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Chair: Mr. Patrick Weiler



Standing Committee on Indigenous and Northern Affairs

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• (1550)

[English]

The Chair (Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.)): I'm going to call this meeting to order.

Welcome to meeting number 131 of the House of Commons Standing Committee on Indigenous and Northern Affairs.

As always, I want to start by acknowledging that we are gathered on the ancestral and unceded territories of the Algonquin Anishinaabe peoples, and I want to express gratitude that we're able to do the important work of this committee on lands that they've stewarded since time immemorial.

I also want to remind you and to ask all in-person participants to read the guidelines written on the updated cards on the table. These measures are in place to help prevent audio and feedback incidents and to protect the health and safety of all participants, including the interpreters. You will also notice a QR code on the card, which links to a short awareness video.

Pursuant to the order of reference of Wednesday, June 5, 2024, the committee resumed consideration of Bill C-61, an act respecting water, source water, drinking water, waste water and related infrastructure on first nation lands.

Before we go into clause-by-clause consideration, this will be the last meeting that we projected under our initial budget. You will have received in your email a supplementary budget to be approved for our next meeting so that we can have food we're all able to enjoy as we do our work. I want to make sure we have unanimous consent to approve the supplementary budget.

Some hon. members: Agreed.

The Chair: Seeing that we have unanimous consent, that's approved. I will sign that and bring it to our Liaison Committee in short order.

With that, we are going to return to clause-by-clause consideration of Bill C-61.

Again, to help us with clause-by-clause consideration, I would like to welcome back our witnesses. From the Department of Indigenous Services, we have Nelson Barbosa, director general, community infrastructure branch; Rebecca Blake, acting director, legislation, engagement and regulations; and Douglas Fairbairn, senior counsel, Crown-Indigenous relations and northern affairs.

I also want to remind members that the amendments are confidential and that subamendments are to be shared electronically or in paper form in both official languages and sent to the clerk for distribution.

(On clause 15)

The Chair: With that, we will resume debate on the amendment by Mr. Morrice, PV-2.

I will also note that, if PV-2 is adopted, then NDP-26 and G-4 cannot be moved due to a line conflict, but I think—

A voice: It's just G-4.

The Chair: —NDP-26 was withdrawn. Therefore, G-4 cannot be moved due to a line conflict if PV-2 is adopted.

With that, I will give the floor back to Mr. Morrice.

Mr. Mike Morrice (Kitchener Centre, GP): Thank you, Chair.

I believe you've received a subamendment by Ms. Idlout since our last meeting. Maybe I'll leave it to Ms. Idlout to move that subamendment.

The Chair: Go ahead, Ms. Idlout.

Ms. Lori Idlout (Nunavut, NDP): [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you.

I would like to begin in item PV-2 regarding the word “economic”. I would like to add the indigenous word....

[English]

I had asked the interpreter what the Inuktitut word for spiritual was, and I forget the word already. It's just to add the word “spiritual” after “economic” and before “and”, so that it reads “economic, spiritual and cultural”.

Qujannamiik.

The Chair: Thank you very much, Ms. Idlout.

Colleagues, you should have received the updated subamendment. It's being sent right now. You should have that very shortly.

It is fairly straightforward, but as always, we want to make sure that we have that clearly in front of us. Here it is. The French version you have is right here, and the English version would have been circulated by Ms. Idlout about an hour ago.

With that, we can open it up the debate. Does anybody want to make an intervention related to the subamendment?

Mr. Melillo.

• (1555)

Mr. Eric Melillo (Kenora, CPC): Thank you, Mr. Chair.

It has been some time since we've discussed this bill, so I want to confirm a couple of things.

I appreciate what Ms. Idlout is bringing forward. I think I still have the same concerns with PV-2 and the inclusion of "economic" needs, as was mentioned previously. I want to confirm with our officials here if they feel that "economic" needs are perhaps out of scope with what this bill is aiming to achieve.

Mr. Nelson Barbosa (Director General, Community Infrastructure Branch, Department of Indigenous Services): Thanks for the question. It's good to be back and to see all of you.

I think where we last left off we talked about where you could, I think, make the case on scope. I think that was part of the conversation. I think there was also contemplation around the ability to quantify what the overall impact would be of the inclusion of the word "economic". I believe this encapsulates our previous conversation.

Mr. Eric Melillo: I appreciate that. I don't want to reiterate what was said, but I wanted to make sure that was clear.

I would say, Mr. Chair, for our side, we maintain that it's a bit unclear what those economic needs would be. I believe it is out of the scope of what this bill is hoping to achieve. For that reason, I wouldn't support the main amendment and would extend that to the subamendment as well, since we would not be supporting the amendment.

I just wanted to get that on the record. Thank you.

The Chair: Thank you, Mr. Melillo.

Mr. Morrice has his hand up. I'll turn it over to him.

Mr. Mike Morrice: I'll reiterate from our last meeting, as I shared last time on the same point, and remind committee members that, by virtue of the amendment being ruled admissible, which it has been by virtue of its being moved, that means for the committee that what is in that amendment is in fact within scope. It is within the scope of this bill, because it has been moved.

I hope that committee members would keep that in mind as they consider the proposal Ms. Idlout has put forward to add "spiritual" to the needs of first nations that would be provided for by this bill, as well as the original amendment that would also add "economic".

The Chair: Thank you very much, Mr. Morrice.

Not seeing any other hands up, why don't we go to a vote here?

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

The Chair: We're back to the amendment as amended.

Is there any intervention or debate on this amendment?

Mr. Battiste.

Mr. Jaime Battiste (Sydney—Victoria, Lib.): Yes, I want to, for the record, say that I think that the addition of "spiritual" is a good thing in terms of the communities' needs. What we have a problem with as government is that we have the word "economic" in there. I think we've been told that it's not part of what this legislation is aimed at doing. For that reason, we can't support this with the word "economic" in there.

• (1600)

The Chair: Thank you very much, Mr. Battiste. I'm not seeing any other hands up.

Let's go to a vote.

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

The Chair: PV-2 is defeated, which takes us to G-4.

I'll turn the floor over to Mrs Atwin.

Mrs. Jenica Atwin (Fredericton, Lib.): Thank you, Mr. Chair.

I move that Bill C-61, in clause 15, be amended by replacing line 31 on page 10 with the following:

management needs of the First Nation, taking into account its cultural and spiritual needs and based on its cur-

Again, it enshrines the importance that we've all recognized of including "cultural and spiritual". It also responds to requests from the Assembly of First Nations and our partners who worked with us on this bill. It's also consistent with UNDRIP as well, so this is important for us. I think it's more concise as well, and it captures what partners were requesting of us.

Thank you.

The Chair: Thank you very much, Ms. Atwin.

Is there any debate on G-4?

Mr. Melillo.

Mr. Eric Melillo: Thank you, Mr. Chair. This is not to debate but just to reiterate that we are supportive of this. We had concerns, the same concerns raised by the Liberals in the previous amendment and subamendment. Just in case it was not clear, we just wanted to make sure of our position on that.

The Chair: Thank you very much, Mr. Melillo.

Not seeing any other hands up, let's go to a vote on G-4.

I think we have unanimous consent here.

(Amendment agreed to)

(Clause 15 as amended agreed to on division)

(On clause 16)

The Chair: We move to clause 16, and the only amendment we have here is NDP-27.

I'll just open the floor to Ms. Idlout if she wishes to move NDP-27.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you, Chairperson.

Regarding NDP-27, as a committee, it was given to us by the B.C. Assembly of First Nations. They requested we make an amendment that:

16(1) The Minister must ensure that wastewater effluent on First Nation lands and in the protection zones adjacent to those lands at least meet the stan-

It would also replace lines 5 to 7 on page 11 with the following:

lations or, on the request of a First Nation, wastewater effluent standards in place in the province or territory where the First Nation lands of that First Nation are located.

(2) Subsection (1) applies despite any exercise of the jurisdiction referred to in section 6.

Thank you.

• (1605)

The Chair: Thank you very much, Ms. Idlout.

I'll open it up to debate.

I see Mrs. Atwin has her hand up, so I'll pass it over to her.

Mrs. Jenica Atwin: Thank you, Mr. Chair.

We debated a similar amendment that also included this piece around "the Minister must". The concern is just that it's removing that self-determination piece again for individual first nations as to how their laws will be applied over their territories. There's the idea that protection agreements will be forthcoming as well, so it's again about that self-determined piece. It's about ensuring that they are the ones to drive that process as well. We don't want to be too prescriptive, so while it's well-intentioned, again, I think it removes the power of individual communities to pick the standard they would prefer.

I would also defer to our experts again to clarify whether I'm understanding that correctly. However, that's my position on this one.

Ms. Rebecca Blake (Acting Director, Legislation, Engagement and Regulations, Department of Indigenous Services): Yes, you are correct in terms of differing from first nation choice, as well as those agreements in collaboration with provinces and territories.

The Chair: Thank you very much, Mrs. Atwin.

Mr. Melillo.

Mr. Eric Melillo: Thank you, Mr. Chair.

I apologize, Mr. Battiste. I know you're eager, but I just have a couple of questions on this, along the same lines as Mrs. Atwin's.

The first is actually about the word "adjacent" in there. I know we had a discussion at length, Mr. Chair, about adjacency, and it was removed in previous clauses of the bill.

Would reintroducing adjacency in this instance cause any inconsistencies or any complications in the legislation?

Mr. Nelson Barbosa: Thank you for the question.

