

The Assembly met at 2 p.m.

Prayers

ROUTINE PROCEEDINGS

PRESENTING REPORTS BY STANDING, SELECT AND SPECIAL COMMITTEES

Private Members' Bills

Deputy Clerk: — **Mr. Britton**, as Vice-Chairman of the Standing Committee on Private Members' Bills, presents the second report of the said committee which is as follows:

Your committee has considered the following Bills and has agreed to report the same with amendment:

Bill No. 01 — An Act respecting the Saskatchewan Association of Rural Municipalities

Bill No. 02 — An Act to amend an Act to incorporate the Briercrest Bible College

Your committee has considered the following Bill and agreed to report the same without amendment:

Bill No. 03 — An Act respecting Our Lady of the Prairies Foundation.

Your committee recommends, under the provisions of Rule 58, that fees be remitted less the cost of printing with respect to Bills No. 02 and 03.

Mr. Britton: — Mr. Speaker, I would like to move:

That the second report of the Standing Committee on Private Members' Bills be now concurred in.

Moved by myself and seconded by the member from Saskatoon South.

Motion agreed to.

INTRODUCTION OF GUESTS

Hon. Mr. Blakeney: — Mr. Speaker, I would like to introduce to you and to all members of the House a distinguished visitor in your gallery, Mr. Speaker, in the Speaker's gallery, Senator Eugene Forsey, from Ottawa, who all will recognize as a distinguished political scientist and scholar. If anyone could justify the existence of the Canadian Senate, it's Senator Forsey. And I would ask all members to join in welcoming Dr. Eugene Forsey.

Hon. Members: Hear, hear!

Mr. Goodale: — Mr. Speaker, I would like to join with the Leader of the Opposition and all hon. members in welcoming Senator Forsey to our Assembly this afternoon. In the time that I had to serve in the House of Commons in Ottawa in the 1970s, I had the opportunity to meet and to work with the Senator in a number of

capacities at that time. He obviously has served his country well, and I am delighted to join in the welcome to him to our Assembly this afternoon.

Hon. Members: Hear, hear!

ORAL QUESTIONS

Suspension of Free Trade Negotiations with United States

Hon. Mr. Blakeney: — Mr. Speaker, my question is to the Minister of Economic Development and Trade, and it deals with the announcement a couple of hours ago that Canada has suspended free trade negotiations with the United States. My question to the minister is this: when did the Prime Minister inform the Government of Saskatchewan of this decision, and can the minister give to this House and the people of Saskatchewan a status report on these negotiations?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Thank you, Mr. Speaker. In response to the hon. member's question, the Premier was advised this morning, I suspect about the same time that most of the nation was advised, that Mr. Reisman had suspended negotiations; that the Canadian negotiating team was returning to Ottawa for meetings in consultation with the Prime Minister and the cabinet.

The Premier is, at this moment in time, meeting with the Prime Minister on this particular question and other trade-related questions. It would appear, from statements by the Prime Minister and from conversations that I've had just moments ago with the Premier, that the Americans are not prepared to move on the most basic of Canada's demands, that being clear rules to deal with trade disputes arising between the two countries.

The Premier has made it clear some time ago, and continues to make it clear, that we want a system where the Americans do not make the rules, change the rules, and appoint the referee to deal with those rules. If the Americans are not prepared to agree to make a deal on that basis, then I think it is very clear that we are not prepared to make a deal with them.

Some Hon. Members: Hear, hear!

Hon. Mr. Blakeney: — Supplementary, Mr. Speaker. Mr. Reisman in quoted as saying that he left the table because the U.S. negotiators were not, as the minister suggests, addressing issues that Canada felt were fundamental to an agreement.

Now is the position of your government that the issue of a binding trade dispute mechanism is the only fundamental difference responsible for the suspension of negotiations, or were there other fundamental differences such as, for example, the structure of Canadian agriculture?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — I can read from the release of the

Prime Minister which indicates, I think, as all have read: regional development was also a concern. I think what we're talking about there is the DRIE (Department of Regional Industrial Expansion) type of structure of this country where regional development is pursued, as well as some cultural assistance. It makes no mention of agriculture, and I would dare say that the agriculture at this point in time of the negotiations is clearly not holding it up.

What I can say to the hon. member is this, though, and I think that we all should recognize the fact that American protectionism is real, and American protectionism is extremely ugly. And that impacts not only most Canadians, but particularly it impacts people of our province.

We have a total embargo now of all sales of Saskatchewan-produced uranium into the United States. We have severe tariffs on our potash being exported into the United States. We have a 15 per cent tariff on softwood lumber produced in this province being exported into the United States. We have countervail duties against Ipsco (Interprovincial Steel and Pipe Corporation). We have problems associated with the export of live hogs or dressed hogs into the United States. Those restrictions, that protectionism, strikes the heart of every citizen of our province. It is fundamentally dealing with virtually every industry in this province.

Now I say, Mr. Speaker, and to the hon. member, that is extremely serious. Now this country set about to rationally negotiate a deal with the Americans. We still hope, even though they are suspended, that two countries, the two largest trading countries in the world, can come to a rational bilateral agreement. If that is not to be the case, then clearly this country is going to have to reassess and deal with the Americans in a tough way, in a tough way that we have demonstrated to the people of our province when we dealt with the potash issue as it had faced our people in this province.

