

**LEGISLATIVE ASSEMBLY OF SASKATCHEWAN**  
**November 30, 1983**

The Assembly met at 2 p.m.

Prayers

**ROUTINE PROCEEDINGS**

**PETITIONS**

**CLERK:** — I hereby present and lay on the table the following petition by Mr. Weiman:

Of His Excellency, James P. Mahoney, Roman Catholic bishop of Saskatoon; the Very Reverend Leonard Morand, rector of St. Paul's Roman Catholic cathedral; Winnifred O'Rourke; Robert Ferguson; and Ronald Olson — all of the city of Saskatoon.

**NOTICE OF MOTION**

**HON. MR. EMBURY:** — Mr. Speaker, I give notice that I shall on Friday move first reading of a bill, An Act respecting Planning and Development in Urban, Rural, and Northern Municipalities.

I give notice that I shall on Friday move first reading of a bill, An Act to amend The Saskatchewan Assessment Act.

And I give notice that I shall on Friday move first reading of a bill, An Act to amend The Local Improvements Act.

**INTRODUCTION OF GUESTS**

**HON. MR. SWAN:** — We have with us today three distinguished visitors that I would like to introduce to you. They are situated in the Speaker's gallery.

They are the Right Reverend Clarke MacDonald, Moderator of the United Church of Canada. Mr. MacDonald was born in Nova Scotia in 1920 and was a United Church pastor in that province for 15 years before taking a pastorate in Toronto for eight years. In 1971, he was appointed deputy secretary in the division of Mission in Canada at church headquarters in Toronto. He also became secretary of the Office of the Church in society, and chairman of Project Plowshares. Mr. MacDonald has thus played a leading role in the work of the church in social, political, and moral issues. He was elected Moderator of the United Church at the 29th General Council meeting in Montreal in August of 1982 for a two-year term. Would he stand and be recognized please.

**HON. MEMBERS:** — Hear, hear!

**HON. MR. SWAN:** — Accompanying Mr. MacDonald today, we have Reverend Harper. He's the executive secretary of the Saskatchewan Conference of the United Church. Mr. Harper please.

**HON. MEMBERS:** — Hear, hear!

**HON. MR. SWAN:** — And as well, we have Mike Milne of Toronto. He's staff writer for the *United Church Observer* and accompanying the moderator on this tour.

**HON. MEMBERS:** — Hear, hear!

**MR. JOHNSON:** — Thank you, Mr. Speaker. It's that time of the year again. The Canadian Western Agribition is in town. I have the distinct pleasure to introduce to you, and through you to this Assembly, a bunch of very lovely girls up here. So in no particular order, Mr. Speaker, I'd

like to, and just because of their distinguished placings, I'll introduce the visiting queens from out of the province. They are, and I'll ask them to stand as I introduce them and stay standing: Kary McDonald from the B.C. Hereford Association . . .

**HON. MEMBERS:** — Hear, hear!

**MR. JOHNSON:** — I would ask you to hold your applause until I'm done because I've got a whole bunch of them up there. Cathy Jones from the sister province to the West in Alberta. She's the Alberta Hereford Queen. Peggy Sigurdson from Manitoba, which is the Manitoba Hereford Queen, naturally.

And also down at the grounds right now where the Hereford show is going on, and will be on tomorrow, there's two other queens. I missed getting the name of the Ontario Hereford Queen, but she's there holding up the end for these girls while they're down here, as well as our own present reigning Hereford Queen for Saskatchewan, Terri Skelton. So they're working hard down there.

Again, with no particular order of importance, it just was handed to me, and it's something like a boxing ring because we have four Saskatchewan Hereford princesses from all corners of the province. I'd like to introduce them by starting in the south-west corner, Tina Frotto from Meyronne, Saskatchewan; Brenda Cadieux from Spiritwood in the north-west corner; Noel DeCorby from Spy Hill, Saskatchewan, which I'm proud of because that is the Saltcoats constituency, part of the province that I represent, the south-east zone. You got that. And Sandra Blair from Lanigan, representing the north-east zone.

Then of course we have to have judges to decide by tomorrow night to crown one of these lucky gals. I'd like to introduce them to you in the name of Lynn Jupp from Saskatoon, Lil Williamson from Regina, and Ed Clark from Kipling.

And also these lovely girls had to have somebody to kind of watch over them so they called her a den mama, and I guess with no special introduction, my own wife, Dorothea. I would like to ask you to all stand and help me welcome them please.

**HON. MEMBERS:** — Hear, hear!

**MS. ZAZELENCHUK:** — Thank you, Mr. Speaker. I'd like to introduce to you, and through to this Assembly, some people representing St. Paul's Hospital in Saskatoon and which is located in my constituency. There are also a few of them in the Speaker's Gallery. They include Mr. Richard Patterson, the executive director of the hospital; Dr. Howard Estey, chief of staff; Mr. Brent Skinner, planning administrator; Mr. Gerry Fraser, chairman of the board of management; Father Kliter, member of the board of management; and Sisters Bohemier and La Force from Edmonton, representing the Grey Nuns.

This delegation met with many government members earlier today to discuss improvements in health care. St. Paul's Hospital has given 75 years of service to people of Saskatchewan, not only in Saskatoon, but throughout the province. And I believe they are one of the most resourceful hospitals in Saskatoon or in the province.

I sincerely thank them for taking the time to meet with us, and I'd like all members to join with me in welcoming them to the Assembly.

**HON. MEMBERS:** — Hear, hear!

## **WELCOME TO STUDENTS**

**MR. ENGEL:** — To those that have already been invited, Mr. Speaker, I would like to introduce

you to the principal of the Lafleche high school, Mr. Tom Chell. The two bus drivers are Lisa De Cap and Pam Morin, and 18 grade 11 and 12 students from my home school in Lafleche.

I wish you a welcome here and I hope you have an enjoyable stay here this afternoon. I'm looking forward to meeting with you and answering some questions at 2:30.

**HON. MEMBERS:** — Hear, hear!

**MR. SCHMIDT:** — Mr. Speaker, I'm pleased to have guests from my constituency today. There are 40 grade 8 students from St. Henry's Roman Catholic separate school in Melville, Saskatchewan.

They're seated in the gallery to my opposite — I believe that's east. We should have direction signs in here. I'm not used to sitting on the wrong side of the House, as I'm just getting familiar with my directions, Mr. Speaker.

Mr. Speaker, these students are accompanied by their teacher, my neighbour, Mr. Garth Gleisinger, and their bus driver, Albert Reeves. I'd like to say that I hope they have an educational and interesting visit here, and I will be meeting with them at 2:30 this afternoon. I'd like the members to welcome them to this Assembly.

**HON. MEMBERS:** — Hear, hear!

**MR. SCHMIDT:** — Mr. Speaker, I have a further introduction. I beg your indulgence and patience in that it may be slightly out of order, but what is to be said I think is in order.

I want to introduce a guests of sorts. While driving in today I heard the Leader of the Opposition as a guest on the Radio Noon show, and I might say I was impressed with his performance on that show.

**HON. MEMBERS:** — Hear, hear!

**MR. SCHMIDT:** — He, being my new desk-mate, I thought it would be in order that I comment on his good performance there. I felt that his performance was reasonably objective, better than what we are used to on some shows. I felt that he showed good ability, and I wanted to say to him that we on this side of the House respect him for his ability, although we disagree with his policy.

And, Mr. Speaker, I felt that he should be complimented, and I feel that he could make a career in the media if he so chose. Mr. Speaker, I wish him well, and I hope he remains Leader of the Opposition for at least 10 or 12 years.

**SOME HON. MEMBERS:** — Hear, hear!

## QUESTIONS

### Decrease in Number of Judges on Court of Appeal and Court of Queen's Bench

**MR. KOSKIE:** — Thank you, Mr. Speaker. I'd like to direct a question to the Minister of Justice, and it has to do with a couple rather remarkable cabinet orders, signed by yourself, and which were made public yesterday. And these cabinet orders will see the number of judges on both the Saskatchewan Court of Appeal and the Court of Queen's Bench decreased by one. These orders say that the next time a justice retires or otherwise leaves these courts, they will not be replaced. As you know, Mr. Minister, the Court of Appeal has a chief justice and four other, and your order proposes to decrease it by one, and similarly with the Court of Queen's Bench.

My question to you: in light of the presentation made by the Chief Justice of the Court of Appeal to the bar society shortly after you formed the government, indicating the need for more justices, I wonder how you justify, at this time, decreasing the number of potential judges on the Court of Appeal and on the Court of Queen's Bench?

**HON. MR. LANE:** — Let me respond to the hon. member, first by correcting his impression. The order reads that should a vacancy occur, that the court will be reduced by one and that the court will not automatically be reduced by one as of the date of those orders. So I just wanted to correct the impression that you may have.

Secondly, we have made it clear, as a matter of policy and we've debated this several times in this Assembly, that we believe that there should be consultation between the Government of Canada and the Government of Saskatchewan with regard to superior court appointments. To date this has not happened. To date there has been appointments to both superior courts. The notice given to the Government of Saskatchewan consisted of perhaps a phone call after the fact — that is, when we've heard about it.

We understand, as well, that the dissatisfaction with the manner of appointment, and I very carefully said "manner of appointment," has been indicated in the past by the previous government. It is our position that there should be consultation. To date there has not been consultation. We have communicated that to the federal Department of Justice.

With regard to the Court of Appeal of the province of Saskatchewan, a recent appointment was made upon the retirement of one judge. It is our view, and we have so indicated to the Chief Justice of the Court of Appeal . . . And I gather, barring some unnatural happenstance, that in all likelihood there are no retirements coming on the Court of Appeal in the near future.

**MR. KOSKIE:** — A supplemental, Mr. Speaker. I'd like to ask the minister whether he has had consultation with the bar society in respect to this here very dramatic move to decrease the potential size of the Court of Appeal and Court of Queen's Bench? You have said that you constantly had consultations. I wonder whether you have in fact consulted before making this decision, with the bar society and also with the Chief Justices, and whether or not you have done an ascertainment in respect to the case-load and the backlog that exists today?

