

Government Orders

lawyers, the department and, after checking with the band, the Indians themselves, no one can get around this account.

Therefore, band members who have decided not to give up their rights will be forced eventually to use the compensation account, with little or no recourse against the different levels of government or the company. The purpose of the compensation account is to settle past and future bills, but it will be the only money offered by the government.

The federal government must have thought: "I will pay \$35 million to settle past and future debts, and that is how I will discharge my fiduciary responsibility toward the Pictou Landing Indians." In a nutshell, I think that is what the government attempted to do. No one, I think, could circumvent the provisions in this bill and say, "I will go further by launching a personal lawsuit for, say, \$10 million". People will always be brought back to the compensation account, which is a major obstacle to taking individual legal action. If I were in the shoes of someone who did not give up his rights, I would see if I could sue under the constitution.

I know that this would be an additional obstacle, but I think that individuals can probably still sue. However, the clause I have just read to you will certainly be used by crown attorneys to bring people back to the compensation fund.

In conclusion, there are positive elements in the agreement. This money will be exempt from the Indian Act. However, this approach is highly questionable from a regulatory and parliamentary standpoint. On one hand, the federal government and the province of Nova Scotia have let the situation deteriorate for 30 years. The federal government has neglected its fiduciary role for 30 years. It takes action only when the damage is done and almost irreversible.

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It entices the natives knowing full well that they are living in miserable conditions. It waves this \$2,000 cheque at them and promises another \$1,500 will be paid if the agreement is signed. It tells the band: "You will have a compensation account. You will have up to \$35 million to relocate and start up new projects." Given their living conditions, this offer is so tempting that I can see why they jump at it. The approach is paternalistic. Any right to sue is taken away in a context where the scope is so broad and the words used so vague that nothing stops the government from doing absolutely nothing and letting the situation deteriorate if it so pleases. Finally, the government comes up with this bill when all is settled.

When I say that all is settled, I mean that the agreement was signed and money paid. The band already committed itself. It is all done. The only thing left to do is for us to put our seal of approval on the whole thing.

Regarding the settlement process and the parliamentary process, we express serious concerns. Sadly, we have been put in front of a *fait accompli*. We will go along with the referendum decision whereby a 95 per cent majority approved the agreement as is, but I would like to make a suggestion to the government. It would be interesting if any new claim settlement—and I am convinced there will be more, given the number of reserves in Canada—be subjected to a regulatory process and a slightly more democratic parliamentary process, so that we are not put in front of a *fait accompli* again. You just cannot come and tell us: "See, it is all settled; all you have to do is to pass the bill".

As I said, this bill looks quite innocuous with just four clauses, but it has impacts and effects on Pictou Landing. Let me wrap up. Based on the background I gave you earlier, we can assume that people who have probably lived by that this stretch of water now have to relocate on land that—I hope, with \$35 million—will allow them to maintain their traditions and culture. These people depend on fishing for their livelihood and survival.

While deploring the regulatory and parliamentary process, the Bloc Québécois will support the bill in consideration of the decision made by Pictou Landing and the aboriginal people who live there to approve the agreement as it stands.

[English]

Mr. John Duncan (North Island—Powell River, Ref.): Madam Speaker, I enjoyed listening to the member for Central Nova in whose riding is the Pictou Landing band. I also enjoyed the speech of the Bloc member for Saint-Jean. However, if it had not been for the opening and closing statements, I would not know which way he would be voting.

It is a pleasure to have an opportunity to say a few words at third reading of Bill C-60, the Pictou Landing Indian Band Agreement Act. The legislation has received due consideration at second reading and careful review in committee. I thank the departmental officials who have provided us with a cogent and detailed explanation.

While my party and I had some concerns, particularly over ratification of an agreement after payment of \$28 million of the \$35 million package has already been made, we support the intent of the legislation.

I will give a quick background. In 1966 the crown failed to provide or to obtain the band's informed consent to transfer to the province of Nova Scotia its riparian rights on the Boat Harbour tidal estuary. This transfer permitted the province to operate Boat Harbour as a facility to treat effluent from the kraft mill owned by Scott Industries Maritime Limited.

In July 1992 the government approved a mandate to negotiate an out of court settlement of the lawsuit. It was ratified by vote