Similar to a conversation we had on water, the reintroduction of the word "adjacent" may create inconsistency throughout the bill.

Mr. Eric Melillo: Thank you.

Further to that, not to belabour the point, but as Ms. Atwin mentioned, there's the issue of choice and enforceability. It mentions not just first nation lands but the protection zones as well. We don't know, of course, exactly what those are going to look like at this point. It potentially could include lands that would not be part of the first nation.

To the experts, do you foresee any challenges with how that would be enforced if it includes lands not in the first nation?

Ms. Rebecca Blake: I appreciate the question.

It could potentially predetermine what's in agreements that are agreed to by the provinces, territories and first nations themselves, so it would have an effect on those choices for those multiple jurisdictions.

Mr. Eric Melillo: It would essentially remove the choice not just from the first nation, but potentially from the provinces and territories as well. Is that what you're saying?

Ms. Rebecca Blake: That's correct.

The Chair: Thank you very much, Mr. Melillo.

Not seeing any other hands up, let's go to a vote on NDP-27.

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

(Clause 16 agreed to on division)

(Clause 17 agreed to on division)

(On clause 18)

The Chair: The amendment we have here is NDP-28. I'll open the floor for the moving of NDP-28.

Ms. Idlout, the floor is yours.

• (1610)

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you.

Regarding NDP-28, it was given to us by the B.C. Assembly of First Nations.

If it wasn't voted, how do we want this to proceed? I wouldn't mind if this were to be passed as well.

Thank you.

The Chair: Thank you very much, Ms. Idlout.

I'll open it up for debate.

I'm not seeing any hands.

Mr. Eric Melillo: Can I just ask you a question, Chair?

The Chair: Sure.

Mr. Eric Melillo: Thank you, Mr. Chair. I hope it's not a tough one.

I just want to confirm, if NDP-28 passes, would it have any impact on the admissibility of CPC-1?

The Chair: No, I can confirm that it will not affect CPC-1.

Not seeing any other hands up, we can move to a vote. Shall NDP-28 carry?

(Amendment negated: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: I'll open the floor to Mr. Melillo to move CPC-1.

Mr. Eric Melillo: Thank you, Mr. Chair. I've been waiting for this moment for a while, so I appreciate the opportunity.

On CPC-1, the wording is fairly straightforward. I'll just quickly read it in. We would add:

“(3) The Minister must obtain the consent of the First Nation governing body before applying the standards referred to in paragraph (1)(a) or (b).”

For the benefit of our committee members, we've heard from multiple first nations that have expressed concerns regarding the potential power of the minister in this legislation, the Minister of Indigenous Services, to potentially impose regulations and other decisions upon them.

We've heard it during this study. We've heard it from other studies as well, but I believe that, if a first nations governing body does not choose a standard, the minister can still work with first nations to determine which standard will apply. However, the governing body will ultimately decide. Having that consent will ensure that there is not just a consultation with each first nation but that the power of decision-making is with the first nation.

I have some more to say on that, but maybe I'll just stop there and see what my colleagues feel about this before going any further. I think this will be a great way to strengthen the bill to ensure that first nations can guide their destiny with this.

Thank you.

The Chair: Thank you very much, Mr. Melillo.

With that, we'll open the debate.

Go ahead, Ms. Atwin.

Mrs. Jenica Atwin: Thank you, Mr. Chair.

Could I just quickly ask about what the possible implications of this wording would be?

We've gone with “consultation and cooperation” because it aligns with UNDRIP and previous legislation that already exists. Of

course, I certainly understand and know what free, prior and informed consent means, especially in the context of the local communities that I represent. Also, New Brunswick has a policy provincially. I'm just concerned that perhaps the way it's placed there could be more bureaucracy that could perhaps lead to a delay in implementing the measures in this act, which we've been waiting so long for.

I'd just like to know if I'm interpreting this correctly. Could this, in fact, hold things up for first nations?

Ms. Rebecca Blake: There is the possibility due to a lack of consensus on what “consent” means across different first nations. This proposed amendment is in relation to the application of standards to ensure that there's safe drinking water and waste-water services on first nation lands and the choice of those standards. Should all of those discussions need to happen individually with different definitions of consent, it could slow down the application of those standards.

I'd also point to clause 6 that was already looked at in terms of paragraph 6(2)(a), which allows for first nation law-making. First nation laws could always make a different choice at any time as well.

• (1615)

The Chair: Thank you very much, Ms. Atwin.

Go ahead, Mr. Battiste.

Mr. Jaime Battiste: I see in subclause 18(1) that we've already said:

For the purposes of sections 14 and 16, if a choice is not specified by a First Nation governing body, the Minister, in consultation and cooperation with the First Nation governing body, must determine

There's already some strong language in there. I'm wondering if someone would be able to argue that, if we didn't have, for example, a band council resolution or a vote by that community, outside entities could challenge that the legislation wasn't followed, which could end up delaying the implementation of a water standard in that community.

Ms. Rebecca Blake: You are correct.

As well, in noting back to clause 6, it really leaves it open in terms of first nation law-making and what first nation governance systems are chosen by them. Adding more prescription in there would take more choice away from first nations.

The Chair: Thank you very much, Mr. Battiste.

Next, I turn it over to Ms. Idlout.

Ms. Lori Idlout: Very quickly, where else in the bill does it require the minister to obtain the consent of the first nation governing body?

Ms. Rebecca Blake: It doesn't require consent. However, in the principles section, it does require that all decisions be guided by the principle of free, prior and informed consent.

Ms. Lori Idlout: Okay. Thank you.

The Chair: Thank you, Ms. Idlout.

Go ahead, Mr. Melillo.

Mr. Eric Melillo: Thank you, Mr. Chair. I appreciate the questions from colleagues, and the answers as well.

I think this idea of consent is something we spoke about in previous clauses, especially with UNDRIP. Obviously, within this bill, as you just mentioned, it's supposed to be guided by UNDRIP, which would require free, prior and informed consent. I would be curious to know how free, prior and informed consent would differ from "consent" as it's written in this proposed amendment here.

Ms. Rebecca Blake: I appreciate the question. The difference is that, in the principles section, it's to guide decision-making—free, prior and informed consent—whereas the proposed amendment is to require that consent. It's a different level of authority.

Mr. Eric Melillo: I appreciate the principle. I think it's a great principle, but principles are not.... Well, they're a bit loose, I suppose. We heard about consultation and co-operation. Those are terms that, I think, can be defined in many different ways. We heard, not just on this bill but on many previous bills that the government claimed were co-developed or that there was adequate consultation, a very different thing from first nation leaders on the ground. I worry that....

Let me back up. Look at Ms. Idlout's question and the answer: Where is consent found in this bill? It's not, aside from the principles section, which is not really that enforceable, if I'm not mistaken. It's more of an idea than anything.

Without this bill, the minister has a lot of authority. Obviously, we hope the minister would make great and positive decisions with that authority, but when we're dealing with something as critical as drinking water, I don't know how we can deny first nations the opportunity to have that decision-making authority. I implore my colleagues to consider that.

I think there are a couple of hands, but I'll just share briefly.... We heard a couple of quotes directly at the committee that "the legislation imposes a federal framework by which we can create our own laws, but we don't need legislation to do so." That was Chief Sheldon Sunshine.

We heard from Vice-Chief David Pratt, who said, "If they're allowed to proceed without our consent...there are going to be problems."

Clayton Leonard mentioned that one criticism is that the preamble mentions article 19 of UNDRIP, and then throughout the legislation it is, he used the term, "watered down".

We heard from many stakeholders, national organizations as well as local first nations, that they don't feel they're adequately consulted on this, and that they have concerns with the powers that the minister would have over what should be their jurisdiction, in my opinion. Again, I'll stop there because I think there are a few other comments that would like to be made....

I would just ask my colleagues, who seem to be moving in the other direction, to reconsider in favour of ensuring first nations have that authority and decision-making power. If we truly believe

in free, prior and informed consent, I don't believe there's any reason we would be opposed to this.

• (1620)

The Chair: Thank you, Mr. Melillo.

We go first to Ms. Atwin, and then to Ms. Idlout afterwards.

Mrs. Jenica Atwin: Thank you very much, Mr. Chair.

I'm a bit perplexed as to the change of heart. We've had discussions around this terminology before, also with regard to other amendments specifically and with other bills that we've studied at this committee, and we've had a bit of a different viewpoint.

I'll read a quote from one of our members, Mr. Schmale:

I remember that whole discussion when we were debating and discussing the UN declaration legislation at this committee. One of the issues we, the opposition, had was with the definition of "free, prior and informed consent" and what that actually meant. I remember I said—and so did many others on this side—that, if we don't [actually] do the work and start defining some of the major pieces in the legislation, we're going to wind up in trouble at some point and potentially in court.

Is that the goal with this amendment, to tie this up and to ensure that first nations are not actually finally receiving the legal precedent, the framework, the support with funding that will be tied to this in the future? I'm just wondering why there's a change of heart now.

Again, we have it in the principles clause. We already have the bill that proposes the co-development as described in UNDRIP, which is already the recognized precedent, and that is consultation and co-operation. That has been clearly defined. Again, in the context of my own province and in the communities I represent, it's free, prior and informed consent all day long because we already defined it in that context.

Where it's not defined and where you've kind of changed your opinion on it, do you want to see this stalled? Is that what this amendment is about? I'd like some further clarification on that.

Thank you.