**HON. MR. LANE:** — Well, we have consulted. You asked three different questions. The first one: did we consult before the decision was made? No, we did not. Our position, though, has been made abundantly clear in this Assembly. Now, the difficulty I have, Mr. Speaker, is that the hon. member was obviously asleep during estimates of a year ago when we debated this at some length, that our position was in fact made abundantly clear, that we've made it clear to the public of Saskatchewan. I've made it clear on numerous occasions to the Law Society of Saskatchewan. I met with the Law Society of Saskatchewan approximately one week ago; we communicated our position again to the Law Society of Saskatchewan. There's a very simple solution to the problem, and that is in fact that the federal government begin to consult with the provinces on superior court appointments.

**MR. KOSKIE:** — New question, Mr. Speaker. I just want to indicate to the justice minister that by order-in-council 748/82, which was dated May 11, 1982 — that's three days after you assumed office — that at that time you passed a proclamation whereby you indicated that the number of judges in the Court of Appeal was decreased by two, so that the court consists of a chief justice and four. So, first of all, on May 11, three days after you assumed office, before you even had an opportunity to consult, you cut back the number of judges in the Court of appeal by that proclamation by two. And now you're starting to say that the only reason that you're doing it is on the basis of consultation.

Can you justify why on May 121, only three days after you assumed office, that you cut back on two appointments to the Court of Appeal and similarly the Queen's Bench?

**HON. MR. LANE:** — The hon. member doesn't understand, obviously, what's happening, that in fact your administration agreed with the Government of Canada, I gather, to increase the size of both the Court of Appeal and the Court of Queen's Bench. That decision — I gather there was some agreement; either that, or you did it unilaterally, and I think that's the question, and I'd be very much surprised if you did — to increase the size of the courts by two, the court of Queen's Bench and the Court of Appeal . . . Those decisions were made I believe, if I recall, some 10 or 11 months prior to May of 1982. Those positions sat vacant during all that time. It was our position, and again, we've debated it numerous times in this Assembly, that there should be consultation between the Government of Canada and the Government of Saskatchewan. We moved to indicate our position that there should be consultation, and those vacant positions that were in existence were deleted by order in council.

**HON. MR. BLAKENEY:** — As the Minister of Justice will know, the unqualified right to appoint judges to the Court of Appeal rests with the Government of Canada. Whether or not that should be the law, it is the law, the law which the Minister of Justice is upholding.

Does he take the position that if the federal government declines to consult with him, is discourteous enough not to consult with him on those appointments, that the public of Saskatchewan should be denied the right to have access, appropriate access, to the courts?

**HON. MR. LANE:** — Well, I doubt very much that the public is denied any access to the courts; in fact that there are five, and I've already indicated in an earlier answer that there's not much indication that there will be any retirements in the near future, certainly in the Court of Appeal.

Secondly, I recall that your administration was demanding consultation, certainly on appointments with the Supreme Court of Canada between the various provinces and the regions of Canada. Why you would limit your demand for consultation at the Supreme Court level, when in fact for the vast majority of cases affecting the people of Saskatchewan, they're decided within the superior courts of the province of Saskatchewan, escapes me.

I agree that the prerogative to appoint is that of the Government of Canada. Also, the size of the court and the administration of justice is within the realm of the provincial government.

It is interesting that, certainly in other jurisdictions, there has at least been an informal process that has existed. I believe it should exist in this province. To date I has not. I understand that was a criticism, of certainly my predecessor, that there wasn't at least some informal operation. We hope that that happens, quite frankly. I hope that that happens, because that would be the proper way to go.

**HON. MR. BLAKENEY:** — Supplementary, Mr. Speaker. The Minister of Justice will know that we did not have a happy relationship with the government at Ottawa, and were unable to achieve the results he suggested. May I ask him this: he provides in his order that the number of judges on the Court of Appeal will be reduced to four the next time a vacancy occurs. Can he advise this House when the Court of Appeal has had as few as four judges in the history of this province?

**HON. MR. LANE:** — No, but I'm not as old as or been around as long as the hon. member and perhaps he could advise me. I don't know whether he wants to respond to the question of a happy relationship with the previous government. I didn't have one since 1976. I suggest, with the appointment of Walter Smishek to the Government of Canada, and Jack Messer to the Macdonald inquiry, and the constitutional arrangement made, that perhaps your happy relationship was much more recent than mine. So I don't know the answer as to when . . .

**SOME HON. MEMBERS:** — Hear, hear!

**HON. MR. LANE:** — As a matter of fact, I'm subject to correction, but I believe that the Court of

Appeal was always five. I could stand to be corrected on that, but that is my recollection.

**HON. MR. BLAKENEY:** — In view of the fact that the minister now admits that the Court of Appeal has been five, at a time when litigation was perhaps half or a third of what it now is, would he acknowledge that there is a backlog of cases before the Court of Appeal, a backlog which was approximately 67 civil cases and 90 criminal cases at the first of this year, and which has increased during 1983? The backlog has increased. Will he acknowledge that?

**HON. MR. LANE:** — I will certainly acknowledge that the ideal situation would be the informal process that I've indicated, between the government of Canada and the provincial governments, which would ultimately result in an increase in the size of the court. I will freely admit that.

I think one should keep in mind that during the former administration, that those positions were created and not filled for, I believe, 11 months. I could be subject to correction, but I believe nearly a year, which indicated that someone in the appointment process did not believe that there was a great urgency to increase the size of the court.

**MR. SHILLINGTON:** — Thank you, Mr. Speaker. The Minister of Justice well knows that there is a backlog before the Court of Appeal which that court regards as intolerable, and which should be regarded as intolerable in any civilized society.

Appellants who are incarcerated wait many months to have their appeal heard, sometimes to be set free, after having spent many months in jail. My question, Mr. Minister, is: how do you justify making cannon fodder out of litigants before the court in your dispute with the federal government?

**HON. MR. LANE:** — I have had no representations. Perhaps the hon. member has, from those in the jails or correctional centres or the penitentiaries, that in fact they're being incarcerated because of a lack of increase in the size of the court. If I can advise the hon. member, that if he had an awareness of the law regarding habeas corpus that in fact those prisoners that are being withheld, or locked up illegally, that their right to freedom is being taken away from them, have an immediate right to the Supreme Court of Canada, if necessary, to deal with the question of their release. So I think there is a lack of understanding of the law in the matter.

**MR. SHILLINGTON:** — Supplementary, Mr. Speaker. Has the Minister of Justice received comments or inquiries from the bar or from the bench that the size of the court needs to be increased? Will the minister not admit that you've been asked by the bar and by the bench to increase the size of the court?

**HON. MR. LANE:** — Well, the law society has indicated — as it applies to the Court of Appeal not to Court of Queen's Bench, so don't lump the two together — that they would hope that the matter can be resolved . . . (inaudible interjection) . . . Well, you can criticize. As I say, I find it very strange that when you were the government you were lobbying actively and publicly that there should be provincial consultation on appointments to the Supreme Court of Canada. That was your position. When we stand up and say that there should be consultation, you are now opposed to it. Would you make up your mind, please.

### **Cost of Out-of-Province Trip Last Year**

**MR. LINGENFELTER:** — Mr. Speaker, a question to the Premier. It has to do with his claim that he is running an open government. It also has to do with a statement coming out of Edmonton that the Premier yesterday tabled in the Assembly the cost of a trip that he took in August and September of this year. And the headline reads: "Lougheed's trip cost \$250,000". It also deals with a question which was put to you several days ago about a trip that you took in the out-of-province travel, which was put on the order paper December 16 of this year, or last year,

almost a year ago. What I would like to know is whether or not your open government will today table in this House the cost of your out-of-province trips which was asked for in December of last year?

**HON. MR. DEVINE:** — Mr. Speaker, as I mentioned yesterday, the information will be provided in the very near future and the latest information I have, perhaps before the end of the session.

**MR. LINGENFELTER:** — Mr. Speaker, supplement to the Premier. In March of this year we again put another question on the order paper dealing with your out-of-province trips from March till today. Will you also be reporting to the Assembly today or in the near future on that question as well?

**HON. MR. DEVINE:** — Mr. Speaker, we'll be providing full information on all the travel that I do and that the ministers do and have done as quickly as possible. A great deal of it will be provided within, I think, the next few days, hopefully before the end of the session. I might say, Mr. Speaker, that you could take an awful lot of trips for \$600 million.

### **Winter Road to Uranium City**

**MR. THOMPSON:** — I want to direct my question, Mr. Speaker, to the Minister of Highways and it's regarding the winter road to Uranium City. By way of information, Mr. Speaker, the winter road has been opened up for the last seven years, and there are a large number of former citizens from Uranium City who have moved south and still have a lot of material up there that they would like to haul out. And I wonder if the Minister of Highways could indicate to the House today whether or not they will be opening that winter road to Uranium City.

**HON. MR. GARNER:** — Well, Mr. Speaker, for the information of the member opposite, the Minister of Northern Saskatchewan and I have not made the final decision on whether that road will go in. In the spring of '84, when that decision is made, we will be sharing that information with the members of this Assembly and the people of Saskatchewan.

**MR. THOMPSON:** — Supplementary, Mr. Speaker. Apparently the minister misunderstood my question. I asked you a question: whether you were going to open the winter road to Uranium City, which was always opened up in December and January, not the spring of 1984. My question was whether you are going to open the road to Uranium City this coming fall. It had nothing to do with 1984.

**SOME HON. MEMBERS:** — Hear, hear!

**HON. MR. GARNER:** — Mr. Speaker, we had informed the people of Uranium City and the residents of the North that last year could very possibly be the very last year of the winter road. Now from the information that I have — and I could stand corrected — the winter road is never opened around the first part of December because usually the water on the lakes isn't frozen enough yet to carry the transport trucks across it. That's why, as I said, if and when we are going to have the winter road to Uranium City, we'll allow those lakes to freeze first so that the trucks can travel across the top of them.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. THOMPSON:** — New question, Mr. Speaker. It's quite interesting to hear the Minister of Highways, by way of information, talk about winter roads and ice freezing over. I imagine if you would go up there right now you would see that the lakes are frozen over, and then winter roads are starting now because it's not only lakes that you cross . . . (inaudible interjection) . . .

**MR. SPEAKER:** — Order, please. The member from Athabasca has the floor and I'd ask you to give him an opportunity to get his question out.

**MR. THOMPSON:** — The winter road does not only include ice, but it includes muskegs. A start on that road is usually done in the first part of December. My new question to you, Mr. Minister, is: could you indicate whether or not you have had representation from private groups to push that winter road in there by themselves?