Some Hon. Members: Hear, hear!

Hon. Mr. Blakeney: — Supplementary, Mr. Speaker. I want the minister to be as clear as possible about the status of negotiations. Other than a binding dispute resolution mechanism, which I take it you have said is fundamental, are there other issues which your government considers fundamental and which must be part of any agreement?

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Mr. Speaker, I think our Premier has made it fairly clear from the outset. And a very, very significant point of these negotiations has been the following: what we as Saskatchewan need, whether it's our workers or whether it's our industries, is access to a very large and very lucrative U.S. market. We trade over 50 per cent of all that we produce to the United States — 50 per cent. That's lower than most provinces, but it's still significant. We trade our oil, our potash, our uranium, our softwood lumber. That is a very fundamental and important market.

What we wish to obtain from these agreements, or these negotiations, is an access to that market, an assured access to that market. And in order to have an assured access to that market, we must have a method by which we settle disputes, by which we have clear sets of rules to settle those disputes. So those are the two fundamental things that we must deal with. And why do we need access to that U.S. market? If we are to diversify our economy, to expand our economy, that means developing the red meat industry for example — a most important one — then we must have assured access to that market. Without it agriculture will be in trouble, Mr. Speaker.

So fundamental to us is access to market for our resources, access to market for our agricultural products, and in return, Mr. Speaker, we allow the American product to come into here, probably cheaper than we're paying now. That's a win-win situation for Saskatchewan consumers and Saskatchewan people.

Some Hon. Members: Hear, hear!

Mr. Koskie: — Thank you, Mr. Speaker. I'd like to address a question to the Minister of Energy.

As you may be aware, I have a Canadian Press report indicating that the final U.S. ruling on whether to penalize Canadian potash has, in fact, been delayed by the Department of Commerce until early next year, increasing the possibility of a negotiated settlement. Indeed, there are comments indicated by some of the officials that this delay means that the American and Canadian governments may very well sit down and start negotiating a settlement in respect to the levies or the tariffs that have been put on our potash.

When this question . . . When we referred this to you, Madam Minister, when you were putting through the resources Bill . . .

Mr. Speaker: — Order, please. Order, please. I know that the hon. member has a great deal to say, but his preamble is getting a little lengthy, and a long preamble will, unfortunately, provoke a long response which we don't want. I know the member can . . .

Mr. Koskie: — Thank you. I was about to ask the question with the background so the minister would be aware of the question that I was going to ask.

In the House when we indicated to you, Madam Minister, that a negotiated settlement is what you should be looking at, initially getting the federal government involved — that is what the member from Riverdale indicated. And at that time you said: this process of anti-dumping is . . .

Mr. Speaker: — Order, please. Order, please. Now I realize that the hon. member wants to build his case, but I do also realize, and I'm sure the hon. member does, that there has to be a reasonable limit to that. So I'm asking him to please put his question.

Mr. Koskie: — I was about to ask the question, just as I was the first time. The question . . . As you indicated,

Madam Minister, you said negotiated settlement wouldn't work; it was legal presentation; no amount of government intervention would help. Today it says in the press . . .

Mr. Speaker: — Order, please. Order, please. Order, please! I think the hon. member, who is very well experienced in this House and is a respected member — he's been here for many years — knows that his preamble is getting much too long. And now I ask the hon. member to put his question directly, without any further preamble or else give up his place.

Mr. Koskie: — Madam Minister, I think you will know the purpose of my question. I've indicated it three times. And I'm going to ask you now: the press is indicating that negotiated settlement, intervention by the government . . .

Mr. Speaker: — Order, order. Order, order. Order, please! Next question.

Investment by SaskPen in Real Estate

Mr. Tchorzewski: — Mr. Speaker, the question we will address yet in this question period. I have a question to the Minister of Finance. Mr. Minister, in 1983 you created a vehicle for government-administered pension funds to speculate — and I emphasize the word to “speculate” — on commercial real estate, and I refer to the SaskPen Properties Ltd., a Crown agency which you established. That decision was strongly opposed by the Provincial Auditor at that time. Yesterday, a senior official of your department sent this memorandum to the legislature's Public Accounts Committee, and it raises cause for great concern.

I say to you, Mr. Minister, that it reads in part as follows:

SaskPen audited financial statements for the years ended 1984 and 1985 are now being finalized. The delay in their finalization has been due to concerns expressed by the Provincial Auditor about the evaluation of certain real estate properties.

Mr. Minister, will you inform this House which those real estate properties are?

Hon. Mr. Lane: — Well I think the hon. member is, as the practice opposite, over-reacting to, and putting his own interpretation on, the legislation.

Mr. Speaker, the pension plans have been investing in real property even under the hon. member's term as minister of Finance. And, Mr. Speaker, if the hon. member wants documentation of that, and I notice that he is not denying it, that the vehicle was established, I gather, some three years ago to actually handle those investments within the pension plan.

I'm not aware of the specific problem that the member refers to. I'll take notice of that, but to indicate that this is something new . . .

Mr. Speaker: — Order, please. Order, please.

Mr. Tchorzewski: — A new question to the Minister of Finance, Mr. Speaker. Mr. Minister, this system was established in 1983. It had never before existed, and never before has the Provincial Auditor questioned the investments that were made as he has done since 1983.

Some Hon. Members: — Hear, hear!