The Chair: I'll let Mr. Melillo respond quickly before going to Ms. Idlout.

Mr. Eric Melillo: Thank you, Mr. Chair.

I do appreciate the question. I don't appreciate, frankly, the tone of it.

Look, we've been very clear that we've had concerns with not defining a number of things. Obviously, that is one, the definition of consent, because people don't seem to be able to define it. Mrs. Atwin mentioned that in New Brunswick perhaps it's not the case. Maybe that's something we should be looking to. I'm happy to do the work to give it that definition so that it is strengthened.

Regarding the goal of this, as I've said, we've heard from a number of first nation leaders who expressed concerns that their voices were not heard on this or on previous pieces of legislation, but particularly on Bill C-61. They want to ensure that they have the authority to govern their lands and their waters, as they should be able to. That's the goal.

I recognize that the definition of consent could be problematic, but I would say to the member, let's work to define it. Let's put that work in. To me, it does not make sense to include something in a principle, in a preamble, to say that you support it and then to not put it throughout the rest of the bill. To me, that just doesn't make sense.

I'm not going to make any further speculations or political commentary about it, because I don't believe it's going to be helpful. I just think that, for the sake of consistency, it would make sense to include it. I think we've heard from a number of leaders on this, so that's the goal here, to ensure that first nations have the consent and authority.

I know Ms. Idlout wants to comment, so I'll cede the floor.

The Chair: Thank you, Mr. Melillo.

With that, we'll turn the floor over to Ms. Idlout.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you.

I just want to reiterate that I'm in support of CPC-1 because there must be consent. It's important that indigenous people.... They don't have the tools to implement....

Like I was saying earlier, if it's not included, where is it? Where is the word "consent"? It's not in there, but it's in the foundation. The foundations are there for us to consider because I think this is a bit weak.

Therefore, I am in support of this amendment because it is strengthening that indigenous people must always give consent. We as indigenous people will be stronger. I know we are talking about fresh water. The indigenous people will be given some strengthening of their rights.

I also want to mention this regarding Bill C-61. When it was being developed, we were told that the federal government was working with first nations people. If this is true and if this will be the way, the minister should be working with indigenous people. If she were to enact laws, this will be better because this will work toward reconciliation and we can move in a positive direction, if first nations will be given a freshwater bill.

Thank you, Mr. Chair.

• (1625)

The Chair: Thank you, Ms. Idlout.

I see Mr. Zimmer.

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): In response to Mrs. Atwin, this is the Liberals' game, after all. It's to make water for first nations a part of this legislation. If this legislation isn't completely taken as is, then it's going to affect water on first nations and the ability to access it.

Your government's been in power for nine years. Certainly this legislation isn't keeping you from getting clean water to first nations, but that's what you're trying to portray in what you just said, Mrs. Atwin. I think we should get back to...if it's actually about water, make it about water and we can keep going.

Again, this is a bit of the Liberals' game. You've already been at it for nine years, but for some reason, you still haven't gotten it done and it's somebody else's fault. It's your government. Let me remind you of that.

Thank you.

The Chair: Thank you, Mr. Zimmer.

I'll pass the floor over to Mrs. Atwin.

Mrs. Jenica Atwin: Thanks, Mr. Chair.

I really had hoped we wouldn't descend into this kind of partisanship. I realize that I was the one who mentioned it this morning. It's because I'm quite defensive of making sure that this bill is passed in a timely fashion, which we also heard from many partners who said to pass the bill without delay. Those are also voices that I'm going to represent here at this committee.

I'll also use whatever tone I feel is appropriate in this place. I'm being as respectful as I can, but again, I'm going to be firm with what I'm arguing here.

I can see there's goodwill and then it crosses over again into delay. Yes, first nations communities have had to wait for far too long. This bill is not about changing those boil water advisories. We've been doing that work. We're at 97%, currently.

Mr. Zimmer, you'd know that if you actually asked any of our indigenous witnesses questions during the committee testimony on this very important bill.

Now I would like to pivot back to our officials.

I wonder if you can further explain how this legal precedent around "consult and co-operate" has been enshrined in our legal framework here in Canada and how that could help us guide this discussion back to where it needs to be.

• (1630)

Mr. Douglas Fairbairn (Senior Counsel, Crown-Indigenous Relations and Northern Affairs, Department of Indigenous Services): The concept of “consult and co-operate” is embedded in the United Nations Declaration on the Rights of Indigenous Peoples Act, and that, in turn, draws on the language in the United Nations Declaration on the Rights of Indigenous Peoples. It is the modern terminology that is accepted globally, has been imported into Canada and is the gold standard in terms of dealing with indigenous concerns. That is why that language is used in Bill C-61.

Mrs. Jenica Atwin: Again, can you speak to the implications or time frames that could be altered by using this language instead?

Mr. Douglas Fairbairn: Right now the bill is set up in such a way that first nations have the ability to choose the standards, but if a choice is not made, then the minister would have to work with first nations, consult and co-operate to determine a standard, federal or provincial. Requiring consent could delay the process indefinitely if a first nation were unable to make a decision, so this is meant to provide a practical approach to ensuring that water standards are acceptable and are in place on first nation lands.

The Chair: Go ahead, Mrs. Atwin.

Mrs. Jenica Atwin: I'm just wondering whether my colleagues heard that response from the officials. It's really important to the conversation we're having right now, so I'd like to know whether they did.

An hon. member: Yes.

The Chair: I see that Ms. Idlout has her hand up next, so I'm going to Ms. Idlout.

Ms. Lori Idlout: CPC-1 is looking to add subclause 18(3). Thinking of it in that way, does that mean subclause 18(3) applies to only clause 18?

Mr. Nelson Barbosa: That would be my interpretation, but it does speak to standards more broadly. Just to reinforce what my colleague from the Department of Justice spoke so eloquently to, “consultation” and “co-operation” are known terms. They are found in this draft bill several times. The term “consent” is, I would say, to my knowledge an unknown term. I don't understand the litmus test of consent, and I'd be concerned, on implementation of the bill, that there is language to both consult and co-operate and to receive consent.

The Chair: Go ahead, Ms. Idlout.

Ms. Lori Idlout: As a follow-up question, in part because of Mr. Fairbairn's response, he said that “consult and co-operate” are in UNDRIP, but so is “consent”. I think that because “consent” is also in UNDRIP...it has to be something that we don't pick and choose what parts of UNDRIP to incorporate.

I'm just sharing my support again for CPC-1 because the relationships can be strengthened between the minister and the first nations, because the minister, in needing to get consent from the first nations governing body, will create a stronger understanding of what the first nations might choose or, if there's no choice that has been made, it creates that opportunity for further discussion between the minister and the first nations. I think that is an opportunity towards reconciliation and towards strengthening relationships,

especially regarding standards and water. That's why I'm going to be supporting this amendment.

Qujannamiik.

The Chair: Thank you, Ms. Idlout.

Next, I turn the floor over to Mr. Battiste.

• (1635)

Mr. Jaime Battiste: I understand the need for us to be guided by the principles of free, prior and informed consent. I think it's an important thing.

I worked in first nations communities most of my life before becoming a member of Parliament, and I know that difficult choices have to be made by chief and council. Sometimes they have to prioritize the best interests of all community members. Sometimes they will have individuals in their community who say that they didn't consent to that.

My fear is that the inclusion of this amendment is only in the circumstance where a chief and council has not made a decision whether they want to go to federal or provincial water standards. My fear is that having this kind of language sets up community members to challenge their own chief and council and say, “I didn't agree with the co-operation and consultation that was done with my chief and council. They don't have my consent.” It could be one community member saying, “They did not have my consent.”

If my knowledge around consent is correct, you have to have a willing person to give you that consent. If one person in that community says that they don't give that consent, will that tie this up in terms of the community being able to get clean water? By consent are we talking about a band council resolution? That can be passed pretty easily, but can a community member say that they didn't give their consent for that band council resolution? It ties it up and needs that community to do a ratification of that vote.

As someone who has seen a lot of votes, chiefs and councils in my lifetime, I'm scared that this clause inserted in there may have the actual impact of community members challenging their local leadership. Not having clear, defined consent and what that means in this thing, I'm scared it's going to tie it up in potential legal matters, where we have people going to court against their own community members, whatever their argument is toward that, so that community couldn't access first nations clean water and first nations in an efficient way.

That's my concern with this. It's introducing new language within something that is not predefined within the Indian Act.

If you were to say it requires a band council resolution as opposed to consent, I might be inclined to support that. However, the word “consent” in itself doesn't have that built-in mechanism where chiefs and councils can make a decision.

I'm scared we're inserting a word into legislation that chiefs and councils will have to debate their own community members on. This could lead to delays in first nations having clean water. That's why I'm thinking we need to have a little bit more discussion about that.

I'll ask the technicians.

This is based on my being in first nations communities and working in first nations communities for more than 20 years. Do we have a way to say that consent has been given by a community that meets what this legislation would put forward?

Mr. Nelson Barbosa: I appreciate the question.

To me, the term “consent” is ambiguous. I wouldn't understand what the litmus test for obtaining consent would be in this case.

As you've mentioned, there are other pieces of legislation that define more critically, maybe not the word “consent”, but how consensus or co-operation is reached. I would say the ambiguity of the term “consent” and who is providing consent is not clear in my mind.

The Chair: Thank you very much, Mr. Battiste.

Mr. Melillo.

Mr. Eric Melillo: Thank you Mr. Chair.