**HON. MR. GARNER:** — The information, Mr. Speaker, that I have to date is there are many ideas about putting winter roads up into Uranium City, either going around or straight across the ice. We have also had representation from, I believe, one or two trucking firms requiring the information as to whether they're going to bring goods in or out of Uranium City. As I've stated earlier, the Minister of Northern Saskatchewan and myself have met on an ongoing basis as to whether that winter road is going to go in there. Mr. Speaker, we're talking of an expenditure of approximately half a million dollars. Now I mean I can see, Mr. Speaker, it's easy for the members opposite when they blew \$600 million away, but we don't even want to blow away a half a million dollars, Mr. Speaker. That's why that decision has not been made.

**MR. THOMPSON:** — Final supplementary, Mr. Speaker. The minister has indicated that that road would cost approximately half a million dollars. I want to say to the minister in my final supplementary that the citizens of Uranium City who had to move out have a lot of personal belongings up there. I don't think you can put dollar signs on the personal belongings that they have, and there is millions of dollars of personal belongings that they want to get out. Would you not agree that they should have an opportunity to get their personal belongings, and that you will make an attempt at a start on that winter road as soon as possible, whether it's your department or a private group?

**SOME HON. MEMBERS:** — Hear, hear!

**HON. MR. GARNER:** — Well, Mr. Speaker, maybe just to point out for the information of members opposite, it wasn't the Saskatchewan that shut down Uranium city. It happened to be their friends in Ottawa, the federal Liberals. They're the ones that shut down Uranium City. They're the ones that affected the people from northern Saskatchewan, not the Conservative government. When the decision is made, you will be informed about it.

### **Transportation Across Saskatchewan River to Cumberland House**

**MR. YEW:** — Mr. Speaker, I have a question for the Minister of Highways. Last Thursday, the ferry service which links Cumberland House to the rest of Saskatchewan was terminated again for another year. Once again, we have the annual problem, Mr. Speaker, of how the people of Saskatchewan's oldest community are to get themselves and their supplies back and forth across the North Saskatchewan River between now and the heavy freeze-up.

The minister is also aware of a letter from the community, signed by the mayor, which asks what the department plans to do about this problem. My question, Mr. Speaker, is: has the minister responded to the letter from Cumberland House, and what are you going to do about this problem of this coming winter?

**HON. MR. GARNER:** — Well, Mr. Speaker . . .

**MR. SPEAKER:** — Order, please! If questions are asked you must want answers, and we can't get answers with that much noise.

**HON. MR. GARNER:** — Mr. Speaker, I received many letters from residents from not only Cumberland House, but from all over Saskatchewan. I couldn't bring all of those copies of those letters with me. I will bring a copy of that letter and a copy of a response back to this Assembly. I will take notice and share that information with the members tomorrow.



**MR. YEW:** — New question, Mr. Speaker. I want to remind the minister that we are talking about tragic accidents happening in this particular community. Lives are threatened or lost while trying to cross the North Saskatchewan River after the ferry has been lifted. My question to you, Mr. Minister, as stated in the letter from the local community council or the local community authority, is this: will your department assume responsibility for providing transportation services across the Saskatchewan River for Cumberland House residents during the current fall freeze-up and during the next spring breakup?

**HON. MR. GARNER:** — Mr. Speaker, I said that I would bring information back for the members opposite. But you know, it's very amazing, Mr. Speaker, that all of a sudden this problem has developed at Cumberland House. What did they do while they were government? I mean, they had two elected MLAs from the North. They should have been aware of it. We're aware of that problem. What did the NDP do for the people at Cumberland House? What did they do when the ferry service went out? What did they do before the ice froze? What did they do, Mr. Speaker? I said I would take notice and bring a copy of the letter back to the Assembly.

### **INTRODUCTION OF BILLS**

#### **Bill No. 7 — An Act to repeal The Transportation Act**

**HON. MR. GARNER:** — Mr. Speaker, I move first reading of a bill to repeal The Transportation Act.

Motion agreed to and the bill ordered to be read a second time at the next sitting of the House.

#### **Bill No. 8 — An Act to amend The Highways Act**

**HON. MR. GARNER:** — Mr. Speaker, I move first reading of a bill to amend The Highways Act.

Motion agreed to and the bill ordered to be read a second time at the next sitting.

#### **Bill No. 9 — An Act respecting the Consequential Amendments resulting from certain changes in the name and functions of the Department of Highways and Transportation**

**HON. MR. GARNER:** — Mr. Speaker, I move first reading of a bill respecting the Consequential Amendments resulting from certain changes in the names and functions of the Department of Highways and Transportation.

Motion agreed to and the bill ordered to be read a second time at the next sitting.

#### **Bill No. 10 — An Act respecting the Department of Highways and Transportation**

**HON. MR. GARNER:** — Mr. Speaker, I move first reading of a bill respecting the Department of Highways and Transportation.

Motion agreed to and the bill ordered to be read a second time at the next sitting.

### **ORDERS OF THE DAY**

**HON. MR. ANDREW:** — Mr. Speaker, with leave of the Assembly, I wonder if on orders of the day we might move to second readings, deal with the initial second reading of Bills No. 2, No. 3, and No. 4, and then revert back to government motions.

Leave granted.

### **SECOND READINGS**

**Bill No. 2 — An Act respecting the Department of Science and Technology**

**HON. MR. CURRIE:** — Mr. Speaker, my comments in presenting the second reading of Bill No. 2, An Act respecting the Department of Science and Technology, will also include remarks relative to Bills 3 and 4, which respectively are: An Act respecting the Consequential Amendments resulting from the enactment of The Department of Science and Technology Act, and An Act to repeal the Science Council Act.

Today, on the second reading of Bill No. 2, a bill to create the Saskatchewan department of science and technology, I have the honour of informing the members of this House about this new department.

Our government recognized that the foundation of future economic and social development is technology. We recognize that the future achievements of our province and nation depend on how well we develop, use, and exploit technology. We recognize that Saskatchewan residents and Saskatchewan industry must participate in the technology revolution, if we are to remain competitive in the international market place, to enjoy industrial expansion, and to enhance prosperity in our province. We recognize that as we develop and use technologies we must be aware of the impact that these changes will have on society. We further recognize that we must learn to adapt to technological changes.

The contribution of technology to Saskatchewan is twofold: first, technology is a growth industry which employs highly skilled and highly paid people; second, through research development and innovation, science and technology provide the basis and the input for technological development and modernization of the economy as a whole.

To understand the need for the department, you only have to look at the recent and dramatic developments in science and technology. Less than 10 years ago, science and technology were almost entirely in the hands of a few scientists, researchers, and university professors. Working largely outside of the public eye, these men and women developed ideas and technologies which few people understood, but today technology has come out of the back rooms. It's in our offices, manufacturing plants, mines, and homes. It's even in new cars, with their computerized controls and displays.

Nowhere, Mr. Speaker, has the growth of technology been more rapid and apparent than in the area of micro-computers. In 1981, there were only 38,000 micro-computers in Canada. Today, the figure is about 250,000, and by 1987 it is expected that 1.7 million micro-computers will be operating in Canadian homes and businesses.

But that's only the tip of the technological and scientific iceberg. There are the fields of biotechnology, robotics, and communications, to name only three which are rapidly becoming multi-billion dollar businesses. Every day, technology is playing a larger and larger role in our lives. As technology spreads, new economic opportunities related to the development, use, and exploitation of technology will mushroom.

Mr. Speaker, it's with these thoughts in mind that we saw the need for and developed a technology strategy for Saskatchewan. The centrepiece for that strategy will be a department of science and technology. The department will ensure that the people of Saskatchewan are the beneficiaries of the great potential offered by science and technology. The department, in co-operation with other departments, will assist the people of Saskatchewan to adapt to the changes created by the introduction of technology.

To capitalize on these contributions of science and technology, we will promote technology development through support of the industrial and research communities. Also, we will promote the transfer of technology. All of the new tools created through technology development are of no value unless our industry, our economy, and our people use them.

As a province, we will promote the use of technology in provincial industries, businesses, educational institutions, and the government itself. This will encompass support and leadership activities which will give us the competitive edge, which will enhance our production and trade, which will prevent industrial obsolescence, and which will train our youth and labour force to world standards.

We are committed to exploiting technology to provide increased opportunities for our citizens, our businesses, and our industries. We are committed to ensuring that our economy and our people reap the benefits, profits, and the better way of life which the technological revolution offers.

Mr. Speaker, I would like to provide a brief outline of the key roles of the new department. There are many players involved in the research and development activities in this province. Research is conducted by government departments and agencies, crown corporations, our two universities, the Saskatchewan Research Council, and the private sector.

Industries apply the spin-off from the research. The federal government is an external source of funding and scientific and technological information. If this province is to maximize the benefits that can be derived from research and the application of it, it is necessary that the new department has a communications structure that allows for easy liaison among these numerous actors.

The department will be responsible for co-ordinating and monitoring the research activities and expenditures of all government bodies. Each year, the Government of Saskatchewan — its departments, agencies, and crown corporations — spends an average of \$40 million on science and research projects. Many of these research activities are conducted entirely independently of each other. Obviously, there could be duplication or near-duplication of research.

It also means that science and technology activities which cross departmental and agency boundaries may not receive the attention they require because no one has clear responsibility. It is apparent that a co-ordinating function could give greater assurance that the province is striving for maximum return for its investment in research.

This department will give leadership to the government's commitment to support research and development for assisting new technology business. One kind of support which the department will promote is the establishment of state-of-the art industrial research centres. These centres will build on the proven strengths and abilities of Saskatchewan.

Specifically, our targets for world-class research facilities are computer technology, agricultural biotechnology, micro-electronics technology, communications technology, computer-assisted design and computer-assisted manufacturing technology, agricultural value-added technology, energy conservation technology, instrumentation technology, toxicology, hydrology.

Mr. Speaker, these targeted areas are not restrictive. We will be in a position with the department of science and technology to react to new technology areas which are developing at an ever-expanding rate.

Mr. Speaker, I'm pleased to report that much progress has been made in these areas. The province has funded a Centre of Toxicology at the University of Saskatchewan, and is encouraging the federal government to take part in the operation and funding of this facility.

