Specific Claims Tribunal Act

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Hon. Chuck Strahl (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC)

moved that Bill C-30, An Act to establish the Specific Claims Tribunal and to make consequential amendments to other Acts, be read the second time and referred to a committee.

He said: Mr. Speaker, I am honoured to rise in the House to lead off debate at second reading of Bill C-30, the specific claims tribunal act.

This bill is the cornerstone of a comprehensive new approach to address an issue that has been a struggle for this country for far too long. After years of prolonged debate, false starts and unsuccessful attempts, most recently by the former Liberal government, the Conservative government is taking decisive action to improve the way we handle specific claims and to resolve the existing backlog of outstanding claims once and for all.

Specific claims are grievances related to land and other assets belonging to first nations communities. These claims have arisen largely as a consequence of the federal government's obligations under historic treaties with first nations and with respect to the management of first nations land and other assets. The systems and processes that the Government of Canada has designed over the years to address these unresolved grievances have proven to be slow and inadequate.

As a result, an unacceptably large backlog of claims awaits attention and action. In fact, the number of unsettled claims in the federal system has doubled since 1993. To be more precise, there are now nearly 900 outstanding claims. Approximately 530 of these cases are stuck in bottlenecks at the earliest stages of the claims process, and this figure is expected to rise as the number of new claims outstrips our ability to resolve current ones.

Is it any wonder that we find ourselves in this predicament when it takes an average of 13 years to process a single claim? Thirteen years. No other Canadian citizen would accept this state of affairs in any other aspect of their lives. Why should specific claims be any different?

Clearly, then, we must reform how this country deals with specific claims and we must demonstrate the political will to see that these much needed reforms are not simply discussed but implemented immediately and supported continually so that the existing backlog of claims is resolved once and for all.

The government's approach to address this problem began to take shape late last year. First, the Senate Standing Committee on Aboriginal Peoples undertook a comprehensive examination of the current process and recommended steps to improve and accelerate the handling of specific claims.

I would like to express my deep thanks to committee members for their work in providing clear direction forward on this issue.

Armed with that report of the Senate committee, the Prime Minister announced the government's specific claims action plan on June 12. The Prime Minister declared that after decades of neglect, failed efforts and dashed hopes, the Government of Canada, in closest cooperation and collaboration with its first nation partners, would undertake major reforms to revolutionize the way this country handles specific claims. Our plan for the comprehensive reform of the specific claims process features four elements.

First, the government proposes to create an independent tribunal that will bring fairness and timeliness to the claims process.

Second, we commit to more transparent arrangements for financial compensation through dedicated funding for settlements.

Third, we will introduce practical measures within the existing system to ensure faster processing on smaller claims and greater flexibility for extremely large claims.

Fourth, once the new tribunal is in place, the Indian Specific Claims Commission will no longer conduct new inquiries into specific claims. The commission will continue its valuable role in assisting parties to overcome challenges and enhance their opportunity to meet the shared goal

of resolving claims through negotiation until such time as it is replaced by a new mediation centre.

Bill C-30 is the direct result of the Prime Minister's historic announcement. The bill puts into motion the first element of the government's four-part plan, creating an independent tribunal and vesting it with the power to make binding decisions on claims. This legislative change will lead the way for implementation of the other elements of the specific claims action plan, which do not require legislation.

Before delving into the details and implications of the legislation, I should point out that the bill before us today is the direct product of a unique group of experts from the Government of Canada and the Assembly of First Nations. Over the course of the summer, the joint specific claims task force met regularly to discuss, develop and refine the document that is before us today as Bill C-30.

The diligence, collaboration and shared insight demonstrated by the task force were instrumental factors in bringing this legislation to life. These qualities also serve as a vivid example of the productive and collaborative attitude that we must all share to ensure the success of the new approach to resolve specific claims.

(1315)

If I may, I will quote National Chief Phil Fontaine, who said:

> The AFN is very pleased with the process that was followed in the development of this legislation. It is apparent that when there is political will, we can always find ways to resolve our differences.

In this spirit of openness and genuine partnership, I would like to express my deepest thanks to the members of the task force and, in particular, the task force co-chairs for their leadership in taking the ideas and objectives expressed by the Prime Minister and transforming them into legislation.