I do appreciate the discussion. I do appreciate the questions, the answers and the concerns being raised. I truly do. Obviously, we are trying to make this as strong as possible and as consistent as possible.

I have trouble understanding how this is a new word. I know it's new in the clause being amended. If I'm not mistaken, we've heard here at the table multiple times throughout the course of this discussion that UNDRIP is law in Canada. I see heads nodding. UNDRIP, of course, requires free, prior and informed consent, so to me this is not a new word that's being included.

Has free, prior and informed consent been lived up to? Has that been met since UNDRIP has become law in Canada?

• (1640)

Ms. Rebecca Blake: I appreciate the question, and I might ask my colleague Mr. Fairbairn to jump in as well.

In terms of UNDRIP becoming law under the United Nations Declaration of the Rights of Indigenous Peoples Act, there are no specific examples of any issues that ISC is currently aware of in the implementation of the principle and article around free, prior and informed consent. Because that piece of legislation is fairly new, we don't have any at this time.

Mr. Eric Melillo: Do you have anything to add, Mr. Fairbairn?

Mr. Douglas Fairbairn: No. That's correct.

Mr. Eric Melillo: I appreciate that.

Can you remind us again when that act came into force?

Mr. Douglas Fairbairn: I believe it was 2021. Yes, it was 2021.

Mr. Eric Melillo: It was about three years ago, give or take. To date you don't have any examples of how this article of UNDRIP has been implemented in Canada. Is that correct?

Mr. Douglas Fairbairn: That's correct.

Mr. Eric Melillo: Okay. I appreciate that. That is concerning, obviously. We're talking about something that is law in Canada and that presumably is not being met and hasn't even been defined.

Mr. Barbosa, you mentioned that you didn't know what the litmus test would be of that. I think that's a legitimate concern. That's one we've raised, frankly, on this side of the House. That speaks to the further discussion we need to determine what that would be. I'm very open to that, Mr. Chair.

I would ask, for what's currently written, what the litmus test would be for “consultation and co-operation”, because I think that's also very ambiguous. As I mentioned, we heard a number of concerns from chiefs and leaders across the country about the development of this legislation, and that they do not feel they were consulted or that there was true co-operation or co-development. I would ask whether there's a defined litmus test—to use your words—for that term.

Ms. Rebecca Blake: There wouldn't be a prescribed definition in law. However, how we've applied it, from a policy basis, is really around sharing information openly and transparently and having ongoing dialogue—not a quick check-in on views but that ongoing dialogue that continues forever to ensure that we're working together on whatever is being developed as well as implementation of whatever is developed.

Mr. Eric Melillo: I appreciate all of the answers. Thank you very much.

I wrap up here by saying that I hear the concerns that have been raised. I truly do. I think there's a broader discussion that we have to have about definitions, and I think we could spend a lot of time doing that. Perhaps this very second is not the time to do that.

Overall, why we brought this forward and what we heard at committee is that first nations largely did not feel that they were consulted adequately, and there were concerns about the authority the minister would have. For that reason we're going to continue to support this, as we brought it forward. We believe that giving first nations that authority and control will help rectify the fact that there was not adequate consultation, and we can ensure we are living up to that principle of consent.

The Chair: Thank you, Mr. Melillo.

Next I have Mrs. Atwin, Mr. McLeod and Mr. Schmale.

Mrs. Jenica Atwin: I'd like to request that we suspend briefly. I'd like to confer with our team members and take some time.

The Chair: We'll do a brief suspension.

• (1640) _____ (Pause) _____

• (1700)

The Chair: I know there have been some fruitful discussions in our short break here.

I will return to the list of speakers that I have here.

I have Mr. McLeod next, but I think he's going to pass his opportunity to Mr. Battiste.

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

There have been some discussions. One of our concerns was around the word “consent” without having the ability to demonstrate that consent. One might say that all Indian Act communities, even if they're at the beginning stages of going through different processes, would understand what a band council resolution is, so our slight amendment to CPC-1, which has just been sent out in both official languages, says, “The Minister must obtain the consent of the First Nation governing body”—and this is where we'd like the wording—“as identified through a band council resolution before applying the standards referred to in paragraph (1)(a) or (b).”

This lets the community show what we believe is the path forward for a community to demonstrate that consent without having major delays in the future.

The Chair: Thank you very much, Mr. Battiste.

I believe this is about to be circulated here, so you will have that in all of your inboxes momentarily.

We'll go to the speaking list.

First, I have Ms. Idlout, then Mr. Schmale and then Mr. Melillo.

Ms. Lori Idlout: Did you want to respond first, Eric?

Mr. Eric Melillo: Thank you, Chair.

I appreciate the collaboration. I know it's not always easy in this place, but I think we're all trying to get the best bill we can.

I don't take any issue with what's been brought forward. I would just note that I don't believe it tangibly changes much. Looking more closely at the original amendment, it mentions that the minister “must obtain the consent of the First Nation governing body”. That's an important distinction. It is not individuals. It is a governing body, which has already been previously defined earlier in the legislation.

I don't believe it tangibly changes what I originally proposed. There might be some clarifying questions from other members forthcoming, but I just wanted to add my two cents in response.

• (1705)

The Chair: Thank you very much, Mr. Melillo.

We'll next go to Ms. Idlout and then to Mr. Schmale.

Ms. Lori Idlout: Thank you.

I have two questions or concerns.

The first one is that under the definitions, we have a definition of the “First Nation governing body”, which “means a council, government or other entity that is authorized to act”.

In that first question or concern, if there is a government or other entity that is authorized, if this amendment is, as identified, through a band council resolution, are those two other forms of governance included in the definition?

Mr. Douglas Fairbairn: Likely no. The band council resolution would deal directly with a council. If you're talking about a government or other entity, it wouldn't necessarily be a band council resolution. It could be some other form of approval.

Ms. Lori Idlout: My second question is the concern of whether adding the Liberals' amendment narrows what consent means.

What I appreciate about CPC-1 is that it's not prescribing consent. When I think about first nations and when I think about UNDRIP, I understand consent to be a collective notion, not an individual notion. I remember that we discussed this in a previous bill as well, when we were talking about individuals and the difference between how collective first nations, as a governing body, can show its consent.

I wonder if you can help to better describe conceptually what is meant by this, whether it's collective consent and how UNDRIP could be used to show that the minister did obtain consent from a first nation governing body.

Mr. Nelson Barbosa: Thank you for the question. Maybe a colleague from the Department of Justice can add to this.

To my mind, I think there are two components now being considered. One is “the minister “must obtain”, which means there must be an action that the minister must do in order to gain what we're defining, what we're calling consent. We talked at length about that. The new provision is how it will be actualized, the modality or the instrument. I see them as different. One is about the “must do something”, but now that we're introducing a concept of how that will be done—I suppose in this case through BCRs—I see them as cause and effect in terms of application.

I'm not sure whether my colleague from the Department of Justice has anything to add.

Mr. Douglas Fairbairn: In terms of a collective right, a band council resolution could potentially capture that idea, where you have members of the band who are represented by their council, and the council is a democratic representation, so they are acting on behalf of the collective if they provide a band council resolution. A band vote, I suppose, is the most direct indication of the consent of the membership because everyone votes for or against, but you could take it one step removed and have a band council resolution. That could signify consent of the membership since that council is democratically elected.

• (1710)

Ms. Lori Idlout: The Liberals' subamendment is the one that's creating more bureaucracy because the minister would see it as consent only after they've seen the resolution—number one. Number two, for example, if there's a first nations water authority, how would their consent be shown? When we look at the definition, on the definitions page, of “First Nation governing body”, the “government or other entity that is authorized” probably doesn't need a band council resolution. Am I wrong in thinking that?

Mr. Nelson Barbosa: With respect to the Atlantic First Nations Water Authority, it obtained band council resolutions to act on behalf of first nations. I haven't considered the practice here, but the BCRs in the Atlantic context is what brought to life the Atlantic First Nations Water Authority. That ongoing collaboration with first nations is part of the makeup, so I would imagine that if they're talking about law-making powers or standards, the AFNWA would need to partner, obviously, with first nations to actualize those things. The template is there.

To go back to the first part of the question about oversight, bureaucracy and limitations, I think we already spoke to how the concept of consent may create serious delays in the implementation of standards. To go back to the elevator brief of what this legislation is, it is twofold. One is the affirmation of self-government for first nations to manage their own laws, and the second is to close a regulatory and standards gap. The introduction of consent in this legislation could seriously hinder the second part of that objective, which is to close a regulatory and standards gap, through the ambiguity of these terms.

The Chair: Thank you very much, Ms. Idlout.

Next I have Mr. Schmale and then Mr. McLeod.

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

I appreciate the conversation we're having for a whole bunch of reasons, consistent with what we've been saying all along. It even goes back to the conversations we had when we were discussing UNDRIP. We had said at the time that we need to define and figure out what free, prior and informed consent was for a number of reasons.

One of those was how you obtain a path to yes or no on a resource project. We had brought up a point many times about what would happen if a few people—a minority of people—in a community voted no, but the majority voted yes toward something. It was brushed off many times.

Now we hear the point being made across the way that we need to figure this out because we can't have a few people turning down something the majority want.

Then we go to the incident with the Wet'suwet'en and the energy project that was being developed there. Again, on the elected band councils, 80% of the electors voted for the energy project. Of course, then minister Bennett travelled all the way out to British Columbia to speak to those who were against the project, not to the ones who were for it, who were ready to move forward with jobs, opportunity and wealth in their territory. No, she talked to the ones who were against it. Why? It probably aligned with the ideology of the Liberal Party and shutting down energy projects all across the country.

