negated by a show of hands.

Dick Proctor moved, -- That Bill C-6, in Clause 76, be amended

(a) by replacing line 14 on page 29 with the following:

“of this section, the Minister, the Chief Executive Officer and the Assembly of First Nations shall undertake”

(b) by replacing lines 18 and 19 on page 29 with the following:

“matters related to this Act that the Minister, the Chief Executive Officer and the Assembly of First Nations consider appropriate.”

(c) by replacing line 21 on page 29 with the following:

“Minister, the Chief Executive Officer and the Assembly of First Nations shall cause to be prepared and sign a”

(d) by replacing lines 25 and 26 on page 29 with the following:

“either of its divisions, that the Minister, the Chief Executive Officer and the Assembly of First Nations recommend.”

The question being put on the amendment, it was negated by a show of hands.

Maurice Vellacott moved, -- That Bill C-6, in Clause 76, be amended by replacing line 19 on page 29 with the following:

“and the Assembly of First Nations consider appropriate.”

The question being put on the amendment, it was negated by a show of hands.

Inky Mark moved, -- That Bill C-6, in Clause 76, be amended by replacing line 26 on page 29 with the following:

“recommends, which report shall be reviewed by the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources.”

After debate, the question being put on the amendment, it was adopted by a show of hands.

After debate, Clause 76, as amended, carried.

On new Clause (76.1)

Maurice Vellacott moved, -- That Bill C-6 be amended by adding after line 30 on page 29 the following new clause:

“76.1 For the purposes of any claim that has been filed with the Indian Claims Commission at the time that any provision of this Act comes into force, the Centre shall assume all the authority and responsibility for the claim that was held by the Indian Claims Commission, even if the amount of the claim exceeds the claim limit. In particular, the claimant shall enjoy the same right to a public inquiry and to have recommendations made on the claim.”

The question being put on the amendment, it was negated by a show of hands.

New Clause (76.1) negated by a show of hands.

On Clause 77,

Inky Mark moved, -- That Bill C-6, in Clause 77, be amended by adding after line 37 on page 29 the following:

“(2) Any regulations made under this section are to be approved by the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources before they come into force or are published in the *Canada Gazette*.”

The question being put on the amendment, it was negated by a show of hands.

Clause 77 carried on division.

Schedule I carried.

Clause 1 carried.

The Title carried.

The Bill, as amended, carried.

ORDERED, -- That the Chair report Bill C-6 with amendments to the House as the Second Report of the Committee.

At 5:56 p.m., the Committee adjourned to the call of the Chair.

Elizabeth B. Kingston
Clerk of the Committee