Bill C-30 authorizes the government to create an independent tribunal vested with the power to make binding decisions on claims, in particular, on questions regarding the existence of lawful obligations and financial compensation. In fact, there are three scenarios in which a first nation could file a claim with the tribunal: first, when a claim is not accepted for negotiation, including a scenario in which Canada fails to meet the three year time limits for assessing claims; second, at any stage in the negotiation process, if all parties agree; and third, after three years of unsuccessful negotiation.

During its deliberations, the tribunal will hear arguments from all sides of a claim. Decisions made by the tribunal will be binding on all parties. Binding decisions will enable the federal government and first nations communities to achieve closure on claims and reduce the time and expenses associated with litigation.

I should point out that tribunal decisions will not address claims valued at more than $150 million and will not award compensation for punitive damages or non-financial compensation such as land or resources. Nor will tribunal decisions be automatically binding on provincial governments. Provincial governments may participate in the process on a voluntary basis provided they have agreed to be bound by the decisions of the tribunal.

Fairness and accountability are important elements of the new approach to addressing specific claims. The tribunal will be responsible for preparing annual public reports so that the government and all Canadians can follow the activities of the tribunal and gauge its success in resolving claims.

To ensure that the proposed tribunal is fair to all parties involved in the claims process, Bill C-30 calls for the independent tribunal to be composed of federally appointed judges. These superior court judges will have the experience, capacity and credibility necessary to resolve the complex legal and historical questions that surround claims and to determine appropriate levels of compensation owed to first nations that are party to the claims.

I am confident that judges, with no ties or obligations to anyone, will provide the impartiality a transparent process requires and play a significant role in restoring public confidence in the effectiveness and fairness of the claims process.

As I mentioned earlier, Bill C-30 deals strictly with the creation of and authority vested in the independent tribunal. The legislation complements the other vital components of the government's specific claims action plan. Implementing these components, however, will be instrumental to the success of the tribunal and therefore I would like to take a few minutes to outline them.

First, the government will earmark $250 million each year for payments authorized by the tribunal and for payments resulting from negotiated settlement agreements. This dedicated funding will be a vivid demonstration to first nations communities that the government is serious about this process.

At the same time, these annual resources will be a transparent indication to all Canadians of our commitment to accelerate the resolution of specific claims and address the existing backlog of outstanding claims once and for all. To strengthen accountability even further, the government will establish explicit targets for resolving outstanding claims and results will be made public annually so that Canadians can clearly gauge the success of our new approach.

The second element of the plan is a series of new measures that will be put in place to enhance internal government procedures to manage claims. Similar claims that qualify for negotiation will be identified during the research and assessment stages and then bundled together for a final decision on their legitimacy.

Small value claims, which are roughly half of all claims that are currently in the system and are under $3 million, will each undergo expedited legal reviews to quickly conclude whether they will be accepted or declined for negotiation.

For larger claims, valued at more than $150 million, separate arrangements outside the specific claims process will be established. These are relatively rare and they are more difficult, but right now they bog down the system due to their size and complexity, although I do want to add that we are delivering on these larger claims as well.

 (1320)

In fact, earlier this fall I was in northern Alberta with the Big Stone Cree nation. We signed an agreement in principle worth over $300 million, involving 140,000 acres of land. This is the largest specific claim in Canadian history. We are serious about these as well. This is another indication that the government is making progress on claims, large and small.

As for the specific claims process, this accelerated and more nuanced approach will take full advantage of the wealth of research, studies and data amassed over the past 30 years as Canada has worked on these issues. Greater use will also be made of existing databases and other easily accessible sources of information to support the earlier review process and other improvements.

The third element of our new approach involves better access to mediation services to help the parties reach negotiated settlements. Consequently, mediation services will be available to assist them in overcoming impasses during negotiation.

The Indian Specific Claims Commission has provided invaluable facilitation and mediation services for the past 16 years helping parties in disputes reach mutually beneficial arrangements. We certainly do not want to lose this expertise, but at the same time, we do not want the commission to duplicate the efforts of the new tribunal. To achieve these goals we must transform the commission.