In the last year the federal government has announced major grants to assist research and development in the province, including: \$1 million operational funding for five years for the centre of instrumentation of the Saskatchewan Research Council; a \$6 million capitals grant for a national plant biotechnology centre at the National Research council on the University of

Saskatchewan campus; \$5.8 million from the federal government to expand the linear accelerator complex, also at the University of Saskatchewan; and the Institute of Hydrology, with a capital outlay of \$14.5 million, will soon be constructed at Innovation Place, north of the University of Saskatchewan.

The province and the federal government are working co-operatively to establish other industrial research and development centres. Under active consideration are proposals to create centres of micro-electronics, agricultural biotechnology, and agriculture value-added technology at the University of Saskatchewan, a centre for computer assisted design and manufacturing or robotics at the Saskatchewan Research Council, and centres of coal petrology and energy conservation at the University of Regina.

The government is pleased with this newly found federal interest and support of research and development in Saskatchewan. But, Mr. Speaker, it can also be said that this support is long overdue. Based on our population and gross domestic product, Saskatchewan has historically received less than its fair share of federal scientific expenditures. The annual shortfall is approximately \$27 million. Under the Department of Science and Technology, the federal-provincial initiatives which started in the last year will be continued and expanded.

This government is committed to providing financial support for Saskatchewan technology and industrial communities. One of the greatest deterrents to technology firms that are starting up or expanding or modifying is the lack of capital. Many inventions and ideas that have high potential for business enterprises remain latent for want of financial support. Venture capital must be made accessible to the Saskatchewan businesses if they are going to develop and compete in the market place.

The government has been addressing this important issue, and is consulting with business people and investors relative to the most suitable plan for our needs. The new department will be responsible for administering programs that are allied with venture capital.

The department will also have the responsibility for administering the \$5 million research and development fund. Programs to provide some financial assistance to high tech industries are being considered and will be announced in the near future. These programs will permit the industrial community and the industrial scientific community to develop, transfer, utilize and exploit technology in the interests of economic diversification and growth.

Because of the ever increasing role of technology in our everyday lives, it is a function of the department to educate the Saskatchewan public about the implications and the applications of science. Technological changes are occurring rapidly. Many people not only don't understand it, they fear it. An awareness program will, therefore, be incorporated in our organization.

The department will help people to understand what technology means to them and how they can benefit from it. The department will assist in minimizing the impact that technological change can impose upon the work force and industry. It will share this responsibility with other departments which have the resources or the authority to accommodate the emergent needs.

The foregoing provides, Mr. Speaker, a brief sketch of the department's roles. The details of the program will be announced at an appropriate time. May I also mention the acts that will be affected by The Department of Science and Technology Act. This act will result in consequential amendments to The Heritage Fund Act to give the minister of science and technology the authority to make expenditures out of the research and development division. Also, the Legislative and Executive Council Act will require amendment to mention the name of the new minister of science and technology in that act.

In addition, The Department of Science and Technology Act will require the repealing of The Science Council Act to eliminate any compatibility problems. The department of science and

technology will assume the powers and duties previously defined for the science council.

Mr. Speaker, this has been an overview of the department of science and technology, why it is being created, and what it will accomplish. As the department continues to take shape, the details of its policies and program will be announced. Science and technology are exciting and dynamic fields. They offer enormous social and economic benefits to our people and our province. The new department will enable us to maximize those benefits.

Mr. Speaker, I am pleased to have had the honour of acquainting you and the members of this House with the department of science and technology.

Mr. Speaker, I move that Bill No. 2, an Act respecting the Department of Science and Technology, be now read a second time.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. KOSKIE:** — Mr. Speaker, I indeed welcome the minister's comments today. I just want to say that we in the previous government had a very well-defined technological strategy, that there were considerable concrete evidence of the success of that, and certainly I welcome that this government is finally proceeding with the act to establish the department and to build on what we had developed.

I just received the bill yesterday, Mr. Speaker. I want to make some comments in respect to this in more detail, and so I would beg leave to adjourn the debate at this time.

Debate adjourned.

**Bill No. 3 — An Act respecting the Consequential Amendments resulting from the enactment of The Department of Science and Technology Act**

**HON. MR. CURRIE:** — Mr. Speaker, I move that Bill No. 3, an Act respecting the Consequential Amendments resulting from the enactment of The Department of Science and Technology Act, be now read a second time.

**MR. KOSKIE:** — I'll call for an adjournment on the same basis as I mentioned in the previous act, Mr. Speaker, and we'll proceed with it.

Debate adjourned.

**Bill No. 4—An Act to repeal The Science Council Act**

**HON. MR. CURRIE:** — Mr. Speaker, I move that Bill No. 4, an Act respecting the repeal of The Science Council Act, be read a second time.

**MR. KOSKIE:** — Mr. Speaker, these bills are interrelated. I accordingly would ask adjournment of the debate.

Debate adjourned.

**GOVERNMENT MOTIONS**

**Proclamation Amending the Constitution of Canada**

**HON. MR. DEVINE:** — Mr. Speaker, I am pleased to be able to speak on a resolution authorizing the Governor General of Canada to issue a proclamation amending the Constitution of Canada. This amendment will be the first to Canada's new constitution which was proclaimed a year and

a half ago. I believe the action we are now taking as a first priority, to build in protections for the Indian, Inuit, and Metis people, will be a monumentous one for Canada.

On March 15 and 16 of this year, Mr. Speaker, I participated in what was truly an historic meeting of first ministers. For the first time in Canada's history, the Prime Minister and premiers of this country sat down with representations of the aboriginal people to discuss our joint concerns and our aspirations. We are separate cultures which cannot be separated. This is our fundamental dilemma and our great challenge. This province will not achieve its full potential as long as any particular segment of society is isolated from the benefits of society.

My government, Mr. Speaker, is committed to ensuring that everyone — everyone — is able to share fully in the economic growth of the province of Saskatchewan.

Saskatchewan has the largest proportion of native peoples in all of Canada. It is not possible for us to consider ourselves a completed and harmonious society until we have found a way to let our agricultural, industrial society co-exist with the traditional native cultures which preceded our arrival by many centuries. Until we find the means to co-exist that we are all searching for — some quietly, some loudly — there will be tensions and ill will between groups in our province.

One thing we must be able to do that is for certain, Mr. Speaker, and that is to offer everyone the opportunity and the incentive to share fully in the economic potential of this province. My government is committed to this, and we are directing economic development assistance to Indian bands at present.

Indian and Metis people are facing problems which have grown steadily more serious over the past century. The proper course and the results of different strategies will not be evident immediately, and everyone's aware of that. We have made a start and we are taking new directions toward resolving long-standing problems which face Indians and Metis people in the province of Saskatchewan.

The constitutional conference to which I referred earlier, Mr. Speaker, did not address directly the aboriginal problems which are foremost in my mind: economic development, education and training, federal fiscal responsibility for treaty Indians, to name a few.

With regard to the last matter, federal responsibility, I wish to read into the record my comments at the first ministers' conference. I quote, Mr. Speaker, from the first ministers' conference:

As we all know, the Government of Canada has special obligations, historical and legal obligations, to the aboriginal peoples. The treaties and land claim settlements have established a relationship of trust between the aboriginal peoples on the one hand, and the Government of Canada on the other. I believe that this is fair to a point, and it's important to point out that the past decade or more has witnessed an alarming trend. We have all heard Indian leaders describe how this trust has been eroded. Over the past few years provincial governments have seen pretty hard evidence of the federal government withdrawing from services to status Indians, especially those who happened to live off reserves.

Mr. Prime Minister, formal trust obligations made to a people must not cease to exist simply because an individual leaves a reserve, and I need not remind you, sir, of the arguments used during the last round of constitutional negotiations. At that time the federal government argued against the existence of too rigid provincial boundaries and barriers. You suggested provinces discriminated against those who may have crossed such a boundary to live, work, or invest.

Well, with respect, I suggest that departments of the federal government are doing the same thing to the Indian people of Canada. Once they leave their reserves it is

claimed that they are different than those who remain. Are they really different because they are less in need or less deserving of federal support? Are they any less Indian? I doubt that.

Mr. Prime Minister, I believe that it is important that we accept the trust. Promises made in the past must be kept. Commitments do not lessen because time passes; commitments cannot be discarded unilaterally; commitments cannot be eroded.

We have heard all the legal arguments. We are fully aware that, as your lawyers put it, the section 91(24), federal power over Indian and land reserved for Indians, need not be exercised. But this is no time for legal arguments: not when Indian students in northern Saskatchewan are facing the closure of their schools because of the withdrawal of federal funding; not when special programs are required for Indians, both on and off reserves, and for the Metis; not when Indians suffer because of senseless jurisdictional wrangling. Canada must respect its full obligations to Indians; otherwise the future will be merely a perpetration of the past.

End of quote, Mr. Speaker.

I am certain, Mr. Speaker, that the members opposite in this legislature share my concerns in this regard. I want to assure this Assembly that, as my government prepared for the next first ministers' conference, we will continue to emphasize this point and insist that the Government of Canada respect its obligations.

Nevertheless, I was very pleased to be a signatory to the March accord, because it not only included some important achievements, but because it provided us with a process for the first time, Mr. Speaker, to advance further the rights and opportunities of the aboriginal peoples.

The accord, and the resolution before this Assembly today, ensures that there will be consultations with the aboriginal peoples before any future amendments directly affecting them are made by the Government of Canada. This resolution is a vast improvement over what existed previously, even though it is certainly not the consent clause desired by the aboriginal organizations. To agree to a consent clause—in effect, a veto over future amendments—would have given aboriginal people a power which no other Canadian or group of Canadians possesses.

The amendments provided for in the resolution will ensure protection for any modern day and future land claims agreement. We were one of the first to accept in principle the need to include such a clause.

Finally, the amendments provide for future constitutional conferences at which we can discuss, and hopefully resolve, the rights and the problems of the aboriginal peoples of Canada. We have the opportunity to further the important educational experience begun last March.

It is difficult to know whether these conferences will be successful, Mr. Speaker. Much will depend upon the various participants being willing to compromise in order to achieve what is possible, even though perhaps not ideal. Much will depend upon the good will that exists. As for the province of Saskatchewan, we will honour our commitments. We intend to participate in the process, commit the necessary resources to the process, and, most importantly, look for positive results from that process.