Mr. Tchorzewski: — You, Minister, are responsible for the investment of the pension money of tens of thousands of Saskatchewan citizens, and that includes teachers' pension funds, all government employees, and now for anyone who contributed to the Saskatchewan pension plan.

This memorandum from your official says that the Provincial Auditor has expressed concern about the valuation of some of the investments which you have made in the commercial real estate market. And I will wait to see what your response will be to the question you have taken notice, but I ask you one more question: will you also provide to this Assembly information on how much the Provincial Auditor is suggesting that these real estate investments have been overvalued?

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — Mr. Speaker, I will, as I've indicated, be taking notice of the question. I will advise the hon. member that as to . . .

Mr. Speaker: — Order. If the hon. member's taking notice of the previous question, he has done that. Order. But if he wishes to make any comments, it must address the question the hon. member just asked without taking advisement.

Hon. Mr. Lane: — Thank you, Mr. Speaker. I stand corrected. I would advise the hon. member that it was that minister of Finance and the now Leader of the Opposition that invested in Northlands Bank — invested in Northlands Bank — and the **Hon. Members** know that they invested in that bankrupt bank, Mr. Speaker. Mr. Speaker, that . . .

Mr. Speaker: — Order, please. Order, please. Why is the member . . . Order! Why is the member on her feet.

An Hon. Member: — The member is on her feet . . .

Mr. Speaker: — There's no points of order during question period. I recognize the member for Regina Victoria. Order, please. I think we'll go to the member for Regina Victoria.

Mr. Van Mulligen: — Supplementary, Mr. Speaker. Mr. Minister, the Provincial Auditor has expressed concerns about your real estate investments.

Some Hon. Members: Hear, hear!

Mr. Van Mulligen: — Do you deny that in 1986 auditors expressed concerns about the value of real estate held by First Investors Corporation and Associated Investors corporations, and that a year later these companies were out of business? Do you deny that federal authorities

expressed deep concern about the value of real estate held by Pioneer Trust, and that within a year that company had collapsed? Did you learn nothing from the collapse of those corporations, Mr. Minister? And do you really think that speculating in commercial real estate is a safe and prudent way to be investing the Saskatchewan pension funds?

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — Mr. Speaker, after that display of someone doing a characterization of a barking seal, I would calm the hon. member down, ask him to relax for a minute and enjoy the roses a bit and take a look around and settle down.

The fact is that the investment funds within this province, over a long period of time, including previous administrations, have made real property investments. They try and make them in the most secure investments that they can. They have also made some equity investments, and that goes back over a long period of time and have been debated in this House previously, Mr. Speaker. So for the hon. member wanting to suggest that there's any change in policy — no, there's been no change in policy.

Secondly, I've indicated to the hon. member that I will take notice and get the information back to him. In the meantime, relax, because the Minister of Health is not here to help out with whatever attack he just had.

Some Hon. Members: Hear, hear!

Mr. Van Mulligen: — Supplementary, Mr. Speaker. To listen to the Minister of Finance is to gain an impression that somehow this is a minor and irrelevant affair. Mr. Minister, if it has been so minor that it is still unresolved more than three years later after your government first presented the Provincial Auditor with a proposed financial statement, if this problem is so minor, why are you still fighting with the Provincial Auditor about SaskPen Properties' financial statements for '84, '85, and '86?

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — I think it fair to say that it is not uncommon for the Provincial Auditor and other auditors to differ as to the valuation of assets. We have the issue which has already been discussed which is the valuation of the Crown corporations, Mr. Speaker. So again I simply indicate to the hon. member if he believes that the investment in real property is new, that there is from time to time a difference in valuation is new, then he is sadly mistaken.

I have indicated that I will take notice, and indicate as well that in the past there have been equity investments, there have been real property . . .

Mr. Speaker: — Order. Order, please. I recognize the Leader of the Opposition.

Hon. Mr. Blakeney: — Mr. Speaker, a short supplementary to the minister. Is he aware of any other

Crown agencies that have not presented audited statements for the 1984 year, or any subsequent year?

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — I notice that the hon. member didn't ask me about the NDP investment in Northland Bank, Mr. Speaker. I'll get him the answer on both.

Hon. Mr. Blakeney: — Supplementary, Mr. Speaker. Is the Minister of Finance saying that he doesn't know whether there are Crown corporations who have not presented an audited financial statement since 1984. Is he saying that he has to look that one up. Are there so many? Or are you saying that you won't tell this House today?

Some Hon. Members: Hear, hear!

Hon. Mr. Lane: — I said I would get the information and also get the information of the NDP investment in the bankrupt Northland Bank, Mr. Speaker.

Some Hon. Members: Hear, hear!

Delay of Ruling on Potash Levies

Hon. Mr. Blakeney: — We are going to hold the minister to his words. The bank must be bankrupt when we invested. That's what he said. That's what he said.

Now I want to ask a . . . (inaudible interjection) . . . Yes indeed, yes indeed. There were years to sell if you didn't like to . . . (inaudible interjection) . . . That's right.

I want to ask a question of the Minister of Energy. Madam Minister, you will be aware of today's press reports indicating a delay, a delay in the application of the duties. You'll be aware that people are suggesting that this gives an opportunity for negotiations.

Recently in this House you suggested that negotiations were irrelevant; that this was a matter which would be dealt with at a quasi-judicial hearing, and lobbying wouldn't help. Madam Minister, are you telling us that you didn't engage in political discussions, in political negotiations, in early 1987? Did you engage in those negotiations? If not, why not?