Under our new approach, the commission will no longer accept new inquiries into rejected claims but will finalize certain inquiries that are currently at an advanced stage and continue to provide mediation services until such time as a new mediation centre takes on those duties. This transformation will help us overcome impasses at the negotiation stage of the process and reduce many of the delays that hold us back. As a result, we will be able to conclude more negotiations successfully and at a faster pace.

Let me repeat that I firmly believe we must make every effort to achieve negotiated settlements so that first nations will turn to the new independent tribunal only as a last resort. We will also adjust the system if it needs further improvements as we go along. We will review our approach after five years and make a comprehensive assessment of our progress.

I realize that there are, and probably always will be, some who object to what we are proposing. We will never achieve perfection, but I am convinced that what we have here is a solid plan. It is fair, transparent, efficient and respectful. It will deliver real, meaningful, measurable results, which the current system has failed to produce.

Our new approach will unblock the existing backlog of claims. It will cut in half the time to process claims. Every claim in the system will have action taken to advance it. All claims will move forward at a faster pace. More claims will be resolved than received each year. Fifty per cent of all claims currently in the system will be resolved in short order.

Make no mistake that the time for talk is over. We all know what the problems are. We all know what needs to be done, thanks to years and years of consultations, studies and inaction. We all know that the problems have dragged on long enough. We have to get on with it, and Bill C-30, the specific claims tribunal act, will enable us to do just that.

For 60 years first nations leaders have been urging the federal government to create an independent tribunal to adjudicate historic grievances. Today we are beginning the legislative work to establish this vitally necessary tribunal. This legislation has been shaped by the efforts of the joint Canada-Assembly of First Nations Task Force this past summer. It is truly a historic day for Canada. It is historic because this bill will implement a process that will fulfill Canada's lawful obligations to first nations communities, honour outstanding debts, and settle claims through a process that is more impartial, transparent, and timely.

The proposed legislation is also historic because when we think deeply about this, this new approach is about more than specific claims. It is about achieving fundamental justice and fairness. It is about building a stronger and more stable economy and ensuring equal opportunity for all Canadians to work and prosper. It is about creating legal certainty for first nations and their partners in industry and area communities. Most important, it is about enabling members of first nations and their fellow Canadians to move on and move forward together.

I am privileged to have been given this opportunity to open debate on the motion for second reading of Bill C-30, the specific claims tribunal act. I urge all my colleagues to support this landmark legislation and take immediate and decisive action to resolve specific claims once and for all.

(1325)

Phil Fontaine was here when I tabled the bill last week. I would like to close by mentioning his words that we need this bill and we need it to be passed speedily. I urge all members, let us get this bill into committee and pass it quickly. Sixty years is far too long to wait. We are prepared to move this as quickly as we can through the House and into committee. Let us do it not only for first nations, but for all Canadians.

[*Translation*]

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Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):

Mr. Speaker, I of course listened closely to the minister responsible for this file. I have a practical question for him about the involvement of provinces.

When the tribunal hears a case dealing with a territory or a claim involving a province, does the minister, his office or his department anticipate that the province concerned could be called as a party? Could it be added as a third party voluntarily, or even involuntarily? By that I mean could a judgment or decision of the tribunal be rendered against a province without it being a party in the claim?

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Hon. Chuck Strahl:

Mr. Speaker, I thank the hon. member for his question.

[*English*]

It is clear in the legislation, and I hope it was clear in my remarks, that this specific claims tribunal is for the federal obligation and for the federal government. We have made it clear that if provinces would like to participate in this, if they feel it is in their interest to resolve outstanding claims outside of the federal obligations, they could participate at their choice. The only provision is that the province would have to agree to be bound by the decision of the tribunal in the same way that the federal government is bound by the tribunal and by the decision of the judges on that panel. It is important to do it that way.

We do not want to interfere with provincial jurisdiction at all, but my hope is that there will be opportunities and occasions where the provinces will come forward and say they think it is in their best interests overall too, that this is a good chance to settle an outstanding claim, and that they are part of it. By taking it arm's length away from, in this case the federal government and the provincial government, it will get a fair and just settlement. It will bring certainty to it. It is binding on all the parties. First nations and non-first nations can move forward with the settlement at the conclusion.