It is in this spirit that I now present to this Assembly for passage, the *Constitution Amendment Proclamation, 1983*, in the form of a resolution. Let us hope that the unanimous passage of the resolution by this Assembly, by all the governments of Canada, will set in motion the constitutional process that will result in the aboriginal peoples of Canada achieving their just and proper place in confederation.

It is therefore with great pleasure that I move this resolution and urge the Assembly to adopt it:

Whereas the Constitution Act, 1982, provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions of the legislative assemblies as provided for in section 38 thereof:

And Whereas the Constitution of Canada, reflecting the country and Canadian Society, continues to develop and strengthen the rights and freedoms that it guarantees;

And Whereas, after a gradual transition of Canada from colonial status to the status of an independent and sovereign state, Canadians have, as of April 17, 1982, full authority to amend their Constitution in Canada;

And Whereas historically and equitably it is fitting that the early exercise of that full authority should relate to the rights and freedoms of the first inhabitants of Canada, the aboriginal peoples;

Now Therefore the Legislative Assembly of Saskatchewan resolves that His Excellency the Governor General be authorized to issue a proclamation under the Great Seal of Canada amending the Constitution of Canada as follows:

#### PROCLAMATION AMENDING THE CONSTITUTION OF CANADA

1 Paragraph 25 (b) of the Constitution Act, 1982 is repealed and the following substituted therefore:

“(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.”

2. Section 35 of the Constitution Act, 1982 is amended by adding thereto the following subsections;

“(3) For greater certainty, in subsection (1) ‘treaty rights’ includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.”

3. The said Act is further amended by adding thereto, immediately after section 35 thereof, the following section:

“35.1 The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the Constitution Act, 1867, to section 25 of this Act or to this Part,

(a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada; and

(b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussion on that item.”

4. The said Act is further amended by adding thereto, immediately after section 37 thereof,



the following Part:

“PART IV.1

CONSTITUTIONAL CONFERENCES

37.1 (1) In addition to the conference convened in March 1983, at least two constitutional conferences composed of the Prime Minister of Canada, and the first ministers of the provinces shall be convened by the Prime Minister of Canada, the first within three years after April 17, 1982 and the second within five years after that date.

(2) Each conference convened under subsection (1) shall have included in its agenda constitutional matters that directly affect the aboriginal peoples of Canada, and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on those matters.

(3) The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of a conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.

(4) Nothing in this section shall be construed so as to derogate from subsection 35 (1).

5. The said Act is further amended by adding thereto, immediately after section 54 thereof, the following section:

54.1 part IV.1 and this section are repealed on April 18, 1987.

6. The said Act is further amended by adding thereto the following section:

“61. A reference to the Constitution Acts, 1867 to 1982 shall be deemed to include a reference to the Constitution Amendment Proclamation, 1983.”

7. This Proclamation may be cited as the Constitution Amendment Proclamation, 1983.

Considérant:

que la Loi constitutionnelle de 1982 prévoit que la Constitution du Canada peut être modifiée par proclamation du gouverneur général sous le grand sceau du Canada, autorisée par des résolutions du Sénat et de la Chambre des communes et par des résolutions des assemblées législatives dans les conditions prévues à l’article 38;

que la Constitution du Canada, à l’image du pays et de la société canadienne, est en perpétuel devenir dans l’affermisssement des droits et libért qu’elle garantit;

que les Canadiens, après la longue évolution de leur pays de simple colonie à Etat indépendant et souverain, ont, depuis le 17 avril 1982, tout pouvoir pour modifier leur Constitution au Canada;

que l’histoire et l’équité demandent que l’une des premières manifestations de ce pouvoir porte sur les droits et libértés des peuples autochtones du Canada, premiers habitants du pays.

l’Assemblée législative de la Saskatchewan a résolu d’autoriser Son Excellence le gouverneur général à prendre, sous le grand sceau du Canada, une proclamation modifiant la Constitution du Canada comme il suit:

## PROCLAMATION MODIFIANT LA CONSTITUTION DU CANADA

1. L'alinéa 25b) de la Loi constitutionnelle de 1982 est abrogé et remplacé par ce qui suit:

“b) aux droits ou libé existants issus d'accords sur des revendications territoriales ou ceux susceptibles d'être ainsi acquis.”

2. L'article 35 de la Loi constituionnelle de 1982 est modifié par adjonction de ce qui suit:

“(3) Il est entendu que sont compris parmi les droits issus de traités, don't il est fait mention au paragraphe (1), les droits existants issus d'accords sur des revendications territoriales ou ceux susceptibles d'être ainsi acquis.

(4) Indépendamment de toute autre disposition de la présente loi, les droits — ancestraux ou issus de traités — vis au paragraphe (1) sont garantis également aux personnes des deux sexes.”

3. La même loi est modifiée par insertion, après l'article 35, de ce qui suit:

“35.1 Les gouvernements fédéral et provinciaux sont liés par l'engagement de principe selon lequel le premier ministre du Canada, avant toute modification de la catégorie 24 de l'article 91 de la Loi constitutionnelle de 1867, de l'article 25 de la présente loi ou de la présente partie:

a) convoquera une conférence constitutionnelle réunissant les premiers ministres provinciaux et lui-même et comportant à son ordre du jour la question du projet de modification;

b) invitera les représentants des peuples autochtones du Canada à participer aux travaux relatifs à cette question.”

4. La même loi est modifiée par insertion, après l'article 37, de ce qui suit:

### “PARTIE IV.1

#### CONFERENCES CONSTITUTIONNELLES

37.1 (1) En sus de la conférence convoquée en mars 1983, le premier ministre du Canada convoque au moins deux conférences constitutionnelles réunissant les premiers ministres provinciaux et lui-même, la première dans les trois ans et la seconde dans les cinq ans suivant le 17 avril 1982.

(2) Sont placées à l'ordre du jour de chacune des conférences visées au paragraphe (1) les questions constitutionnelles qui intéressent directement les peuples autochtones du Canada. Le premier ministre du Canada invite leurs représentants à participer aux travaux relatifs à ces questions.

(3) Le premier ministre du Canada invite des représentants élus des gouvernements du territoire du Yukon et des territoires du Nord-Ouest à participer aux travaux relatifs à toute question placée à l'ordre du jour des conférences visées au paragraphe (1) 35 qui, selon lui, intéresse directement le territoire du Yukon et les territoires du Nord-Ouest.

(4) Le présent article n'a pas pour effet de déroger au paragraphe 35(1).”

5. La même loi est modifiée par insertion, après l'article 54, de ce qui suit:

“54.1 La partie IV.1 et le présent article sont abrogés le 18 avril 1987.”

6. La même loi est modifiée par adjonction de ce qui suit:

“61. Toute mention des Lois constitutionnelles de 1967 à 1982 est réputée constituer également une mention de la Proclamation de 1983 modifiant la Constitution.”

7. Titre de la présente proclamation: Proclamation de 1983 modifiant la Constitution.

**SOME HON. MEMBERS:** — Hear, hear!

**HON. MR. DUTCHAK:** — Mr. Speaker, I'm pleased to add my support to the important resolution that's before us here today. I fully support the comments of the Premier. The resolution represents a watershed in the protection and advancement of aboriginal rights, and I would urge all members of this House to support it.

I'm pleased to rise on this occasion and take the opportunity to set the record straight regarding two significant responsibilities of the federal government to the aboriginal people: first, we have the treaty land entitlement issue; and second, the federal powers and responsibilities as set out by the British North America Act, section 91, subsection 24 specifically.

First, the issue of land entitlement. On this point, I have formally contacted the federal Minister of Indian Affairs on two occasions asking for clarification of the federal position on the process of land entitlement. This is required by the Natural Resources Transfer Agreement of 1930. I'm still awaiting the reply. I hope that when Mr. Munro replies we will, at some point in this House, pass a resolution on that particular matter. Let me say that Saskatchewan will respect its constitutional and legal obligations, but we want to clarify and set the record straight on what the federal obligations are in this area. As well, we expect the federal government to accept its legal obligations, just as we accept ours.

Mr. Speaker, section 91, subsection 24, of the British North America Act outlines the federal powers and jurisdiction with respect to Indians and lands reserved for Indians. This section also outlines federal responsibilities concerning programs and services offered to aboriginal peoples. This section of the BNA Act clearly states that such programs and services are under the exclusive jurisdiction of the federal government.

Our position on this issue is clear: the federal government cannot avoid its responsibilities; it can't avoid providing programs and services to aboriginal people. Having said that, I want to reiterate and state that the Government of Saskatchewan will continue to provide essential programs and services to all aboriginal people, as we have done in the past. We have a moral obligation to do so. We are obligated to provide these services because these people are citizens of Saskatchewan, and we are their provincial government.

But the federal government is also obligated to provide services and programs, and they should not attempt to shift the costs of these services and programs onto the provinces as they are doing now, and as they have done, for instance, in regards to Indians who move off of the reserve. The Premier mentioned that area. We expect the federal government to fulfil their legal obligations in this area also, just as we are fulfilling ours.

Mr. Speaker, we have made a great deal of progress in constitutional negotiations with aboriginal peoples. The process we began with the development of this resolution at the first ministers'

conference is only the first step of an ongoing process. We have held a number of meetings at the officials' levels to help establish an agenda for the upcoming conference of first ministers. Ministers and aboriginal leaders have agreed to a short list of items to be discussed at the 1984 First Ministers' Conference. Officials from governments are presently working together with aboriginal representatives to prepare these items for the first ministers.

The next first ministers' conference is tentatively set for March of 1984. Beyond this next conference, Mr. Speaker, the resolution provides that there will be two further ministers' conferences by 1987.

Mr. Speaker, I want to reaffirm our government's willingness to participate actively in these ongoing discussions. While outstanding problems and differences cannot possibly be resolved in one or two years, I am confident that after meetings that we will make significant progress over the next few years which will benefit all Canadians. Therefore, I will support the resolution, Mr. Speaker.

**SOME HON. MEMBERS:** — Hear, hear!

**HON. MR. BLAKENEY:** — Mr. Speaker, I want to rise on this resolution and to state that I will be supporting it. And I speak for members on this side of the House, some of whom will be participating in this debate, indicating that we will be supporting the resolution.