Mr. Speaker: — Order, please. Order, please. I'd like to ask the hon. member from Qu'Appelle-Lumsden to please allow the minister to answer the question.

Some Hon. Members: Hear, hear!

Hon. Mrs. Smith: — Thank you, Mr. Speaker. Yes, I'm aware of the delay. I might add that that delay has been on the part of the request coming from the companies, or the producers, who some time ago requested some extra time in order to prepare their case to present to the Department of Commerce in Washington, before the final determination came down.

Mr. Speaker, I think there's been a very liberal interpretation, and I would ask the Leader of the Opposition to go back and review *Hansard*.

The issue of negotiations, the question put to me was: why did you not negotiate with New Mexico? And I believe my answer is fairly clear — we did not. And I also believe that what the member from Quill Lakes was going to eventually get at when he finally got his question out.

Mr. Chairman, it is still clear: our discussions took place with the Department of Commerce when the first step of the process was in place, and that was to do with the International Trade Commission who examines if, in fact, injury is caused.

And we, in support of our producers, talked to the Department of Commerce; we talked about the impact and why we did not think there was injury caused by the producers of Saskatchewan. Those discussions took place, Mr. Chairman, and through our counsel further discussions took place with the Department of Commerce.

Some Hon. Members: Hear, hear!

Hon. Mr. Blakeney: — Supplementary, Mr. Speaker. Can the minister confirm that today in Ottawa the Premier is asking the Prime Minister to intervene at the political level to negotiate a settlement of this dispute on potash duties and levies? And if you can confirm that, can you advise the House why this didn't happen months ago before the situation reached this level of gravity?

Some Hon. Members: Hear, hear!

Hon. Mrs. Smith: — Mr. Speaker, I'm not at liberty to answer for what the Premier is discussing with the Prime Minister on the trade matters.

Licensing Companies under The Investment Contracts Act

Ms. Smart: — Thank you, Mr. Speaker. My question is to the Minister of Consumer Affairs. Madam Minister, we've just heard how your government has been completely unable to police and to regulate itself with respect to sound financial management, and that explains a lot why you failed so miserably to protect the Saskatchewan investors and depositors in the collapse of the Principal Group.

Can the minister confirm that her department licensed only three companies under The Investment Contracts Act to do business in Saskatchewan this year, and that two of those three companies, First Investors and Associated Investors — and can she explain how the regulation of just three companies was too massive a job for her department?

Some Hon. Members: Hear, hear!

Hon. Mrs. Duncan: — Mr. Speaker, in answer to the member's question that she cackled and squawked out: that question was asked initially in some time early July, and Saskatchewan has only ever, ever since the introduction of The Investment Contracts Act, licensed three companies to sell investment contracts in the province.

TABLING OF DOCUMENTS

Mr. Trew: — Thank you, Mr. Speaker. Before order of the day, I rise to present and table a document signed by hundreds of Saskatchewan people who are concerned about the government's mismanagement of the Saskatchewan transportation corporation and opposed to the government selling it.

These people are from communities as far apart as Leross and Admiral. The minister responsible for STC (Saskatchewan Transportation Company) has also received many similar documents . . .

Mr. Speaker: — Order. Order, please. Order, please. I'm sure that the hon. member has many comments he would like to say; however, in tabling documents the tradition and practice of the House has been that the hon. member rises, states what the document is, and tables it. There isn't really any room for a debate on it.

Mr. Trew: — Thank you, Mr. Speaker. I was just going to invite the minister to table the documents he has also received on this very subject.

I hereby table the documents.

ORDERS OF THE DAY

GOVERNMENT ORDERS

ADJOURNED DEBATES

MOTIONS

Constitution Amendment, 1987

The Assembly resumed the adjourned debate on the proposed motion of the Hon. Mr. Devine.

Mr. Goulet: — Mr. Speaker, I'll be presenting my amendment, like I said, at the end . . .

Mr. Speaker: — Order, please. Order, please. The hon. member from Cumberland wishes to begin his remarks, but the noise level is a little too high within the whole House, and I therefore ask hon. members to please co-operate and allow the member to make his remarks.

Mr. Goulet: — Thank you, Mr. Speaker. In my talk today, Mr. Speaker, I will be presenting my arguments and make an introduction to my argumentation. I'll also do a short historical overview of the situation.

Yesterday when I spoke in Cree, you will notice that I went through some dates, which signalled the fact that I was dealing with a situation in an historical context; and also I will be dealing with the situation in detail. My amendment will be dealing more specifically with the issue of aboriginal people, so for all intents and purposes I have shifted most of my historical information, and also the specifics in regards to the Meech Lake-Langevin accord, in that context. So I will be debating, you know, the issue in regards to the aboriginal people's question, and also the issue of also the French in Canada, and also

the provinces.

I stated yesterday that it was indeed extremely important for me in dealing with this particular issue, I mentioned, not only are we dealing with the supreme law of this land, you know, at an historic time, but we are also dealing with a situation in a particular context when we are dealing with two and three major nationalities in Canada — the English, the French, and aboriginal people. And the context was such that they were only one month apart in the process where the accord with aboriginal people was finished, you know, in March 27 of '87, and the Meech Lake proceeded at the end of April. So as I look to it in an historical context, I notice its importance.