That is completely at the discretion of the province. This has no jurisdiction over land or other issues or resources that are outside of the federal mandate. This is strictly for the federal obligations and almost always that just involves cash in the settlement. The tribunal has access to that $250 million a year, arm's length from government, which it can use to settle these claims.

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Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC):

Mr. Speaker, I would like to commend the minister for his presentation and the introduction of this very important and historic bill for the Parliament of Canada. This is another step that has been taken by our government toward improving the very system that has for so long stood in the way of first nations people across Canada.

How does this bill in particular continue on with the new Government of Canada's perspective on improving systemic reforms within our legislation, within our mode of government? How will this achieve outcomes that will benefit first nations people across Canada?

(1330)

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Hon. Chuck Strahl:

Mr. Speaker, I appreciate the hon. parliamentary secretary's comments and his work both on the committee and on behalf of first nations and all Canadians on this issue.

There are a couple of ways that the bill will help to advance the practical steps we have been taking to work with first nations on issues that have been lingering for far too long.

As I mentioned in my comments, on average it takes 13 or 14 years to solve a specific claim. Fifty per cent of these claims are worth less than $3 million. That it takes 13, 14 or 15 years of litigation, negotiations and research on a claim that might be worth $1 million or $2 million is outrageous. The amount of time and energy spent will be cut down. This is a three year process. It can go to tribunal after three years. It will speed things up tremendously.

More important, it sets a completely different tone for relationships with first nations. The system that has been in place for 60 years has caused a constant irritant in relationships with first nations. They have to wait. They have to take a back seat. They have to get in the lineup knowing full well that probably in their lifetime they will not see it settled.

We have a process that is far more respectful. It is just and it is fair. First nations are looking for that. It does not matter whether we are talking about specific things like the education bill to address education issues in British Columbia, new arrangements on child and family services like

we have in Alberta, or whether we are talking about finally having a settlement for the residential schools issue, what they are looking for is something that is just and fair, and timely.

I am convinced that this specific claims tribunal addresses concerns and probably just as important, how we come to conclusions. Working hand in hand with the Assembly of First Nations shows a difference in attitude for which first nations have been looking for a long time.

All in all, it settles these outstanding grievances. It does it far more quickly than we have seen before. It shows again our ability and willingness to work closely with first nations right down to the drafting of the legislation to ensure that it looks after this historic grievance in a way that solves the problem and involves first nations in a meaningful way. That is what they are looking for in first nations communities. When we think about it, that is what Canadians look for in a democratic process.

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Mr. Tony Martin (Sault Ste. Marie, NDP):

Mr. Speaker, I want to commend the government and the minister for this initiative. With Chief Fontaine on board, it is obviously heading in the right direction. There will be bumps along the way, challenges and things that will need to be addressed.

At the outset, does this agreement deal at all with the question of the resources that exist within those lands as these claims are settled?

A colleague of mine in Ontario, the MPP for Timmins-James Bay, has brought forward in the Ontario legislature a bill that would give first nations some claim on the wealth that is generated once resources are harvested, mined or whatever. Is there anything in this bill that takes us down that road that would lead us to be confident that in settling these claims, our first nations would in fact be able to enjoy some of the wealth that will be generated?

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Hon. Chuck Strahl:

Mr. Speaker, that is a very good question about an outstanding issue. This bill does not deal with the provincial resource issue as the member described.

In my home province of British Columbia, I believe there are 100 or 120 separate resource management agreements that have been struck over the last few years with first nations communities to help them get a piece of the resource revenue that is in their traditional territories and so on, but that is a different issue. It is an important issue and it needs to be talked about, whether we are talking about, in the case of B.C., comprehensive land claims treaties and other issues or whether we are talking about consultation and accommodation issues. Those are all important, but on the specific claims tribunal, we wanted to be quite clear that we did not want to mix the specific claims process with either section 35 rights that might be negotiated, or the treaty process itself on comprehensive land and other treaties.