I think it is perhaps useful to look at what the resolution says. It first clarifies what was in the Constitution Act (1982), that act which came out of the November accord, and it makes clear that the Charter of Rights and Freedoms does not take away from . . . And it previously said any treaty rights. It now makes clear that that is meant to include settlements or agreements that may be concluded in the future with respect to treaty land entitlements.

I suspect that would cover something like the James Bay agreement which is not in a strict sense a treaty, but which is a settlement of a land claim. And it is meant, I believe, to say that the Charter of Rights and Freedoms is not meant to derogate from any rights given in such settlements.

We then go on, in this resolution, essentially to clarify and add to some of the language that was developed in protection of aboriginal claims. I hope I have made myself clear in saying that section 25 or so was a defensive section, saying that the Charter of Rights and Freedoms will not derogate from treaty rights.

The section 35 is an offensive section in the sense that it grants rights, and it says in effect that existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed. And this says that aboriginal and treaty rights will be recognized and affirmed, and it goes on to attempt to define who are aboriginal — that's Indian, Inuit, and Metis.

And the new resolution which we have before us still further clarifies it by saying that treaty rights includes rights that now exist by way of land claims agreements, or may be so acquired. And that is to add to what we call treaty rights, any rights which may flow from something like the James Bay agreement. And it goes on to say further that, notwithstanding any other provision, the treaty rights referred to are guaranteed equally to male and female persons. And that simply clears up a potential conflict with section 28.

It then goes on to provide that before there are changes in provisions of the constitution which affect in a direct way native rights, there must be a conference. And these sections are listed, the ones which will trigger a conference: section 91(24) of what I used to call the BNA Act, now called the Constitution Act, 1967; and section 25, the one we're dealing with here, of the Constitution Act, 1982; and Part IV, that's roughly section 35 and 35.1 of the Constitution Act, 1982. So it says basically, if at any time in the future — 5, 10, 15, 20 years in to the future — any

of these sections are changed, there must be a conference at which native people will be represented.

And then it goes on to say, with respect to trying to sort out just what we're talking about when we talk about aboriginal rights and treaty rights, there must be two further conferences — one which must be held before April 18th, 1985, and the other which must be held before April 18th, 1987. So, in the next five years, measuring from last April of '82, there must be two additional conferences.

This whole process, Mr. Deputy Speaker, was set in motion by a series of federal-provincial conferences that dealt with the constitution and which, among other things, dealt with native rights. I refer hon. members to a brief presented to the special joint committee on the constitution, that is, a special joint committee of the House of Commons and the Senate, by the Government of Saskatchewan in 1980, entitled "The Patriation and Amendment of the Constitution of Canada." It has, at page 17, a statement of Indian and native rights, and it says, in part:

In December, 1979, first ministers made a decision and a commitment, a decision to place on the agenda of constitutional discussions an item entitled "Canada's Native Peoples and the Constitution," and a commitment to give Indian and native people direct involvement in the process of constitutional review.

Following from that commitment in February, 1979, we have seen the various steps in the furtherance of that commitment take place. We recognize the difficulty and complexity of the subject, and then this brief goes on, on behalf of the Government of Saskatchewan, to say that:

We must acknowledge the legitimate concerns of native people and we must commit ourselves now to address these concerns in a serious way as soon as possible after patriation. And on behalf of the Government of Saskatchewan, I make that commitment, and I urge the federal government to do likewise before proceeding with the present resolution

We must ensure that what we are doing is not detrimental to the position of Canada's aboriginal peoples. I point out some difficulties in the section as it was then drafted, and we included in Appendix K of .of this brief a redraft of the section which, in our judgement, strengthened the rights of Indian and native people. That was the position in 1980. This was before any proposals for guaranteeing treaty rights was in any resolution.

In due course, a resolution emerged from the Parliament of Canada which included some rights for Indian people. Mr. Speaker, that resolution was the one on which the Supreme Court of Canada passed judgement in September of 1981, and reached the conclusion that it would be unconstitutional for the federal government to proceed with that resolution without the consent of a majority of the provinces. I don't state that decision with precision, but that's approximately the import of the Supreme Court decision.

There then followed a constitutional conference which produced what has been called the November 5 accord, and that accord was the result of some very hard bargaining. Two groups of Canadians lobbied hard for changes in the accord which was arrived at. These two groups were women's groups who did not like section 28 of the accord, and native groups who were disappointed because section 34 of the resolution had been dropped during the course of the discussions. Section 4 is in substantially the same terms as section 35 which we are now amending by this resolution.

Because of the discontent of these two groups, a number of things happened. When the then attorney general, Mr. Romanow, and I returned to Saskatchewan following that accord, I reported to the native organizations on November 12 — both the Federation of Saskatchewan

Indians, as it then styled itself, and the Association of Metis and Non-Status Indians — what had transpired and the fact that the then section 3, now section 35, was not in the document. They had on some occasions expressed satisfaction that it was not in the document because they felt it inadequate, and on some occasions expressed disappointment that it was not in the document because they thought it would have been a first step. I advised them that I was disappointed that it had been dropped from the document, that it was not by any means a decision of the Government of Saskatchewan but had in fact been the decision made at the insistence of a couple of governments of more right-wing persuasion, and that the federal government had acquiesced in that decision. I asked them whether or not they wished for me to press for inclusion of such a section, such as the present section 35, if the accord was reopened, and they assured me that they did. They wished to have this back in the document.

The occasion for pressing for its inclusion occurred far faster than any of us would have contemplated. I already reported to you that women's groups were dissatisfied with the accord because they did not like the effect of section 28 dealing with rights of male and female persons, and they put on a strong lobby to change that section. Indeed, it was a powerful lobby. We, the Government of Saskatchewan, had some misgivings about the wording that they suggested because we felt it might affect affirmative action programs. But we consulted with some women's groups and found that they were prepared to take the risks, and accordingly, we agreed to this change. And we agreed with every change of wording put to us by the Government of Canada in writing or by telex.

But many other things were happening, and early in the morning of November 18, the Hon. Mr. Chretien put forward yet another proposal by telephone and we advised him: yes, we will agree to your change with respect to the rights of male and female persons, but only if it is part of a package which includes rights for aboriginal peoples. And on November 18, that same day, at 3:30 in the afternoon, we sent a wire to Mr. Chretien saying: yes, we agree with your proposal with respect to the rights of male and female persons, but we have given a commitment that we will agree to no changes in the accords unless it includes a reinstatement of the then section 34.

This was not initially acceptable, and a great barrage of abuse was heaped on the Government of Saskatchewan on the grounds that it was objecting to equal rights for male and female persons. That was, in the event, grossly unfair and inaccurate; none the less, it happened.

We advised the federal government that our position was firm, and on Friday, two days later, the federal government changed its position and agreed to include the native rights section in the accord. Also on Friday, two key provinces, Alberta and British Columbia, publicly stated that they were willing to accept the native right sections with the insertion of one word, "existing", in the section which had been dropped from the November accord.

By November 23, just five days after Saskatchewan had stated its position, all the first ministers who had signed the November 5 agreement had accepted the position, and when the matter went back to the House of Commons and the Senate, the native section was back in.

We are proud of the part that the Government of Saskatchewan played in inserting into the constitution what is now section 35, the section which we are now amending. We have no doubt that had our position been different, that section would not be there and the debate which we are having today would not be taking place. We would not be amending a section, now 35, because there wouldn't have been a section, as there was not after the accord of November 5.

From that document stemmed the obligation, first, to have a conference to put flesh on the provisions of what I will now call section 35. That conference was held last March. The Government of Saskatchewan very properly agreed to carry on the discussions with the native people of Canada, agreed on what are essentially some clarifying and preliminary provisions

which are contained in this resolution, and agreed in a more substantive way to pursue with the native people of Canada and the other governments of Canada just what we mean by treaty and aboriginal rights. And I commend the government for that stand, and I am pleased that we are pursuing that in the hope of being able to accord to the aboriginal peoples of Canada some of the protectionism in a constitutional way, which they feel they need in order to preserve their traditions and to contribute to the welfare of their people.

I want to make one technical comment and then to make some more broad comments. I want to make one technical comment in saying that as I am going through this resolution I think there may well be a typographical error. And I refer to part IV.1, constitutional Conferences, 37.1, and then subsection (4) reading: "Nothing in this subsections hall be construed as to derogate from subsection 35(1)." And I rather think that should be 35.1. I mention that only because I've come across it, and I suggest that someone might check it. Leaving aside the nit-picking, I want to address a couple of issues.

I would like to think that the Government of Canada and the governments of all of the provinces are prepared to address the concerns of native people. I heard the comments of the member for Prince Albert-Duck Lake and share with him a certain sense of frustration that provincial governments feel when they are dealing with the federal government. We are aware of the provisions of section 91(24) of the constitution of Canada act, 1867, which provides that Indians, and lands reserved for Indians, is a federal responsibility, and that has always meant that services for Indians is a federal responsibility. And Indians here are not defined as Indians as defined in the Indian Act, but whatever people meant in 1867 when they used the word "Indians." We know that they meant Inuit because the courts have told us they meant Inuit. We suspect that they mean non-status Indians. And I don't think you can say a person is not an Indian simply because you pass an Indian act saying he is not.

So there is a block of Canadians of aboriginal origin . . . There are a group of people of aboriginal origin to whom the federal government has a responsibility. The federal government says — and this is the frustrating part — that it's up to them to decide whether they discharge their responsibility and, if they don't want to provide health services for somebody who is their responsibility, then that is their judgement.

That may be a defensible legal position. But when the person very obviously needs hospital services — and they are asserting that we may need hospital services but we're not going to render them — that puts the provincial government in a very difficult position. And we've been in that position many, many times. It wasn't always so. When the Saskatchewan Hospital Services Plan, for example, came into effect in 1947, up until the time that the federal government commenced sharing the cost of hospitalization back in about 1958, all costs incurred, at least by registered Indians in the hospitals, was paid for as to 100 per cent by the federal government. They acknowledged they had that responsibility.

But gradually, since about 1960, they have been attempting to suggest that these people were citizens of Saskatchewan, which we readily acknowledged, but that somehow this meant that the Government of Saskatchewan was obligated to provide the services which were the constitutional responsibility of the federal government under section 91(24). And anyone who has dealt with this area has felt this frustration. It's not only a feeling of frustration, but it puts Indian people in a very, very difficult position. They feel that if they accept services from the provincial government they are, over time, going to erode their right, their treaty right and their constitutional right, to get services from the federal government.