At the same time, the position of this party on this side of the House remains consistent all the way through. We need a path for yes; we need a path for no. We've said that I don't know how many times.

We're happy to work with the amendment. I know Mr. Melillo has already talked about that. Again, the same arguments that we are making would probably have led to a few more definitions being made in this piece of legislation, where we wouldn't have these conversations again. Of course, we were voted down by the Liberals over and over again, while we watched their position change over and over again based on what they want to achieve.

We have been consistent on this side about what would happen if we don't do the work. Exactly what we said was going to happen is happening. That's very unfortunate because this could be moving a lot faster.

I won't delay it any more, but I also want to point out that without defining these broad terms, and as Mrs. Atwin was talking about.... Just before we wrapped up for the constituency break, one of the last things we were talking about was the Green motion. One of the things she had mentioned was that the term “economic opportunities” was too broad. We needed to define that because it could mean anything.

Do you know what? We have a few terms here we'd like to define because it could be too broad. It leaves us open to a few questions. By doing the work, we actually would make this legislation better and hopefully improve drinking water for those who are lacking the consistency in the action of the federal government.

• (1715)

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

Next, I'm going to turn it over to Mr. McLeod.

Mr. Michael McLeod (Northwest Territories, Lib.): Thank you, Mr. Chair.

Free, prior and informed consent is an inherent right of indigenous people, and Jamie was correct when he said that at UNDRIP discussions, this came to the forefront. It almost sank that piece of legislation coming forward.

Consent from indigenous people could come in many forms and fashions, but I'm convinced that UNDRIP is broad enough that it covers most pieces of legislation, including this one. Does it mean we're going to have to redefine "consent" every time there's a new piece of legislation brought forward? I'm very concerned because, from where I sit, I see the desire to want "consent" defined will probably sink this bill. I don't believe that our term is long enough for us to clarify that definition. It could take years.

I think that, by going forward with CPC-1, we're certainly going to jeopardize this important and much-needed piece of legislation. I think there will be a time when we're going to need further clarification government-wide, but we can't do it in every piece of legislation. I'm very concerned where this is headed when we enter an area where we don't have a clear definition.

The Chair: Thank you, Mr. McLeod.

Next I turn it over to Mr. Battiste, and then to Ms. Idlout after that.

Mr. Jaime Battiste: I echo the comments of Mr. McLeod and, to some extent, my friend Mr. Schmale, but sometimes my job is to read the room and then find a way to make the amendment salvageable—because I live in a first nations community and I know the potential implications of what could happen—and find a way to make progress, not perfection. When Ms. Idlout asks whether adding this clause and this amendment to CPC-1 create additional bureaucracy, it's yes, but who controls that bureaucracy when you're looking at a band council resolution? It will be done by the community as opposed to others trying to say what that definition is.

What this attempts to do is to take everyone's read of what they would like to see and make it in a way that, if a community has to demonstrate this, which they will have to, we give them the language and the wording that's consistent within the current Indian Act system, which they've been working with for the last 150 years, in terms of understanding what the process is for them to show consent—if we're going to go down this road.

I heard from the other parties that they want to ensure that communities have a say in this. I agree with them. I don't agree that the term "consent" is the right one, but with this amendment, it makes it salvageable that everyone gets what they want and, at the end, the communities benefit without major delays. That's the hope.

• (1720)

The Chair: Thank you very much, Mr. Battiste.

We go to Ms. Idlout.

Ms. Lori Idlout: Thank you.

I have a question for the experts regarding subclauses 18(1) and (2), and how proposed subclause 18(3) is envisioned.

I wonder whether you could describe for us the steps that would happen if no choice is made with just subclauses 18(1) and (2), and then explain, if we ended up approving CPC-1 without the sub-amendment, how those steps would follow so that we have a better sense of what the potential reality would look like if Bill C-61 passes.

Ms. Rebecca Blake: Yes. I appreciate the question.

In essence, what would happen is there are different ways—

Ms. Lori Idlout: I'm sorry. This is only if no choice has been made and there had already been a series of actions that had happened before.

Ms. Rebecca Blake: I would also clarify that the choice could be made through a self-determined choice, so it could be a letter to the minister, a BCR, as we've been discussing, or a first nation law as well.

If there's no choice that is made, it would be required that the minister and officials reach out to the first nation and, depending on what their provincial jurisdiction is—we heard from some first nations, for example in Ontario, where there's more of a preference around Ontario standards, and elsewhere there's more preference around federal standards—have that conversation and share very openly all the information we have at our disposal aligned with that consultation co-operation methodology, and then work together to determine what would be the best for that community. They might have specific technical instances that they have to take into account about their water treatment plant and how that factors into their choice. Together they would make that choice, and then confirm in writing what choice is made and apply those standards accordingly.

The Chair: Thank you very much, Ms. Idlout.

(Subamendment agreed to: yeas 10; nays 1 [*See Minutes of Proceedings*])

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

(Clause 18 as amended agreed to on division)

The Chair: I think that's a good example of our committee members working together.

That takes us to new clause 18.1, amendment BQ-7. If BQ-7 is moved, NDP-29 cannot be moved as they are identical. Also, BQ-7 and NDP-29 seek to introduce a new concept that is also related to NDP-49 and BQ-19.

With that, we are on BQ-7.

• (1725)

[*Translation*]

Mr. Simard, do you want to comment on that?

Mr. Mario Simard (Jonquière, BQ): My understanding is that we decided not to move amendment BQ-7.

The Chair: Okay.

[*English*]

We'll go to NDP-29, and I will give the floor to Ms. Idlout.

Ms. Lori Idlout: I didn't hear the French.

The Chair: BQ-7 was withdrawn. We will move to NDP-29.

I'll pass the floor over to you, Ms. Idlout, should you wish to move it.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you.

This item, NDP-29, was given to us by the British Columbia Assembly of First Nations. It's to add:

18.1 The Governor in Council may make regulations respecting the development of the dispute resolution mechanism provided by section 25.1 in order to foster the entering into of agreements.

Thank you.

The Chair: Thank you, Ms. Idlout.

We will go to debate, first to Mrs. Atwin.

Mrs. Jenica Atwin: Thank you, Mr. Chair.

BQ-7 was not moved, and I had the same issue with the two of them. I'm just wondering if we have the ability to legislate over provincial jurisdiction, including the dispute resolution mechanisms, because that's what this is speaking to. I feel that this perhaps wouldn't be infringing on constitutional rights, but I'd like to know what the experts could say.

Mr. Nelson Barbosa: I would agree that this would potentially infringe on provincial and territorial jurisdiction.

The Chair: Thank you very much, Mrs. Atwin.

Go ahead, Ms. Idlout.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

I just want to remind you that this will have an impact on the...because first nations or indigenous people were able to run their own governance, but when Canada came to be, they were stripped of this. They want to see regulations put in place for dispute resolution mechanisms. I just want to remind you that this has been requested. I urge you to pass this.

Thank you.

• (1730)

The Chair: Thank you, Ms. Idlout.

Next is Mr. Melillo.

Mr. Eric Melillo: Thank you, Mr. Chair.

I appreciate that intervention from Ms. Idlout. I do share the same concerns mentioned by Mrs. Atwin about this, though, and I'll just take it a step further.

You mentioned, I believe, Mr. Barbosa, that this would overstep into provincial jurisdiction. Could you expand on the difficulty in enforcing this clause given that reality?

Mr. Nelson Barbosa: I think one is that the establishment of a dispute resolution commission comes with, eventually, finality. That finality can end up in court as an ultimate objective of how you resolve disputes. The resolution in courts where it could impinge or infringe on provincial or territorial jurisdictions could have significant consequences and run potentially counter to the jurisdictional makeup of present-day Canada.

The Chair: Thank you very much, Mr. Melillo.

(Amendment negated: nays 10; yeas 1)

(On clause 19)

The Chair: I'll open the floor to Ms. Idlout to move NDP-30.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you.

I move NDP-30. It was given to us by the Assembly of First Nations. It reads:

recommendation and in collaboration with First Nations, make regulations respecting water ser-

It's to add a collaboration piece.

Thank you.

The Chair: Thank you, Ms. Idlout.

(Amendment agreed to: yeas 10; nays 1)

The Chair: I'll give the floor back to Ms. Idlout to move NDP-31.

• (1735)

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you, Chair.

Regarding NDP-31, it was given to us by the File Hills tribunal council to amend clause 19 with the following:

water and ground water protection plans and the maintenance and

Thank you.

The Chair: Thank you very much, Ms. Idlout.

I'll open it up for debate.

I see that Mrs. Atwin has her hand up.

Mrs. Jenica Atwin: Thank you, Mr. Chair.

First, I'd like to challenge a notion that Mr. Morrice brought to our committee, that if in fact a motion is moved and accepted, it's within scope necessarily.

I'm wondering where the piece around groundwater specifically could extend beyond first nation lands where we are dealing with on reserve, outside of the source protection agreements which would be forthcoming. I'm wondering about the implications of including the groundwater piece specifically and whether it is within the scope of the bill.

Ms. Rebecca Blake: I appreciate the question. I think it was for us.

In terms of clause 19, it's specific to "on First Nation lands". With protection plans and water flowing, that would be broader than "on First Nation lands".

The Chair: Thank you very much, Mrs. Atwin.

Mr. Melillo is next.