This is specific claims. It deals with the outstanding obligations of the Crown. In some cases it might involve resources. For example, there might be a case where years ago some resources were sold off from an Indian reserve and the first nation was not properly compensated at the time. They may have had for many years an outstanding claim, a specific claim about that resource that was unfairly treated at the time because of the actions of an Indian agent, perhaps, or some other unscrupulous character the government had used to negotiate something--

(1335)

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The Acting Speaker (Mr. Andrew Scheer):

Order, please. I hate to cut off the hon. minister. Unfortunately, he could not see me warning him that the time for questions and comments had expired. We do have to move on.

Resuming debate, the hon. member for Winnipeg South Centre.

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Hon. Anita Neville (Winnipeg South Centre, Lib.):

Mr. Speaker, I rise today to express my support for Bill C-30, Specific Claims Tribunal Act. Today my hon. colleagues have an opportunity to respond to 60 years of requests from first nations to create an independent tribunal. We agree that the legislation is an important first step in dealing with existing backlogs of claims. The legislation now before us strives to fulfill a legal and moral imperative to address the specific claims of first nations in a just and timely manner.

Bill C-30 proposes to create an independent tribunal to bring greater fairness to the way specific claims are handled in Canada, while at the same time accelerating those claims. A legislative tribunal is not a new approach. Indeed, this approach was proposed by the Liberal leader in his leadership platform.

To understand the importance of resolution of specific claims, allow me to provide some context. Specific claims deal with past grievances of first nations. These grievances relate to Canada's obligations under historic treaties or the way it managed first nations funds or other assets, including reserve land.

Since 1973, the government has had a policy and process in place to resolve these claims. The current process begins when a first nation submits a claim to Canada. Canada then completes a thorough review of the facts of each claim to determine whether it owes a lawful obligation to the first nation. If a lawful obligation is found, Canada negotiates a settlement with the first nation and, where applicable, with the province.

If an outstanding lawful obligation is not found and the claim is not accepted by Canada, the first nation can refer its claim to the Indian specific claims commission to conduct an independent review of the government's decision. If requested, the current commission can also assist first nations and Canada in mediating disputes.

The independent body does important work, but it does not have the power to make binding decisions. It can only make recommendations for consideration by the government.

All are agreed that the current process needs to be improved. The history of calls for and efforts to create an independent tribunal on specific claims date back to 1947. In July 1947, the special joint committee of the Senate and the House reported:

> That a Commission, in the nature of the Claims Commission, be set up with the least possible delay... in a just and equitable manner any claims or grievances arising thereunder.

The number of claims is too high. Since 1973, almost 1,300 claims have been submitted to Canada. To date, 513 of these have been concluded and 784 remain outstanding.

The proposed plan proposes four key elements as we have heard: the creation of an independent tribunal; more transparent arrangements for financial contributions through dedicated funding for settlements; practical measures to ensure faster processing of claims; and, better access to mediation once the new tribunal is in place.

The tribunal will have authority to make binding decisions on the validity of the claims and compensation issues in respect of claims that have a value of up to $150 million.

Most Canadians recognize and support the settlement of long-standing claims and a resolution of historical grievances for first nations.

As I said at the outset, the legislation is an important first step. There is still a ways to go. I look forward to hearing from representatives of first nations from across the country and others on the proposed legislation.

I hope the government is also open to listening too. It is unfortunate to say this, but I am sure the government does not want to hear it, but since coming to power, the government has shut out the voices of aboriginal Canadians more than it has listened to them. There has been a lack of trust and the relationship to date has not been one of respect or inclusiveness.

Last week marked the two year anniversary of the Kelowna accord. The government ignored the voices calling for the implementation of that agreement. It ignored the aboriginal leaders, provincial and territorial leaders and others who were involved in the 18 month process that led to that agreement.

Last week marked the two year anniversary of the Kelowna accord. The government ignored the voices calling for the implementation of that agreement. It ignored the aboriginal leaders, provincial and territorial leaders and others who were involved in the 18 month process that led to that agreement. It made a unilateral decision to cancel it, yet it still held the Kelowna agreement up at the United Nations as an example of how it was working in partnership with aboriginal organizations. It also voted against and actively lobbied against the UN Declaration on the Rights of Indigenous Peoples, again ignoring the voices of aboriginal peoples from across the country and not standing up for the rights of indigenous peoples at home or around the world.