That's a sound political judgement. If you have a right which you don't enforce over a long period of time, it's going to wither. And we've had many examples of that. I think of the Indian Federated College here at the University of Regina, which is there to provide education for Indian people — Indian people as described in section 91(24). And the need is clear. The value of this service is clear, and the reluctance of the federal government to assume any responsibility is

equally clear. And this has put successive provincial governments in a very difficult position, and it puts the Indian people in a difficult position, not knowing whether they should accept services which they need from a provincial government and thereby erode their claim against the federal government, or they should reject services from the provincial government and thereby deprive themselves of services which they badly need. And that's the position which Indian people are in in countless cases across the range of social services, education, and health.

One other area I want to touch upon. I would hope that the Government of Saskatchewan would pursue the matter — and I gather this is the intention of the government — of settling treaty Indian land entitlements. We recognize, I think, that that is a debt which we owe and that we need to pay that debt. Some significant progress has been made, and I think I am proud of the contribution made by the Government of Saskatchewan to that progress. We all acknowledge that there are difficulties and that the debt can be paid in different ways with unoccupied crown land or otherwise, and that whatever methods are chosen have to be acceptable, of course to the Indian people, but to other people as well with whom the Indian people are going to have to live. Those are understood and those difficulties are understood. But I hope the government is attempting to surmount those difficulties and to bring to early completion additional treaty land entitlement matters, claims by bands that they are entitled to land under treaties.

Because I believe that this resolution is consistent with what first ministers promised native people in the 1970s, it is consistent with the position that the Government of Saskatchewan has taken under our government, and I believe under the government opposite, because it will advance the cause of native people of Saskatchewan, all aboriginal people of Saskatchewan, because it is a step forward in the process, which I believe must be expedited if we are to meet the commitments we have made to aboriginal peoples in Canada, I will be supporting the motion and encouraging the Government of Saskatchewan and other governments to proceed to put flesh on the bones of treaty and aboriginal rights and see whether or not we cannot accord to Canadians of aboriginal origin some of the rights to which we believe they are entitled, Thank you, Mr. Speaker.

**MR. YEW:** — Mr. Speaker, I enter this historic debate with a feeling of great pleasure and great pride, not only because I stand before you as a native person, the only native member in this Legislative Assembly, but also because I stand before you as a member of the New Democratic Party. Let me explain.

As this historic debate takes place, we should stop and reflect on its origin. There is only one reason why we are debating this constitutional amendment which will strengthen the rights and freedoms of Canada's aboriginal people. We are able to debate this constitutional amendment today, Mr. Speaker, because in late 1981 the New Democratic Party, the then Government of Saskatchewan stood up for Canada's native people and forced the entrenchment of aboriginal and treaty rights from Canada's constitution. We should not forget that fact.

The original constitutional accord, signed by the Prime Minister and the premiers on November 5, 1981, did not include a section which recognized and affirmed the existing aboriginal and treaty rights of Canada's aboriginal people. The elimination of that section had been the price that some Conservative provincial governments had demanded in exchange for their agreement to a new constitution. And, at the time, the federal Liberal government didn't raise a voice in opposition to the elimination of this important section.

In the days that followed, Canada's native leaders expressed shock and dismay at the fact that aboriginal and treaty rights were not entrenched in the new constitution. Premier Blakeney met with native leaders from Saskatchewan, and he gave them a commitment. He promised them that on the first opportunity he would fight to get those rights back into the new constitution, and he kept his word, Mr. Deputy Speaker.



A few days after the November 5 constitutional accord was signed, the federal Liberal government asked that the agreement be reopened in order to add a section on equality rights. Premier Blakeney of the day and the NDP Government of Saskatchewan said they would agree to that change, but only if native rights were also entrenched. The position was made clear, Deputy Speaker, in a Telex to the federal government from Saskatchewan's Minister of Intergovernmental Affairs, Mr. Roy Romanow, on November 18, 1981. I want to quote part of Mr. Romanow's Telex just for the record, Mr. Deputy Speaker:

Premier Blakeney has stated that the Saskatchewan government is prepared to accept the accord of November 5, 1981, even though as with any compromise there were elements he would have otherwise preferred if the accord of November 5, 1981 were to be changed in substance.

Then it is incumbent on us to consider another change of substance too. More specifically, if the agreement is now to be reopened, and if changes to section 28 are to be agreed to, it seems only fair to change the agreement to include section 34 for the native peoples of Canada. To change the substance of the agreement in this way without further considering the change to reinstate section 34 is not acceptable to us.

To conclude, Mr. Speaker, the reinstatement of section 34 dealt on native rights for aboriginal peoples of Canada.

That was the position of Saskatchewan's NDP government, Mr. Deputy Speaker. I say that it was a courageous stand. Premier Blakeney and his government took a lot of flak at that time for standing up for Canada's native people in this way.

People accused the Premier of trying to trade off equality rights against native rights. Nothing, nothing could be further from the truth. The NDP government of Saskatchewan was the only government in Canada with the courage to stand up and to say the rights of our aboriginal peoples are important and they must be entrenched in Canada's new constitution.

The NDP government realized that this would be the only opportunity to change the constitution in order to entrench native rights for many, many years. The NDP government and Premier Blakeney gambled, and they won. Within 48 hours every government which had signed a November 5th constitutional accord had agreed to two changes: the one on equality rights, and the one entrenching native rights.

Because the NDP government of Saskatchewan had kept its promise to native people, native rights were included into the new constitution. The native people of Canada owe Premier Blakeney and his government of the day much for taking that stand on their behalf.

So, Mr. Deputy Speaker, it is correct to say that without the support of Saskatchewan's NDP government we would not be standing here today; we would not be standing here and debating yet another constitutional amendment which strengthens and clarifies aboriginal and treaty rights.

As others have mentioned, the resolution before this Assembly is a constitutional amendment which was agreed to in March of this year at the first ministers' conference in Ottawa. Present at that meeting were the Prime Minister, the premiers, and Canada's native leaders. All agreed to and signed the constitutional amendment now before us. I say that this is a very important constitutional amendment, Mr. Deputy Speaker.

And I say this for a number of very important reasons. First, because it is the first amendment to the constitution since it was brought home to Canada from the United Kingdom on April 17, 1982.

As a native person I find it only fitting that the first amendment of Canada's new constitution should relate to the rights and freedoms of the first inhabitants of Canada, the aboriginal peoples.

Secondly, Mr. Deputy Speaker, I feel that this constitutional amendment is very important because it makes it clear that both existing aboriginal and treaty rights, as well as rights yet to be negotiated in land claims agreements and the like, are protected by Canada's constitution. This is an important clarification that Canada's native leaders wanted to see included into our new constitution.

Thirdly, Mr. Deputy Speaker, this constitutional amendment guarantees that there will be no further changes affecting the rights and freedoms of Canada's aboriginal people without input from those people.

Section 4 of the constitutional amendment requires that at least two constitutional conferences be held over the next five years to discuss the entire question of aboriginal and treaty rights and that Canada's native leaders participate in those conferences as equal partners. This will assure that never again will Canada's politicians be able to ignore or to set aside the views of native people when they make decisions which affect the rights and freedoms of those native people.

And finally, Mr. Speaker, because of the firm and effective leadership shown by the aboriginal people themselves — and their leadership has been widely acknowledged — I would like to quote from a recent book by Norman Zlotkin of the native law program at the University of Saskatchewan, College of Law. His book is titled, *Unfinished Business: Aboriginal People and the 1983 Constitutional Conference Talks*. He says, and I quote:

Only after aboriginal groups organized an ongoing and highly visible campaign that included an extensive domestic and international lobby representation to international tribunals and litigation in the English courts, there were aboriginal and treaty rights added to the partition proposal in January 1981, and later reinstated in the final constitutional package.

Therefore, Mr. Speaker, we must have complete respect and recognition for the aboriginal peoples of Canada. For all those reasons, this historic constitutional amendment is an important step forward for Canada's aboriginal people, Mr. Speaker. However, it must be put in its perspective. This constitutional amendment must be backed up by the goodwill of governments and politicians at all levels.

It cannot take the place of meaningful economic and social programs. Constitutional amendments do not fill empty stomachs. They do not provide the unemployed with jobs. They do not replace high quality health and education services.

Constitutional amendments only set the framework of rights and freedoms within which governments and native people must operate. That is why, Mr. Speaker, I urge the conservative Government of Saskatchewan to move beyond the purple prose that it has used today and to live up to the spirit as well as the letter of our new constitution.

The Conservative government must provide native Northerners with an economic development plan which will give people jobs, hope, and dignity. The Conservative government must move quickly to make good on the outstanding treaty and land entitlements. The former NDP government and native leaders in this province had agreed to a formula for making good those outstanding land entitlements, but your government has frozen that process. Your government has gone back on that deal, and the treaty Indian people are still waiting for their land, land which they are entitled to and never received under the terms of the treaties signed decades and decades ago.

These are just some of the things that the Conservative government should be doing, Mr.

Speaker. These are just some of the ways in which this government could move beyond pious platitudes and bring true meaning to the historic constitutional amendment which we are discussing today. Mr. Speaker, I will of course be supporting the resolution before us. Thank you.

**SOME HON. MEMBERS:** — Hear, hear!

**MR. THOMPSON:** — Thank you, Mr. Speaker. I feel honoured to enter this historic debate on behalf of my party and on behalf of my constituents of Athabasca, Mr. Speaker. What we have before us this afternoon is truly a historic resolution — historic because it proposes the first amendment to Canada's new constitution since that constitution was brought home from the United Kingdom and proclaimed in April of 1982. It's interesting, Mr. Speaker, that the first amendment to our new constitution is dealing with aboriginal rights. That of course is close to my heart, as I have a lot of aboriginal people living in the constituency of Athabasca, and they are all looking forward to the passage of this resolution and to what it will mean to northern aboriginal peoples.

I think it is particularly fitting that this first constitutional amendment deals with the rights and freedoms of Canada's native people, for after all they were the first inhabitants of our land.

But like others in this debate, I want to emphasize that the joy we feel today with the passage of this historic resolution must be tempered with the reality of the problems before us. The passage of this resolution is only the beginning. It is only the putting into our constitution the means to the end, and not the end itself.