Mr. Eric Melillo: Thank you, Mr. Chair.

I also want to clarify groundwater versus source water. There must be some similarities, but I imagine the definitions will not be completely identical. Perhaps that could be explained a bit further.

Mr. Nelson Barbosa: Thanks for the question.

Sources of water can be water where—I'm trying to find it without the word—sources of water where drinking water is obtained. These can be aquifers or groundwater. Sometimes it's lakes. It varies considerably. Sometimes it actually refers to the source or the genesis of where water comes from. Groundwater is anything under the ground. It's inclusive of that term but not solely source water.

Mr. Eric Melillo: If I understood the previous answer correctly, should this amendment pass, it would specifically apply to groundwater within a first nation. Is that correct?

Ms. Rebecca Blake: Under clause 19, yes, it is specific to “on First Nation lands”.

Mr. Eric Melillo: Okay. That's good.

Thank you.

The Chair: Thank you very much, Mr. Melillo.

(Amendment negated: nays 6; yeas 5)

The Chair: NDP-31 is defeated.

• (1740)

[Translation]

We will now move on to amendment BQ-8.

[English]

If BQ-8 is moved, then NDP-32 cannot be moved, as they are identical.

[Translation]

Mr. Lemire, you have the floor on amendment BQ-8.

Mr. Sébastien Lemire (Abitibi—Témiscamingue, BQ): Thank you, Mr. Chair.

This is one of the great amendments to this bill, which currently has major flaws. It's about how the government must consult with first nations to determine what regulations it can introduce to strengthen resources allocated to the operation of drinking water and waste water facilities.

[English]

Ms. Lori Idlout: I have a point of order, Mr. Chair. I'm not hearing the translation.

The Chair: We'll take a quick break here to make sure the translation is coming through.

[Translation]

I'm told that the problem has now been resolved.

Mr. Lemire, you have the floor.

Mr. Sébastien Lemire: Mr. Chair, I was saying that this is an important issue and that this amendment is probably one of the most important ones.

How can we improve the recruitment, training, certification and retention of operators, particularly in indigenous communities?

It says that the government must consult with first nations on this to determine what regulations it can introduce to strengthen re-

sources allocated to the operation of drinking water and waste water facilities.

This week, I spoke with people from AtkinsRéalis, formerly SNC-Lavalin, which operates the drinking water treatment plant in Chisasibi. They've raised this issue before. They want to do business with indigenous communities and strengthen autonomy, but, at the same time, training is not necessarily adequate, unfortunately. The fact that communities don't have the means to provide these employment and stability opportunities to first nations people in their territory is a major problem.

We think the federal government has a responsibility in this regard, and I think it's essential to focus on the recruitment, training, certification and retention of indigenous people.

The Chair: Thank you very much, Mr. Lemire.

We're going to start the debate.

[English]

I'll turn it over first to Mrs. Atwin.

Mrs. Jenica Atwin: Thank you very much.

This is getting to the heart of an important issue. I'm concerned that while recruitment and retention are critical, important aspects, is this inadvertently asserting the Government of Canada into the decision-making for first nations? I think it's a bit assuming on behalf of the government's role in this part.

The bill itself is ensuring that communities have the resources to go and do this and make decisions on their behalf.

Maybe I could turn to our expert panel on this. Is this an area where you heard first nations wanting that additional government oversight? Could you provide some clarity?

Ms. Rebecca Blake: I appreciate the question.

No, it has not been an area that's been specified by first nations through ongoing engagement around this area. We do hear, through that ongoing engagement, definitely needs for adequate funding, sustainable funding, as you see throughout the rest of the bill, as well as with the funding framework that we'll get to as well as part of the study.

That's where it's more found, the first nation input, but in terms of federal regulations, we have not specifically had from first nations a desire for federal regulation in this matter.

• (1745)

The Chair: Thank you very much, Mrs. Atwin.

Next I'll turn it over to Ms. Idlout.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

BQ-8 and NDP-32 are exactly the same. From our understanding, NDP-32 was given to this committee by the Assembly of First Nations. It was the Assembly of First Nations who were co-developing Bill C-61, so I urge you to vote yes, because it will support education about freshwater services.

Thank you.

The Chair: Thank you very much, Ms. Idlout.

[*Translation*]

Mr. Lemire, you have the floor.

Mr. Sébastien Lemire: Thank you, Mr. Chair.

I just want to give my colleague a friendly response.

If we don't focus on training, recruitment and certification for the retention of indigenous people, it will effectively become the government's responsibility by default. If we can't delegate these powers and take action within the communities, they'll be dependent on southern communities, which means there won't be any progress.

The Chair: Thank you very much, Mr. Lemire.

[*English*]

I see that Mr. Battiste has his hand up.

I will pass the floor to you.

Mr. Jaime Battiste: I think the concern from the government side on this is not necessarily in the recruitment but rather the retention of water operators. Water operators might want to go to where they're paid better by other communities.

For us to make legislation that states they have to retain people is taking away from first nations' abilities to determine for their own communities what's the best path forward. I am fearful that by putting in this language we're telling them that they must or they shall retain their water operators, and I don't know if that would be consistent with their free, prior and informed consent, as we mentioned before.

It's a small thing, but it's something that we'd like the communities to be able to have: that ability to determine which operators they choose to retain and how they choose to do that, without government regulations specifying how they do it.

The Chair: Thank you, Mr. Battiste.

Next, we have Mrs. Atwin and then Mr. Melillo.

Mrs. Jenica Atwin: I think the bill gets to a lot of this as well. There are existing measures in the bill described under clause 27, for example, where those operations are included in that co-developed funding framework, which would then support these activities, but again, driven by first nations and their self-determination.

The Chair: Thank you, Mrs. Atwin.

Next, I'll turn the floor over to Mr. Melillo.

Mr. Eric Melillo: Thank you, Mr. Chair.

I appreciate this being brought forward. I'm leaning towards supporting it.

I think these are very important things being added, especially with recruitment and retention. I understand what Mr. Battiste is saying, where you don't want to be too prescriptive. You want to ensure that first nations have the opportunity to guide their destinies. I don't know any first nations that would not want to retain water operators. I suppose if there was an individual who...

Before I go further, let me ask the officials something.

In my understanding of the comments by Mr. Battiste, it seemed that his concern was that—and he can correct me if I'm wrong—if there's a water operator who is perhaps not doing a good job or if the community does not want to retain that individual, then they would be forced to retain that individual. Correct me if I'm wrong, but is that the case?

When I read this, I don't think that this is specifying any specific individual but, just broadly, that it would be the hope for the first nations, if that makes sense.

• (1750)

Mr. Nelson Barbosa: Thanks for the question. I think it did.

Yes, certainly there's the question around first nations.... As it stands, as you know, first nations are owners and operators of their water systems, and they employ individuals to perform those functions, so that exists. The section is on regulations. We'd be creating a regulation on recruitment and retention. I'm not sure, in my mind, what that would mean. Training and certification, I understand.

Not to get overly technical, but plants are designed to a certain level and to a certain standard. The people who operate those plants have to be trained to that standard, so I can understand the alignment, in a regulatory space, between performing a function and ensuring that the person who does that function is trained and certified. Recruitment and retention, from a regulatory standpoint, eludes me. What regulation would we be making? That's the question in my mind.

To me, it is the alignment with the regulation. The choice and the management of the systems is already in the hands of first nations. I think we'd be creating considerable ambiguity, and I don't know what that means or what regulation would be performed. It eludes me, greatly.

Mr. Eric Melillo: I appreciate that. I think that unfortunately has been a common theme. There's a lot of uncertainty in definitions here.

My follow-up point is that any of what we are talking about here in this clause could be overridden. First nations law could supersede it in the very next clause, the non-application. I think we're maybe having a discussion about something that may not even be applied anyway. We're talking about ensuring there's first nation choice and consent.

As I read the current legislation, with the non-application clause, the first nations would have that consent to essentially opt out already. Is that not correct?

Mr. Nelson Barbosa: Yes, as written, first nations would opt out. Again, to what end? What regulation is being created? I think it could create confusion. As for a regulation over recruitment and retention, I haven't seen that. I don't think there's a precedent.

An hon. member: More bureaucracy.

The Chair: Thank you very much, Mr. Melillo.

[*Translation*]

Mr. Lemire, you have the floor.

Mr. Sébastien Lemire: Thank you, Mr. Chair.

The Governor in Council can make regulations to act more quickly on the training and recruitment components, thereby providing more room to manoeuvre. That is one of the missing elements.

It is therefore important to name the powers that belong to the Governor in Council and the government when it comes to taking direct action with first nations. Yes, it will require additional resources, but those powers must be given. That's why we believe it's important to include them here, while taking into account the needs of the first nations themselves, of course.

The Chair: Thank you, Mr. Lemire.

[English]

Next, we'll go to Mr. Melillo and then to Ms. Idlout.

Mr. Eric Melillo: Thank you Mr. Chair.

I apologize for taking the floor again. I just noticed another aspect of this.

Within this clause, it states that the minister “may make” regulations. My understanding is that it doesn't instruct the minister “to make” the regulations.

Again, maybe we are splitting hairs on something that is not necessarily enforceable or binding from that aspect. Is it the case that, should this amendment pass or not, the minister would not be compelled to make such regulations?

Mr. Douglas Fairbairn: Yes, the Governor in Council “may, on the Minister’s recommendation, make regulations”. The Governor in Council does not have to make regulations on these matters, but the Governor in Council could do it if the minister so recommended.