First nations, the Métis and the Inuit have been virtually shut out of two budgets and two fiscal updates. For example, budget 2007 had $6 billion in new funding for Canadians. Of that, only $70 million was for aboriginal peoples. In its other fiscal documents, the funding provided for housing, for example, had been previously booked. It was not new money.

On water, the government's own advisory committee warned that proceeding with the legislation to establish drinking water standards for first nations communities without the necessary capital and infrastructure funding would not be successful. There has been no action on this report.

The current government must not ignore the voices who go against its refrain that when it comes to first nations issues, money is not the issue. We saw that message regarding the child welfare crisis, where the government chose to blame the victim.

The government has, for the first time, done land claims issues in partnership with the Assembly of First Nations. It has shown a political will to move forward in a collaborative manner, but some are already saying that they were not allowed to speak. The process of review of the bill in committee must ensure that those who wish to speak have the opportunity.

I believe it is important that we acknowledge the concern that the bill does not allow first nations to have a say in the appointment of judges to the tribunal that was created. Concerns have been expressed about that, and I think it is something about which the committee will wish to talk.

If the government is also committed to taking action on claims worth more than $150 million, the official opposition would like to see issues pertaining to the accord to be included in the current legislation to show its commitment to the issues. The official opposition also wants to ensure that the department has the internal capacity to deal with the claims as we expect them to come forward.

This issue is an important one. I look forward to hearing from those who want to come forward at second reading. We look forward to a close review of the bill in committee.

Bill C-30 is a step in the right direction. I urge members to support the legislation.

(1345)

[*Translation*]

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Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):

Mr. Speaker, I am a little surprised. I thought my hon. colleague would be asked some questions.

I am happy to indicate my position and speak to this important bill. I would like to begin by saying that is it rare for the government to come up with a bad bill when it consults people and seeks the approval of those who would be affected by the bill.

In the case before us, Bill C-30, which involves establishing a tribunal, was drafted in cooperation with first nations peoples. It therefore has the full approval of first nations peoples, who have been waiting for this tribunal for far too long. It is unfortunate—and I say this with all due respect for the minister, who is listening carefully—that the same thing was not done for Bill C-21 and, even before that, first nations peoples were not consulted before Bill C-44 was introduced.

That being said, this is an important bill and the Bloc Québécois will support it, so that it may be studied in detail by the Standing Committee on Aboriginal Affairs and Northern Development. Indeed, this bill deserves a great deal of attention. When I say this, I do not mean that we should drag out our committee work in order to play for time and take longer. No, that is not what I mean.

We think some pointed questions must be asked in relation to this bill. My hon. colleague from the Liberal Party just raised one or two of them and I will raise some more in a few minutes. However, all interested and relevant individuals who wish to appear before the committee must be heard.

Personally, I think this bill should be approved by the committee as soon as possible. A consensus must be reached. It certainly will not happen before Christmas. I would very much like to be able to offer this as a Christmas gift to first nations peoples this year, but it would be unrealistic to think that we might study this before Christmas, considering the work that needs to be done on Bill C-21. At the very least, however, as soon as we resume in January, we must begin studying this bill immediately and give it our support.

In our opinion, this bill meets one condition. We have always been against one thing. We are talking about the federal government as a whole. When a first nation files a financial or other claim with the federal government, the government is in clear conflict of interest. This is really a conflict of interest. It is both judge and defendant, at least, we hope, until this bill is adopted. It used to be that the federal government as a whole received the claim. The government also set the dates and parameters for examining the claim. It set the dates, times and locations for hearing witnesses, and it paid the bill for the process.

It was clearly in the interest of some first nations to make claims that might be frivolous, but these claims very often took forever to be settled.

I listened carefully to the minister when he spoke earlier. He said that three or four years was far too much time to take to study, analyze, consider and settle a claim for $1 million, $2 million or $3 million.

(1350)

When a criminal case is before the courts—and God knows I was often in court as a lawyer over the years—the case cannot go on for four years unless it is an exceptional and extremely lengthy case. In fact, only rarely does it take more than three years for a case like the ones I argued to be heard in superior court. So why could it take three, four, five, six or even seven years to hear an aboriginal claim?