But I also mentioned yesterday, Mr. Speaker, that on a personal level it is very important for me that I am also a Cree, as I spoke in Cree yesterday, but I am also a Metis in terms of nationality in Canada. I am also of French ancestry. So as I deal with the issue, it is also not only of a socio-historical problem for me, it is also a personal problem as well as a personal issue, as well.

I must state at the beginning, at the outset, that the self-determination of aboriginal people, a self-determination of the French, and indeed very important issues which I support in the Canadian context. And as I will proceed with the argumentation, that's the basis that I look at from a personal level and also from a socio-historical level.

As I look back in the short period of time in the past as I was trying to get some information, because I knew that our school system was deficient in providing me with the information in having a complete and dynamic understanding of our Canadian history, I was also deficient in understanding the constitutional and the political interests that lie behind decision making in Canada.

As I looked at the process, it struck me that we were indeed proceeding at too great . . . in haste. We were rushing through a process. On the one hand we were saying, it's extremely important. On the other hand we were rushing through the process. So as I make these statements . . . they are made with the basis of, again, the historical background of our schooling system that needs to do a lot more improvement, not only in the learning of Canadian history, but also being able to practise the dynamic political processes that exist for us, you know, for a lot of people.

I would say that I am very disappointed that this process is too short. It bothers me, too, that when we put forth the information in regards to getting public participation, the people in this legislature, the government, the PC government, said no to the people of Saskatchewan. That, I indeed had a problem with. It's as if you were saying: here we have this great, supreme law of Canada, but we do not respect the people of Saskatchewan and their input and their opinion.

So as I deal with the issue, I had a problem on a substantive basis with the overall process that we were going through. So what I hear and I am learning, for example, from the different people who are right now

dealing with the issue, I am learning along the way like everybody else.

Some people state that politics and also the constitution are not bread and butter issues. But my own view, Mr. Speaker, is that it's the opposite. I think we know very clearly that the effect of the new constitution, in regards to the Meech Lake-Langevin accord, will show that it affects programming at the federal-provincial levels. It also affects programming in regards to the questions that we have to deal with in the future on multiculturalism and also in regards to aboriginal people. And I feel that when somebody sometimes tells me that this is not a bread and butter issue, it is indeed a naive knowledge about our system. It would be the same way as saying that the proceedings of this legislature does not have economic and social consequences. We know that of course they do, and of course the constitution will also have the bread and butter issues that we will have to deal with as we move into the future.

So with that, Mr. Speaker, I'll give a bit of an historical — my own historical understanding of the issue of dealing with the French in Canada.

My understanding is this, that in the period after the early 1500s, and the 1600s, of course there was fight for territory in Canada, and alliances were made with the aboriginal people from the two different groups, and even four different groups of European continents that settled in North America. And the process culminated of course with the defeat of the French in the Seven Years War, and the proclamation then was made for British North America.

In that regard, in 1763 it must be remembered that existing laws had been there already with the French, that a French civil system had been established, and French seigniorial law had been established already in Canada. And that was well-known. As a matter of fact, people at that point in time called it New France. But a lot of the things during that period in time pointed then, you know, to the aspect of expansion, the expansion of territory throughout the world.

With the British gaining, I guess winning the war at that point in time, there was also another important second aspect to 1763 that a lot of people forget. And I will shift now into the aboriginal question.

Many people do not recognize that just in that period in time an Indian chief by the name of Pontiac made an alliance with 18 tribes and nations — as the terminology was in those days — and that Pontiac had taken several British posts, which showed their political and military strength at that point in time. It was well recognized that the Iroquois had kept at bay the French for about 100 years during that period in time. So that it was there that a certain amount of respect between nations was taking place.

When the proclamation of 1763 was signed in regards to aboriginal people, that land west of there belonged to aboriginal people; that indeed it had to be done on the basis of a treaty; that indeed this treaty could no longer be done on an individual basis; that it had to be done in

public and in public context. It's much the same way when we do constitutional arrangements and we're on camera. It had to be in session. It had to be to the public, so that nobody could make any secret deals on an individual level.

(1445)

So that was well recognized at that point in time. And the significance of that came about through the pressure of the aboriginal people in that historical period.

But there was also a second aspect of that historical period that we are dealing with today still, and that was the beginnings of what I can "American expansionism." It was the genesis and the roots of the United States of America. You must recall — 1763 was just a few years prior to the American Revolution which occurred in 1776. We also recognize that the problems were occurring with then the 13 colonies at that point in time in history. So there was, when the agreement was made with Indian people that all lands west of the mountains — it included all the United States, right up to the Ohio area, Kentucky, and all these areas. That was Indian territory, and it was agreed upon that that's the way it was.

And there was another reason for British interest in regards to looking at two separate growing nations because things were already developing also in other parts of the world, and that there was already beginning to be a feeling of independence even with the 13 colonies — that there had to be a way of keeping the 13 colonies intact, so that they don't take over the lands in the more fertile Ohio and Kentucky regions. And this pact, this treaty, was then made with the British knowing that it was basically as a curb in the future American expansionism that would happen later on.

As I talk today, we talk about free trade, and it's the same type of expansionism, only on the economic realm. In that time it was of a military nature.

