



## MINUTES OF PROCEEDINGS

OTTAWA, Monday, June 7, 2021

(8)

[English]

Pursuant to the order of the Senate of March 30, 2021, the Standing Senate Committee on Aboriginal Peoples met, by videoconference, this day at 2 p.m. [ET], the chair, the Honourable Dan Christmas, presiding. This meeting is considered to have taken place in the parliamentary precinct.

*Members of the committee present by videoconference:* The Honourable Senators Anderson, Christmas, Coyle, Deacon (*Ontario*), Forest-Niesing, Francis, Gold, P.C., LaBoucane-Benson, MacDonald, Pate, Patterson, Stewart Olsen and Tannas (13).

Participating in the meeting: Maxime Fortin, Procedural Clerk, Shaila Anwar, Principal Clerk, Committees Directorate; Sara Fryer and Brittany Collier, Analysts, Parliamentary Information and Research Services, Library of Parliament.

*Also present:* The official reporters of the Senate.

Pursuant to the order of reference adopted by the Senate on Thursday, June 3, 2021, the committee began its consideration of Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.

*WITNESS (by videoconference):*

*Department of Justice Canada:*

Laurie Sargent, Assistant Deputy Minister, Aboriginal Affairs Portfolio.

The chair made a statement.

It was agreed that the committee proceed to clause-by-clause consideration of Bill C-15.

Ms. Sargent answered questions from time to time.

It was agreed that the title stand postponed.

It was agreed that the preamble stand postponed.

It was agreed that clause 1, which contains the short title, stand postponed.

The chair asked whether clause 2 shall carry.

The Honourable Senator Patterson moved that Bill C-15 be amended, on page 4, in clause 2, on page 4, by adding the following after line 23:

“(2.1) For greater certainty, nothing in this Act affects the validity of judicial decisions rendered prior to its coming into force.”.

Debate arose thereon.

At 2:15 p.m., the committee suspended.

At 2:17 p.m., the committee resumed.

Resuming debate on the motion in amendment to clause 2 of the Honourable Senator Patterson, that Bill C-15 be amended in clause 2, on page 4, by adding the following after line 23:

“(2.1) For greater certainty, nothing in this Act affects the validity of judicial decisions rendered prior to its coming into force.”.

At 2:20 p.m., the committee suspended.

At 2:46 p.m., the committee resumed.

Resuming debate on the motion in amendment to clause 2 of the Honourable Senator Patterson, that Bill C-15 be amended in clause 2, on page 4, by adding the following after line 23:

“(2.1) For greater certainty, nothing in this Act affects the validity of judicial decisions rendered prior to its coming into force.”.

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

It was agreed that clause 2 carry, on division.

It was agreed that clause 3 carry.

It was agreed that clause 4 carry.

The chair asked whether clause 5 shall carry.

The Honourable Senator Patterson moved that Bill C-15 be amended, on page 5, in clause 5, by replacing line 9 with the following:

“necessary to ensure that federal Acts and regulations are consis-”.

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

It was agreed that clause 5 carry, on division.

The chair asked whether clause 6 shall carry.

The Honourable Senator Patterson moved that Bill C-15 be amended, on page 5, in clause 6, by adding the following after line 14:

“(1.1) The consultations referred to in subsection (1) must include consultations with representatives from

(a) councils, governments or other entities that are authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*;

(b) groups and organizations that work with or advocate on behalf of Indigenous women, Indigenous youth and urban Indigenous populations;

(c) groups and communities of Indigenous peoples, including those who are parties to or the subject of a treaty — including a land claims agreement — or a self-government agreement.”.

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

It was agreed that clause 6 carry, on division.

It was agreed that clause 7 carry by a show of hands.

Before the chair asked if the schedule shall carry, the Honourable Senator Patterson moved that Bill C-15 be amended, on page 6, by adding after line 26 the following:

“8 (1) The Minister must, in consultation and collaboration with Indigenous peoples and their representatives, develop a proposal to establish an Indigenous human rights commission.

(2) The proposal must set out the following in relation to the commission:

(a) its mandate, powers, duties and functions;

(b) an estimate of the funds required for its establishment and operation;

(c) a location for its head office;

(d) its composition, which must include First Nations, Inuit and Métis peoples;

(e) a process for the appointment of commissioners, including prior consultations with First Nations, Inuit and Métis peoples; and

(f) a process and time frame for its establishment.

**(3)** The proposal must be developed as soon as practicable but must be completed no later than three years after the day on which this Act comes into force.

**(4)** The Minister must cause the proposal to be tabled in each House of Parliament on any of the first 15 days on which that House is sitting after the proposal is completed.”.

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

It was agreed that the schedule carry by a show of hands.

It was agreed that clause 1, which contains the short title, carry by a show of hands.

The chair asked whether the preamble shall carry.

The Honourable Senator Patterson moved that Bill C-15 be amended, on page 3, in the preamble, by adding the following after line 4:

“Whereas implementation of the Declaration affirms the importance of Indigenous rights to economic prosperity and the Government of Canada must, through accelerated economic inclusion of Indigenous peoples in partnership with them and their institutions, remedy the disadvantages imposed on generations of Indigenous peoples by laws and policies designed to restrict access to lands and resources, quality education, skills development, capital, infrastructure and business ownership;”.

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

It was agreed that the preamble carry by a show of hands.

It was agreed that the title carry by a show of hands.

It was agreed that the bill carry by a show of hands.

The committee discussed appending draft observations.

At 3:39 p.m., the committee suspended.

At 3:41 p.m., pursuant to rule 12-16(1)(d), the committee resumed in camera to consider a draft report.

It was agreed that the committee allow the transcription of the in camera portions of today's meeting, that one copy be kept with the clerk of the committee for consultation by committee members or staff; and that the transcript be destroyed by the clerk when authorized to do so by the Subcommittee on Agenda and Procedure, but no later than at the end of this parliamentary session.

At 4:04 p.m., the committee suspended.

At 5:21 p.m., the committee resumed.

The committee resumed its discussion on draft observations.

After debate, it was agreed that observations be appended to the committee's report on the bill.

After debate, it was agreed that the observations prepared by the Honourable Senator Patterson be appended to the report as submitted as Observations supported by a minority of the committee members and that members who wish to add their names to this section inform the clerk by June 8, 2021.

After debate, it was agreed that the Subcommittee on Agenda and Procedure be empowered to approve the final version of committee observations and that they also be appended to the report taking into consideration today's discussion and with any necessary editorial, grammatical or translation changes as required.

It was agreed that the chair report the bill, without amendment, but with observations, to the Senate.

At 7:01 p.m., the committee adjourned to the call of the chair.

*ATTEST:*

Andrea Mugny

*Clerk of the Committee*