I have a note here that I believe is very important. Since 1973, more than 30 years ago, 1,297 specific claims have been filed. Of those, 513 have been settled for amounts ranging from $15,000 to some $12,250,000, the average settlement being approximately $6 million. You cannot take 30 years to settle claims. It makes no sense. Today, on this lovely December 4, 2007, 784 claims are still pending, awaiting a decision, even though it has been a long time since 1973. The mere mention of these figures should help get this bill passed relatively quickly. It deals with important issues.

In fact, there are two issues that, in the opinion of the Bloc Québécois, deserve special attention. The first is whether a judge who hears a claim could unilaterally assign responsibility for paying that claim to a party if that party was not present. The debate is not clear on this issue. I asked the minister about it and he replied, but I believe we will have to take the discussion a bit further. This is an important point.

The example that comes to mind immediately is that of the Kitigan Zibi, in Maniwaki, which filed forestry and financial claims with the governments of Quebec and of Canada. What would happen if the Algonquin nation of Kitigan Zibi sued the federal government, the judge ruled against the government, held it 75% responsible and required that 25% be paid by Quebec? What would we do given that Quebec was not a party to the suit? That would be an interesting discussion and I hope we will be given an answer in committee.

As it has a fiduciary responsibility for the first nations, and as it is both a judge and a party in these cases, would the government not be tempted to require that a first nations community

reduce the amount of its claim if it wanted the government to continue providing assistance for education, health care, water systems and police services? How can we ensure that the judge who must rule in the case will be completely neutral, completely independent and have full control of the evidence before him? This is a crucial point.

If we wish to maintain a good relationship with the first nations—and this bill is a good step in that direction—we believe it is important and vital to ensure that the tribunal is completely in charge of evidentiary matters. The bill has some interesting sections; however, would the federal government, with fiduciary responsibility for the first nations, not be tempted to ask them to compromise if they wished to continue to receive funding in other areas? Therefore, we must ensure that the tribunal will be completely independent and have control of the evidence.

(1355)

I do not want to address everything in the bill because that would take me 10 minutes, but I want to talk about clause 15, which excludes many claims that first nations might be inclined to take to court.

For example, clause 15(1)(*d*) would not allow them to submit claims concerning:

> —the delivery or funding of programs or services related to policing, regulatory enforcement, corrections, education, health, child protection or social assistance—

There is sure to be some debate about that. What would it mean for a community such as Kashechewan in northeastern Ontario that does not have access to the same health services as communities such as Kitigan Zibi near Maniwaki, Mashteuiatsh near Roberval and Essipit near Les Escoumins?

What can be done to ensure appropriate levels of service? Take for example something that happens all too often: a woman gives birth and loses the baby for want of adequate care. She will not be able to make a claim for having lost her baby. There will be some interesting debates to come.

In closing, I want to emphasize that the provision concerning the finality of the decision made by the two parties must remain in the bill. The decision cannot be subject to appeal. When the two parties appear before the court, they need to know that the decision will be final. They must be prepared when they go to court; they need to know where the file stands. The file must be ready and complete, and the judge can hand down a decision that is binding on both parties—the federal government and the first nation—as well as all other parties to the case.

The Bloc Québécois will vote in favour of Bill C-30 because it is a step in the right direction. We would like to see the government do this more often, undertake more frequent and thorough consultations with first nations before drafting bills so that we do not have to protect first nations against the government and its flawed bills that are not ready for debate.

Consequently, I would invite the House to vote in favour of this bill at the close of debate.

[*English*]

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Mr. Tony Martin (Sault Ste. Marie, NDP):

Mr. Speaker, in looking at the member's own particular area, I was wondering if the question of resources and the wealth that is generated from the harvesting of those resources is important in the context of this bill.

[*Translation*]

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Mr. Marc Lemay:

Mr. Speaker, the answer is no. I do not think that can be part of this bill because those are claims that affect the provinces, territories, RCMs and municipalities. These claims are much too

broad for what the government has in mind. I think this type of specific claim needs agreements based on a long—

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The Acting Speaker (Mr. Andrew Scheer):

Order, please. There are nine minutes remaining for questions and comments for the hon. member. He may continue after oral question period.

We now move on to statements by members. The hon. member for Abbotsford.