Mr. Eric Melillo: Could those regulations be made now? Could they be made presently without this legislation even being in effect? Could such regulations be made as it currently stands?

Mr. Douglas Fairbairn: No, you would need this act. First nations, under the Indian Act, do have certain bylaw-making powers, but in terms of the minister, in the context of the clause we're talking about now, you would need that act to make those regs.

• (1755)

Mr. Eric Melillo: Okay. Let's make sure I understand.

At the end of the day, the minister may or may not make these regulations, and if the minister does make these regulations, then the first nations may opt out.

Mr. Douglas Fairbairn: The only thing I'd mention is that the Governor in Council makes the regs on the minister's recommendation, but the Governor in Council does not need to make them. It's a “may”. As you noted, if a first nation makes its own laws, then they may opt out of the regulations in whole or in part.

Mr. Eric Melillo: Okay. I appreciate that. Thank you for the clarification.

The Chair: Next we'll go to Ms. Idlout.

Ms. Lori Idlout: I'm so sorry, Mr. Barbosa. Can I get you to repeat an answer that you gave about where you haven't seen it?

Mr. Nelson Barbosa: That's okay. I appreciate it. It's good clarity.

My quandary is around this: In a regulation space, I can understand training and certification regulation because it's aligned to a known standard. Where I am confused is on a regulation that is to both recruit and retain operators. I haven't seen a parallel in law that is a regulation around recruitment and retention.

I could stand corrected. Hopefully that answers your question. I could be wrong.

Ms. Lori Idlout: Yes, I don't know. I might just be causing more confusion, because I know that with the Nunavut land claims agreement, we have article 23, which is about Inuit employment. I'm wondering if this amendment is trying to serve a similar purpose. In a land claim agreement like the one Nunavut has where it talks about the importance of employment and training, maybe what this amendment is trying to do is to ensure that regulation-making powers for recruitment, training, certification and retention of just the water services operators is something that is possible to realize.

Mr. Nelson Barbosa: Yes, it's a good parallel. Article 23 speaks about Inuit representation in territorial services. There isn't that level of specification here. It doesn't specify that these must be first nation individuals or must be retained in their first nation, so I would draw a distinction between article 23 and the proposed amendment.

The Chair: Thank you very much.

Next, I will pass the floor over to Mr. Battiste.

Mr. Jaime Battiste: I'm following up with what Mr. Melillo said. There's a lot of “may”, and the Governor in Council “may”. There are a lot of things that “may”. All of these things “may”, but then in the non-application, a first nations law would oversee it. It's not a hill we're going to die on over any of this. However, I note that the next 13 amendments are on things that may have no real ramifications other than our debating this over here. If you guys want to skip over clause 19 as a general and just leave it as is, then nothing goes wrong.

The Chair: All right. I'm not seeing any more hands up. Let's move to a vote.

(Amendment negatived: nays 9; yeas 2 [See Minutes of Proceedings])

The Chair: Given that NDP-32 is identical to BQ-8, it cannot be moved, which takes us to NDP-33.

I will pass the floor over to Ms. Idlout, should she choose to move it. I may have something to say about it if it is moved.

• (1800)

Ms. Lori Idlout: [Member spoke in Inuktitut, interpreted as follows:]

Thank you.

I'll move NDP-33. It has been given to us by the Assembly of First Nations. I'll read it in English, as follows:

[English]

the insurance required to be maintained by First Nations in respect of water services and water services operators or by the Minister on behalf of a First Nation that cannot reasonably obtain such insurance by ordinary means; and

[Member spoke in Inuktitut, interpreted as follows:]

Thank you.

The Chair: Thank you, Ms. Idlout.

I'm going to have to make a ruling on the admissibility of this.

The amendment attempts to create an obligation for financing that doesn't currently exist in the bill. As *House of Commons Procedure and Practice*, third edition, states on page 772:

Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.

With that, in the opinion of the chair, the amendment proposes a new scheme which imposes a charge on the public treasury. Therefore, I rule the amendment inadmissible.

Unless my decision is going to be challenged, we'll move on to NDP-34.

Ms. Lori Idlout: [Member spoke in Inuktitut, interpreted as follows:]

Thank you.

NDP-34 was given to us by the Assembly of First Nations. It reads that clause 19 be amended by the following:

ter, as described under sections 14 and 15, respectively, and the treatment and disposal of wastewater, as described under section 16.

Thank you.

The Chair: Thank you very much, Ms. Idlout.

I'll open the floor for debate.

Mrs. Atwin, the floor is yours.

Mrs. Jenica Atwin: Mr. Chair, in line with similar conversations we've had, is this also potentially infringing upon self-determination in removing that oversight for how laws are applied over territories that first nations govern? Could I ask the panel?

Mr. Nelson Barbosa: I would say, in conjunction with some other conversations we've had at this table, that the proposed amendment could or would remove first nations' ability for first nations choice. I'm not sure if my colleague has anything to add.

Mr. Douglas Fairbairn: I'm sorry. I'm taking a look at this.

It seems to relate back to clause 14, clause 15 and clause 16, so I don't necessarily see a legal issue. However, there may be an issue for the department in terms of carrying out these obligations.

• (1805)

Ms. Rebecca Blake: Maybe I'll add that the current draft of that regulatory making is around standards broadly. This proposed amendment would narrow that ability to those specific clauses in the standards section that were debated here today. Therefore, the question would be about broadening or narrowing.

The Chair: Thank you very much, Mrs. Atwin.

I see no more hands up, so let's move to a vote.

(Amendment negatived: nays 6; yeas 5)

[Translation]

The Chair: We will now move on to amendment BQ-9.

Mr. Lemire, you have the floor.

Mr. Sébastien Lemire: Mr. Chair, amendment BQ-9 will not be moved, because we received the wrong version.

The Chair: In that case, we'll move on to BQ-10.

Mr. Sébastien Lemire: Thank you, Mr. Chair.

First nations are directly affected by industry decisions, and several of those nations have appeared before the committee to testify about the cumulative effects on their health. Since there are no regulations, we want the government to commit to clarifying its expectations and protecting first nations. That is its responsibility, in light of its fiduciary obligations toward first nations. With that in mind, this is about a regulatory framework for the nuclear, gas and oil industries to protect water and source water on first nations lands and in protection zones.

We want to provide first nations with a kind of social responsibility. Companies that cause pollution often shirk their responsibilities. Health impacts are significant. I myself was touched by what the first nations representatives told the committee.

The Chair: Thank you very much, Mr. Lemire.

[English]

I want to remind colleagues that we are on BQ-10. We moved through BQ-9 quickly.

With that, I'll open it up for debate.

Mrs. Atwin, I'll start with you.

Mrs. Jenica Atwin: Thank you, Mr. Chair.

I'm certainly in agreement about adding additional layers to protect against industry threatening the health and safety of indigenous communities. However, my concern is that most natural resource and industry frameworks fall outside of first nations lands specifically.

What are the implications of adding this piece specifically, in terms of how it responds to the other parts of the bill?

Ms. Rebecca Blake: I appreciate the question.

The key consideration is that water flows. This specific section in clause 19 is about "on First Nation lands". Therefore, there could be implications for provinces and territories, in terms of that flow off of first nations lands. It could potentially impinge on provincial jurisdiction.

The Chair: Thank you, Mrs. Atwin.

Mr. Zimmer.

Mr. Bob Zimmer: Yes, this was said previously by my colleague Mr. Schmale regarding the Wet'suwet'en. Even resource projects that are supported by local first nations and indigenous communities can fall into this problematic language. It could limit that development. How many conversations have we had in this committee about economic reconciliation being a key to reconciliation for indigenous communities?

This, to me, especially in ridings like my own, where we have oil and gas.... It's my riding that produces the natural gas sent to the west coast, which the LNG Canada project distributes around the world to lower emissions around the world. That kind of project would potentially be limited by this kind of language.

I would be very much opposed to this because of the risk it puts all of those future projects under.

• (1810)

The Chair: Thank you very much, Mr. Zimmer.

Next, we move to Mr. Melillo.

Mr. Eric Melillo: Thank you, Mr. Chair.

I'll build on what Mr. Zimmer said. I think he said it quite well.

I believe, in response to Mrs. Atwin's question, that this falls specifically within a first nations land. The Governor in Council having the power to dictate what economic reconciliation means is very problematic. Obviously, there are first nations opposed to resource development. Some are in favour of resource development and want to move forward with those types of operations. We have to ensure we are respecting all of those voices, those who say no and those who say yes.

Moving forward with this, again, and notwithstanding the fact that it's a "may", a "might", a "must" and all of that, it's a precedent I don't believe the government should be setting at this point. We need to ensure first nations have the ability to chart their course on this. That's an important part of economic reconciliation. I believe it's an important aspect of consent, as well.

I concur with my colleague Mr. Zimmer and encourage those around the table to vote against this.

[*Translation*]

The Chair: Our next round of questions goes to Mr. Lemire.

[*English*]

After Mr. Lemire, I will go to Mr. Schmale.

[*Translation*]

Mr. Sébastien Lemire: Thank you, Mr. Chair.

I hear the Conservatives' position, and it's duly noted.

That said, I would like to remind everyone that many industries, such as food and mining, are already complying with the rules. They have to take into account the impact they have on natural resources and water, particularly in Quebec, obviously. That enables us to talk about sustainable development that respects nature.