As we went forth in history, aboriginal people, of course, a lot of them died through the smallpox — one-half to three-quarters of the Indian people in Saskatchewan area died in 1781-82. People debate in history whether or not it was deliberate, but it was clear right from the 15 and 1600s that smallpox and the immunity of smallpox, that particular knowledge that Indian people did not have the immunity. And the particular general, a person by the name General Amherst, who fought Pontiac in 1763, wanted to use germ warfare against Pontiac in regards to smallpox, and that was clearly in the historical record by E.E. Rich in his three volumes of the Hudson Bay Company.

But later on there was a debate, because General Amherst happened to show up in the United States where the smallpox blankets would spread the smallpox all over the place — spread. And of course there is specific debate as to whether or not it was deliberate. Of course, General Amherst knew what to do with smallpox because he had stated so during the battles around 1763, and it was later on that they found in the same area where these blankets had come from. Of course there is still historical debate on that particular.

The point I'm trying to make is that in that particular time the military and political strength of aboriginal people was greatly diminished throughout Canada, and even including western Canada. And a lot of the changes occurred, you know, also in regards to becoming part of the fur trade and getting involved in the fur trade, and also with the Northwest Company, and also with the Hudson Bay Company.

There is a lot to tell in the history also with the French, because at that particular point in time we had the Quebec Act, 1774 — 1775, I mean. And that Quebec Act was basically done because they were scared that the revolution that was taking place in the United States might move into Canada, and that the British presence might in fact be taken over in Canada through the American influence.

And that agreement was therefore made with Quebec people which would give them their first distinct society clause in the history of British and French interaction in Canada. The first distinct society clause shoed that the French civil law would then become part of the Quebec Act; that in fact, you know, the culture, religion, and language of the French would now become recognized in the system. And as things moved on, there was also a promise of an assembly, but that never really did happen until the Constitutional Act of 1791, and when the assembly established Upper and Lower Canada.

Later on, of course, because there was lack of self-government, there was lack of self-determination for the French, it moved into an area where there was the rebellions of Upper and Lower Canada in 1837-1838. And it was particularly at the time of the monopoly for the aboriginal people; that was particularly at the time of the monopoly of the Hudson Bay Company. And at that time the Hudson Bay monopoly was . . . their basic message was, you have to treat the Indian people with a rod of iron. You know, you have to treat them extremely strict and because they had the monopoly on the trade after the French companies had been done away with by 1820. So that's the context; that's the historical context.

There was a fight for self-determination as you saw it with also the Metis in the early 1800s. And also at the same time treaties were being made, there was pre-confederation treaties that were being made at that point in time. But because of time, I will make a bit of a historical jump and go into 1849 period.

It's interesting at that point in time that they made an amendment to the 1841 Act of (the) Union, you know, according to the recommendation of Durham. Of course that would be representative government in Canada, but later on it would move into an appointed . . . it was an appointed council system.

But a lot of people were dissatisfied with that, and that was the reason why of the rebellions of 1837-38. But the Act of (the) Union supposedly gave representative government, and to a certain extent it did. But as it unfolded in that regard, the aspects of French-English friction were also coming into the fore as had been done right from 1763 onwards.

The Durham report also said that there was to be complete Anglicization, only English, and that was the recommendation that was done. But it was done away with by 1848 and '49 because of popular movements by both French and English. There was French and English that disagreed with the Anglicization move, and by 1849 those types of things had changed.

So when I looked in my own understanding of history, you know, the fight that we are looking at for self-determination of French people in Canada is not a new phenomenon; it's been here for a long time, and that's the point that I'm making.

When I said at the beginning that I appreciate the fight for self-determination by the French, which I support whole-heartedly, and also the fight for self-determination by aboriginal people, which I also support whole-heartedly, a person has to start looking then and examining history.

I must say that I have a limited knowledge of history and that I've only learned, you know, the historical context on my own interest in the past few years in delving into it in a little more detail. But even as of now there is a lot more things that I would like to understand on specific details on the new histories that are being presented to this day. So I guess when I'm dealing with this issue, I hope I try and at least deal with the issue with a little bit of knowledge and understanding of how things have come about in history.

And I could talk in more detail about the Manitoba Act in 1870, and the fact that the French and English question arose, and that the French language was allowed in the legislatures of Manitoba. We also know that this past year there was a problem for the government in Manitoba who presented that law from way back then and tried to bring it back and deal with that constitutionality, that some people were against that.

And we well know also that a lot of the aboriginal people, the Metis, were instrumental — as a matter of fact, they were the ones who made Manitoba the province that it is today, and a lot of people do not know that in a historical context. A lot of people do not recognize that the aboriginal people also wanted equality for all nationalities during that period in time in history, and that was explicitly stated by the people as such during that period in time.

So when I deal . . . There are many problems throughout history that I could deal with, but I think the main point, as I looked at the different periods from 1763 to 1867, the chief question was that in 1763 there was a rising American expansionism, and there was a protection in that period. We had, of course, the war in between that period of 1812-14 where Canada fought against the United States.

One thing I forget to mention, Mr. Speaker, is that we knew about General Brock in our history books, but we never hear about the person who made alliances with all the tribes way down south from Georgia area, Kentucky, Ohio, to make alliances to fight the Americans; that

Tecumseh died fighting hard for Canada in 1812, 1814 battles. A lot of people do not know that in our history.