There is much more that needs to be done. There must be a much better understanding between Canada's political leaders and Canada's native leaders. There is a long way to go before native people can be better equipped to help themselves. That is why I caution every member in this Assembly, particularly the government members, from thinking of this constitutional amendment as a conclusion of anything. It is only the beginning, Mr. Speaker.

Now, governments everywhere must put the meat on the bones. They must provide the programs and the services and the opportunities which will make the fine phrases in this resolution have meaning. You can't put brown sugar on a constitutional amendment and feed it to your kids for breakfast, Mr. Speaker. Words will not be good enough for Canada's native people.

I was very impressed as I listened today and I heard the Premier speak on this motion. He talked about goodwill. And I think, Mr. Speaker, it's very important to all members, all political members of whatever political stripe, to deal with goodwill when we're dealing with this constitutional amendment regarding aboriginal peoples. I think the aboriginal peoples of Canada have had a rough time over the years and I think that they deserve their proper place in our society. When the Premier discussed the goodwill that was needed to achieve this, I can only say to you, Mr. Speaker, I fully agree with this. He also talked about positive action and no disruption of services, and I feel once again that that is very important, that all members of this legislature support that theory and that philosophy.

I think of last year when we had the jurisdictional hassle in northern Saskatchewan regarding treaty students our provincial schools, and the federal government pulling out their funding or not paying the tuition fees for these students. And I want to say, Mr. Speaker, to this legislature and to the citizens of Saskatchewan, that was a very trying time for our aboriginal peoples and our treaty people, and it affected all other citizens of the province also, because it was going to close down provincial schools. And I talked to many of the students and parents that got involved in this crossfire of this constitutional hassle, and let me tell you, Mr. Speaker, there was a lot of strain put on the students and a lot of strain put on the parents. And I sincerely hope that we as legislators will be able to sit down and solve these problems so that these type of hassle will not come to the forefront again and will be solved in the proper manner.

I think the same thing applies to health care. I know there has been a lot of problems with health care, and our leader has alluded to that, the problems that we had before. I think that with goodwill and positive action, I think that the native people will for the first time in our history, through this constitutional amendment, have their opportunity and have their proper place in our society.

I urge the Conservative government in the spirit with which this constitutional resolution was put forward, to take the next step, to back up these words with action. And so, Mr. Speaker, I will of course support this resolution, but I will also continue to do everything within my power as a member of this Assembly from northern Saskatchewan to convince this government that it must do much more for that important region of our province. Thank you, Mr. Speaker.

**SOME HON. MEMBERS:** — Hear, hear!

**HON. MR. LANE:** — Thank you, Mr. Speaker. I join hon. members in speaking on this historic resolution, the first resolution indicating a change to our constitution and the first resolution introduced in both official languages in this Assembly.

Like other members, I take great pleasure in seeing this resolution before the House, and I urge all hon. members to support it. The resolution, like the accord which the Premier signed in March, represents a commitment on the part of Canadians to address squarely the issue of aboriginal rights. As of today eight provinces, including Ontario, have already passed this resolution, and therefore the Saskatchewan Assembly is not required, under section 38(1)(b) of the Constitution Act 1982, to pass this resolution in order to ensure that the constitutional amendments agreed to in March will receive Royal Assent.

Nevertheless, being one of the first governments to introduce this resolution, we introduced it so that the elected representatives of the people of Saskatchewan might demonstrate their commitment to the process begun last year. Furthermore, I believe that the unanimous support for this resolution would be a fitting symbol of that commitment.

The process leading up to this resolution was long and arduous and it has been alluded to by various members. There is no precedent to guide us in establishing a process. Never before had aboriginal leaders been invited to a first ministers' conference. All we had were some very imprecise clauses in the Constitution Act of 1982. The Leader of the Opposition, better than I, could explain what was intended when they were first included in the act.

Nevertheless, all the participants in the section 37 conference are to be commended for their resolve. They were determined to overcome the misunderstandings and difficulties which arose during the course of six months of discussions. To cite one obvious example, I would like to commend Jim Sinclair, AMNSIS (Association of Metis and Non-Status Indians of Saskatchewan), and the Metis National Council, which in spite of many frustrations demonstrated their commitment to participate in the constitutional process. As most members know, Mr. Sinclair and the Metis National Council had to expend considerable energy and had to take Ottawa to court, just to gain a seat at the conference. Once there, they contributed greatly to everyone's understanding of the issues. In fact, on the first day of the conference, Mr. Sinclair most succinctly outlined the major aboriginal concern, and I would like to quote, Mr. Speaker:

I want to emphasize that we are talking about partnership in this country. We want to be partners. We want to be participants. We don't want to be left out. We want to be included in every step of defining and getting our rights entrenched in the constitution.

The issues are difficult ones. But we, too, want the aboriginal peoples to be partners and participants in Canadian life. As the Premier has already indicated, this resolution, and the

amendments it permits, constitute an important first step, and we recognize it as only a first step in dealing with those issues raised by the aboriginal groups at the conference.

One amendment will ensure protection for any modern day or future land claims agreement. Specifically, section 25(b) of the Constitution Act, 1982, will be amended to read:

(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

Section 35 of the Constitution Act, 1982, will have an additional subsection (3) which will read:

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

These clauses were very important to the Inuit, who wanted to ensure that any new agreement they signed will enjoy the same constitutional protection as that afforded to the treaties signed by the Indians.

Section 35(4) will also ensure that any aboriginal and treaty rights referred to in subsection 35(1) are guaranteed equally to male and female persons. Even this clause was subject to considerable controversy, as different groups viewed the matter differently. The spokesmen for the FSI and the AFN, representing treaty Indians, were opposed to the inclusion of this clause, yet in the end even they agreed and signed the accord.

The resolution also includes a consultation clause which will ensure that representatives of the aboriginal peoples will be consulted at a first ministers' conference before amendments are made to certain parts of the constitution act, 1867, and the Constitution Act of 1982. I believe this clause is both fair and just.

Finally, and perhaps most important, there is an amendment providing for ongoing constitutional discussions of those aboriginal issues left unresolved during this round. I believe that everyone recognized how complex the issues were and how much work had to be done before any agreement could be reached. Specifically, the new section 37 will allow for at least two constitutional conferences to be convened by the Prime Minister of Canada. The first will be held within three years of April 17, 1982; the second within five years of that date. Governments and groups have, as well, agreed upon a third conference to be held within one year of March 16, 1983. All of these are to examine constitutional matters that directly affect the aboriginal peoples of Canada.

Clearly, there is much work to be done. The Government of Saskatchewan has long commenced its preparations, and I would like to inform this House that we will be available to any group or individuals concerned with these issues. By the next first ministers' conference, I want to ensure that our positions accurately reflect the views of Saskatchewan people, aboriginal and non-aboriginal alike.

As the minister responsible for the constitution, I would also like to take this opportunity to give you my initial thoughts on the next round of discussions. It is my intention at these talks to emphasize two general policy objectives: firstly, promoting self-reliance among the aboriginal peoples; and, secondly, ensuring that the government of Canada fulfils its special obligation to the Indian people.

Clearly, the paternalistic approach of past Canadian governments has not improved the living conditions of the aboriginal peoples of Canada. Indeed, in all probability it has helped foster the current harsh conditions under which too many live. Personally, I believe that we must begin to move towards a situation where the aboriginal peoples have the means of guiding their own future within Canada. Otherwise, they will never be equals in Confederation.

I will also make it clear at these upcoming discussions that, while I support and encourage the aboriginal goal of self-reliance and even greater self-government, I cannot support the idea of sovereignty. That would be both inconsistent with our existing federal system, and I believe, unworkable in practice. During these upcoming discussions, I will be insisting that the Government of Canada respect its historic obligations and commitments to the Indian people. The Indian people themselves insist on it, and so do we.

The federal government cannot be permitted to cast off its obligations imposed upon it by the constitution of Canada, and place upon the provinces the responsibility for new programs, services, and expenditures.

This province is committed to promote the well-being of all of its citizens. The Indians of this province have always been, and are still, in a unique position. It would be inconsistent with our views on promoting self-reliance to permit Ottawa to change the rules for its own advantage.

Mr. Speaker, I want to say that the success of these future discussions will undoubtedly hinge upon our ability to discuss all the aboriginal issues in an honourable and forthright manner, on the willingness of all participants to avoid rhetoric and deal seriously with these very important issues.

Failure to do so will result in these discussion becoming simply another one of the many unsuccessful endeavours to rectify the injustices that have taken their toll on the aboriginal way of life. And in Saskatchewan, as well as the rest of Canada, this toll has been far too great.

We are prepared to work towards a successful conference that will avoid this outcome. Objectives, initially, must be reasonable and, perhaps unfortunately, also limited. Progress will be slow, and it will be difficult. But progress there will be. This government, of which I am part, is committed to that.

We've taken the first step, Mr. Speaker. That's all that we've done. We have a long, long way to go. I urge all members to support the motion.

**SOME HON. MEMBERS:** — Hear, hear!

Motion agreed to on the following recorded division.

**YEAS — 54**

Devine	Embury	Schmidt
Muller	Dirks	Tusa
Birkbeck	Maxwell	Meagher
McLeod	Young	Sauder
Andrew	Domotor	Zazelenchuk
Lane	Folk	Johnson
Taylor	Muirhead	Martens
Pickering	Petersen	Weiman
Hardy	Bacon	Sutor
McLaren	Sveinson	Morin
Smith (Swift Current)	Parker	Blakeney
Baker	Smith (Moose Jaw South)	Thompson
Hepworth	Hopfner	Engel
Schoenhals	Myers	Lingenfelter
Duncan	Rybchuk	Koskie
Currie	Caswell	Lusney
Sandburg	Gerich	Shillington
Dutchak	Boutin	Yew

**NAYS — Nil**

**HON. MR. ANDREW:** — Yes, Mr. Speaker, I am advised that tonight is a night at Agribition when all those that have not attended from this Assembly have been extended an invitation to attend Agribition. I would hope that all members of the House who haven't been there will in fact try to find their way out to Agribition tonight. It's a great show, something that Saskatchewan has been proud of in the past, and I'm sure will continue to be proud of in the future.

With that, Mr. Speaker, I would move that this House do now adjourn.

The Assembly adjourned at 4:24 p.m.