I think it's important to increase the number of industries involved. I'm also hoping that all industries will listen to the people, especially first nations, when it comes to social acceptability.

The Chair: Thank you very much, Mr. Lemire.

[*English*]

Next, we'll go to Mr. Schmale.

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

I know the member from the Bloc is a fierce advocate of nuclear safety and the proper disposal of waste. However, again, unless I'm wrong—maybe the officials or even the Bloc can confirm—we still have not defined "protection zone".

Is that correct?

A voice: Yes.

Mr. Jamie Schmale: Okay.

Again, we're expanding industries that some don't like, clearly. Yet, we don't define what it is we're actually trying to save here. I think this is more of an ideological motion rather than one trying to achieve the outcome of clean drinking water. Therefore, we're going to vote against it.

The Chair: Thank you, Mr. Schmale.

[*Translation*]

I see Mr. Lemire has his hand up.

You have the floor, Mr. Lemire.

Mr. Sébastien Lemire: Mr. Chair, if I may, I would like to point out, with all due respect, that the witnesses have talked about epidemiological consequences, so this isn't just about ideology.

Some people's health has been seriously compromised by the cumulative effects of lack of access to safe drinking water and of water contaminated by industry.

[*English*]

The Chair: Thank you.

Mr. Melillo is next.

Mr. Eric Melillo: Thank you, Mr. Chair, and I apologize for taking the floor again.

It was mentioned right off the top in the first answer, but having looked through this again, I want to make sure that I'm clear about it. Clause 19 pertains to first nation land. Of course, in this proposal, it mentions first nation lands and protection zones and, as we've heard from my colleagues time and time again, we don't know exactly what that would be and whether that would be in first nation land or potentially outside of it.

Would this then expand the scope of clause 19 to potentially be beyond the first nation land, or does it limit the scope of a protection zone to being reserve land?

• (1815)

Ms. Rebecca Blake: Potentially, you are correct both ways. Because clause 19 is specific to “on First Nation lands”, any regulatory-making power would be on first nation lands.

Mr. Eric Melillo: That's interesting. I'll leave it at that.

Thank you.

The Chair: Thank you very much, Mr. Melillo.

With that, colleagues, let's go to a vote.

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

The Chair: This brings us to NDP-35.

I'll pass the floor over to Ms. Idlout.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you, Chair.

NDP-35 amends clause 19 with the following:

minimum standards in respect of water and source water, including the quality and the quantity of available water and source water, as described under sections 14 and 15.

Thank you.

The Chair: Thank you, Ms. Idlout.

We'll move to debate.

Mrs. Atwin, you have your hand up.

Mrs. Jenica Atwin: Again, the only concern is just where clause 19 is being built to be the “may” part. It's ambiguous for a reason, because it's about those protection zone agreements that will be signed with communities, again, through their self-determination.

It's the same kind of argument that I'm making for a few of these, in that of course the spirit of the amendment I support, but it's just that it's adding an additional layer that potentially then removes that self-determination piece. I think that for a lot of these concerns that have rightly been brought forward by partners and by you, it's just again that those details will come out in those protection agreements, where they are in the driver's seat of what that looks like for them.

For me, any additional layers in this clause specifically I won't be supporting.

The Chair: Thank you very much, Mrs. Atwin.

Go ahead, Ms. Idlout.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

I want to answer a concern. If they are to imagine one government, I would imagine they would be able to guess the outcome, but we need to identify this because we need to create regulations towards this. I think it would help.

Thank you.

The Chair: Thank you very much, Ms. Idlout.

Go ahead, Mr. Schmale.

Mr. Jamie Schmale: Thank you, Chair.

To our officials, would this amendment require any potential enforcement, or anything like that? How would it be regulated, in terms of the quality and quantity of water available, or source water?

• (1820)

Ms. Rebecca Blake: I appreciate the question.

Enforcement is a common question under any federal legislation or law. It depends would be the answer. There is a potential ability to create regulations around enforcement, from a federal perspective, but there are also provisions in clause 6 that allow for first nations laws with enforcement mechanisms, as well.

It depends would stand.

The Chair: Thank you very much.

Mr. Schmale, you seem unconvinced.

Mr. Jamie Schmale: No, I agree.

The Chair: Okay.

(Amendment negatived: nays 10; yeas 1)

The Chair: This takes us to NDP-36.

I'll pass the floor back to Ms. Idlout.

Ms. Lori Idlout: [*Member spoke in Inuktitut, interpreted as follows:*]

Thank you, Chair.

NDP-36 was given to us by the British Columbia Assembly of First Nations to make regulations on “dispute resolution mechanisms with respect to entering into an agreement under the Act.”

Thank you.

The Chair: Thank you very much, Ms. Idlout.

We'll move to debate.

I see Mrs. Atwin has her hand up first, so I'll pass the floor to her.

Mrs. Jenica Atwin: There's a very important piece which we previously enshrined, as well. It determines that the federal government has this kind of convening power but cannot legislate provinces and territories to do anything under their jurisdiction. In the spirit of what we've already enshrined in the bill, and being very cautious about infringing upon the constitutional rights of provinces and territories, I think this is another example of overriding where we can go with the bill.

I'd like to confirm that, perhaps, because I'm not an expert. I'm going to refer to our panel.

Mr. Nelson Barbosa: I concur that it's analogous to the previous conversation on dispute resolution and potential infringement on provincial and territorial jurisdiction.

The Chair: Thank you very much, Mrs. Atwin.

(Amendment negatived: nays 10; yeas 1)

[*Translation*]

The Chair: We'll move on to BQ-11.

Mr. Lemire, you have the floor.

Mr. Sébastien Lemire: Thank you, Mr. Chair.

If we're talking about reconciliation with first nations, we also have to talk about local autonomy. We want specific language providing for minimum standards to address local circumstances, as long as those minimum standards meet the standards and conditions set out in sections 14 to 16.

In our view, this minor amendment will give first nations greater autonomy. It will also enable them to adopt some principles or laws that may change things involved in protecting their territory.

• (1825)

The Chair: Thank you very much, Mr. Lemire.

[*English*]

For colleagues' information, if BQ-11 is adopted, NDP-37 cannot be moved because of a line conflict.

With that, we'll open up debate.

Mrs. Atwin, go ahead.

Mrs. Jenica Atwin: I'm in alignment here and supportive; however, I think the language is slightly more preferable in NDP-37. I would prefer to adopt that one rather than the very similar BQ-11. It's consistent with the existing language that we have.

The Chair: Thank you very much, Mrs. Atwin.

Would any others like to make an intervention?

Mr. Melillo, go ahead.

Mr. Eric Melillo: Thank you, Mr. Chair.

I don't want to keep reiterating the same thing about this, but I wonder about the tangible effect this would have.

Are there any comments on that from our officials?

Ms. Rebecca Blake: I appreciate the question.

The proposed amendment would allow for different minimum standards. That could have tangible effects, as first nations may want to work together in different regions of present-day Canada to ensure they're making the best use of efficiency with technologies and different watershed management, etc. With different minimum standards, that could present challenges for how to work really well together.

Mr. Eric Melillo: Okay.

The Liberal member has just referred to NDP-37. What would be the difference between BQ-11 and NDP-37?

Ms. Rebecca Blake: They are quite similar in intent. The difference would be the addition of different potential standards. The next one that was mentioned—I don't have the number off the top of my head—would allow for those existing minimum standards

that were just debated by this committee to stay intact while allowing for those local circumstances, which is the overall intent of both of them.

Mr. Eric Melillo: Would it be your belief that NDP-37, the next amendment, would be more in line with what was previously agreed to by the committee?

Ms. Rebecca Blake: Yes.

Mr. Eric Melillo: Thank you.

The Chair: Thank you very much, Mr. Melillo.

(Amendment negatived: nays 10; yeas 1 [*See Minutes of Proceedings*])

The Chair: That brings us to—

A voice: [*Inaudible—Editor*]

The Chair: Before we move on to that, we'll go to Mr. Schmale.

Mr. Jamie Schmale: I know that we're going to wrap up any second now, so we probably won't get to start another one.

I'm wondering if we could get an update on our motion that was passed to bring ministers Hajdu and Vandal back to committee. The two-week deadline is approaching quickly. There was some optimism that they would be here on Thursday. Unfortunately, I think Minister Hajdu is appearing at the operations committee at relatively the same time or close to the same time.

If we could get a quick update, that would be much appreciated.

The Chair: Absolutely, Mr. Schmale.

I'll turn it over to the clerk to provide that update.

The Clerk of the Committee (Mr. Malachie Azémar): Thank you.

The ministers have been invited, but they are not available on Thursday. I sent an email to ask them to tell me when they can attend. I'm waiting for a response.

• (1830)

Mr. Jamie Schmale: Just out of curiosity, when did you send that email?

The Clerk: On Thursday, to ask them—

A voice: [*Inaudible—Editor*]

The Clerk: Yes, as a follow-up.

Mr. Jamie Schmale: It's been a few days. Has there been no response yet?

The Clerk: No, not yet.

Mr. Jamie Schmale: How quickly do they usually respond?

The Clerk: Usually they take one week. I followed up again today. I'm still waiting for their answer.

Mr. Jamie Schmale: We'll have to deal with this as a committee if there are more delays. We'll see what the Bloc and the NDP have to say as well, but we await your next update.

Thank you.

The Chair: Colleagues, we're at 6.30. Is it the will of the committee to adjourn?

Some hon. members: Agreed.

The Chair: The meeting is adjourned.

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