In much the same way that a lot of aboriginal people would die in the two world wars for Canada, a lot of aboriginal people would have fought for Canada even in the 1812-14 period. And a lot of people forget that. And I would like to include that, you know, as part of the comments.

Some Hon. Members: Hear, hear!

Mr. Goulet: — During the early period of American expansionism, we went into the 1867 . . . again there was talk of expanding the United States into western Canada, so you ought to create an alliance across Canada. And we had a 54-40 or fight situation, you know, coming in from the North, from Alaska; we had the 49th parallel situation, and so on.

It is interesting that the economic expansionism of America became a central issue in that period in time again. Today when we deal with the constitution, and we talk about the present-day, again it's American economic expansionism that's in context of our constitution. It is very interesting that the powerful economic influences in the world have a powerful role and influence into what we do in constitutionalization.

And when I examine this context, many people during this period of time — there was a few people who supported the Americans, but most of the people wanted to have an independent Canada who would be able to deal in the same way as they would in their limited trade . . . (inaudible) . . . in their periods in time, and today we are dealing with the same instances where we either trade only with the States, or we trade with everybody, and in an independent Canada we'd want to trade with everybody. And the same issue, again, still in the historical context, addresses us today.

Now I will go into the actual Meech Lake-Langevin accord in itself. The accord to me is very contradictory, Mr. Speaker, and that would surprise you in the context of my own experience. But I see contradictions in many situations and in many lights, and of course I see this not only in the process that we went through but also in the substantive aspects of the Meech Lake accord itself.

(1500)

When I mentioned a little bit about the process, I said: why is it that we do not trust our people? Why is it that we are not dealing with our Saskatchewan people in formulating this law, except only in our sense here at the legislature? That's an important question.

I don't want to get into the situation of trying to explain it again except to state: I wish we had more time like many, many other people. I wish we were able to understand the history. I wish we were able to be living and dynamic participants of the process in this province. And in that sense we would have not only made a substantive decision, we would be involved in an educational process as well.

Mr. Speaker, as an educator yourself, you should be able to understand the importance of the process that you don't only deal with things in abstract, legalistic theory, but you have to put it into practice, and that is what we are missing in the context of this debate on the Meech Lake-Langevin agreement.

In regards to the specific issue . . . So I will leave the question, Mr. Speaker, on the process. I think that's very clear and I was disappointed, you know, this week when we didn't deal with the process of involvement.

There was two aspects that I want to talk about on the Meech Lake-Langevin. One, in relation to the North. I'll deal with that relatively quickly, then I'll deal with the specific aspects in relation to aboriginal people.

First of all, in relation to the North — and by the North I mean the Northwest Territories and the Yukon — this is where I face a great contradiction, Mr. Speaker, because on the one hand we are saying in our preamble that we want to treat all provinces equally, of course with the special exception of the distinct society clause for Quebec, but that we have to treat all provinces equally. When we looked at it in history, the provinces came into Canada on their own accord; even the most recent one, Newfoundland, made their decision directly with the federal government.

And when I looked at that whole history, the creation of provinces was done by the internal mechanism of the involvement of people in the politics of self-determination of their own situation. And in every instance in the past that I know of, that was the case.

What are we saying now is this: We are denying the possibilities of the creation of provinces in Northwest Territories and the Yukon in the same sense as we had in the historical tradition of Canada. We are dealing with a significant group of people with one of the largest resource areas in Canada. The people there have historical knowledge already of the limitations that we went through in history with an initial compact of four provinces, with an Upper and Lower Canada concept, with later on the expansion into the West.

You know, the Northwest Territories was this area at one time. Saskatchewan was the Northwest Territories, and we forget that we had lived that experience already here in this province. And yet in this agreement we are going to deny the Northwest Territories and the people of Northwest Territories and the Yukon the same historical tradition that we appreciated ourselves.

And the reason why I say that is because if you take a unanimous agreement of all the provinces, all it takes is one province to say no. In the North we have the majority of aboriginal people in Northwest Territories and the Yukon — a significant number of them. The political record and the political reality of our system shows that we couldn't even get seven provinces to agree with aboriginal rights. How are we going to the same type of system to agree with a unanimous? How is it going to change? Why are we making it difficult?

With the equality concept, supposing we are making it

easier to respect the self-determination of Quebec, supposedly we are making it more easier for the self-determination of other groups in Canada, but in Northwest Territories and the Yukon, we are not doing that — we are doing the opposite. Why could we have a law that is established in Canada that will naively, well not naively because it was well-known, that will make it extremely difficult, maybe virtually impossible to come out with an overall agreement. Because the four provinces may themselves want to expand into those areas, and who knows what Alberta will do; who knows what B.C. will do. What are their plans? Do they want to expand into those territories? We don't know. But in any case, whether they want to expand, or whether the people from the Northwest Territories or the Yukon want to create their own province, it becomes extremely hard.

My position is to remove that context from that clause, that unanimity clause in regards to the North, from that special section.

Now I will deal with the question . . . Oh, before I deal with the question of aboriginal people, the other thing that strikes me that is at the heart of this thing is that the Northwest Territories, in their fight for representative government in the modern age, since the '60s, has been an important and outstanding issue for the people of the Territories. And throughout that period they had to fight the greatest barrier of the past, the past colonial mentality and the colonial practice that existed in that area.

And when I look at the Territories, I still see the same type of national psychology of Canada; that it seems to deal with the Territories from a very colonial approach. As a matter fact, my own position is that it is denying the Northwest Territories and the Yukon the right of self-determination that we are proposing for Quebec, and that we have had for all the other provinces in Canada.

Questions can be asked why this is. A person can say, according to the colonial mentality, is the North too backward? Is that the reason? Another person may ask, is it because the North is composed of a large percentage of aboriginal people? And it's the same type of mentality that led to the lack of, or the failure of, the aboriginal constitutional process.

Or is it because of the free trade talks of the United States? I mean a lot of people state the Northwest Territories may become a *de facto* free trade zone for the multinationals. Is that the reason? Is it an economic reason like that? What is the reason behind the lack of proper respect for the Territories? And that's a fundamental question.

If I stand here and grant equality in relation to Quebec, then I have to stand here and also agree to equality with the Northwest Territories and the Yukon, and that is also my position.

In regards to the question of aboriginal people, I will deal with it in both a process and substantive basis at the same time. When I looked at the general process, there was one way of dealing with aboriginal people in the constitutional process of five years, 1982-87, and the dealing with Quebec in the most recent Meech Lake-Langevin period. But there was a difference.

I remember very clearly the Premier of Saskatchewan going on record, going at great lengths, and stating: when we deal with self-government of aboriginal people in Saskatchewan, we have to involve the people of Saskatchewan. And that was his position. All of a sudden, in history, he has become the greatest democrat Saskatchewan has ever known when it came down to aboriginal people. And he went in a tremendous length to talk about that.

Now you look at the general process that the Premier of this province wants in regards to Meech Lake-Langevin accord. The process is pretty clear that he wants us to accept the accord with no public participation. And people may ask: is it the same Premier? Of course, it is the same Premier. The agreements were done only one month apart — only one month. He would say one thing in regards to the process for aboriginal people, and another thing for the question of Meech Lake-Langevin accord.

The other thing that struck me, Mr. Speaker, is this. It came down to the question of definitions. Now a lot of aboriginal people at that point in history wanted a general principle of self-government brought into the constitution. But the Premier said, no, we need to define it; we have to define it in detail; we have to know what it means. All of a sudden, the Premier became the greatest expert on clarity and precision that this province had ever seen; that you had to be in such a detail, and you'd have to report it back to the people of Saskatchewan. This is the same Premier, one month later, who comes in here and he says, trust me. Trust me that the distinct society clause is all okay. It is not defined, but don't worry about it. We all know what it means.

(1515)

But I don't know what it means. I don't clearly know what it means. I may agree with the general principle of distinct society, and from a logical sense, of course I do. But the question I raise is this: why does the Premier have one method when it comes down to dealing with definitions with aboriginal people, and another one when it comes down to dealing with Quebec? That is the question that the Premier of this province has been unable to answer.

When I'm dealing with definitions also, Mr. Speaker, I would like to bring back the fact that we went through a five-year period of dealing with aboriginal people and the constitution without getting a definition of self-government — five years. But the Premier of this province was able to get over 300 definitions when it came down to a multinational corporation like Weyerhaeuser — over 300 precise definitions. But he couldn't come out with one when it came to aboriginal people — not one.

The other issue that he seemed to talk about in that context was the issue of land. While he was at . . . (inaudible) . . . Premier was extremely slow in regards to dealing with the land claims and land entitlement questions in this province and was getting help from the federal PC government because they refused to do any more funding, or very little funding. On the one hand

again, Weyerhaeuser got more land — Weyerhaeuser got more land to use than all the treaty land in Canada. And that is amazing to me.

The other thing that the researchers from the report on Indian self-government — called the Premier report — one of the information that they have in there is this, that the amount of land in the past few years given to parks — I forget the exact figure, whether it was five times or 10 times larger than all the land for Indians in Canada.

An Hon. Member: — Ten.

Mr. Goulet: — It was 10 times, the member for Moose Jaw says. Our priorities of giving more land to protect our wildlife and preserve our wildlife, to me presents a deep problem in Canadian history of what priorities we have. I am a strong supporter of parks, but I am also a strong supporter of people. I feel that people also have a right to their land. And it is very important that when we deal with the context of that question, that that is brought out.

The other thing that I noticed, Mr. Speaker, is this. Section 35 of the Act talks about affirmation and recognition of aboriginal rights. When you look at the Meech Lake-Langevin accord, all of a sudden it becomes preserve and promote. Preserve and promote, to me, implies a positive, proactive position; that there is tremendous support for it. You're not only going to preserve it, you're going to promote it.

But when it came down to section 35, it says: affirm and recognize — and the key point in there is — existing aboriginal rights. The premier of Alberta at that point in time in '85, Lougheed, insisted that "existing" be put in, because he wanted to keep the situation of aboriginal people in the law in a restricted, narrow sense. And that was in Tuktoyaktuk.

So that the laws that have been determined do not provide the true spirit and intent, for example, of the treaties in Canada. And that's an important issue. Just this past week in Saskatchewan, you had the chief of the Federation of Saskatchewan Indian Nations, Roland Crowe, state the treaty right of education. Then you had a reply by an Indian Affairs bureaucrat, and the reply was that it is not a treaty right; it is only a policy.

And all of a sudden you start recognizing that not only is a clause a restrictive clause, the process is one of continually doing away with it. They even try and do away with existing treaty rights that are here.

The other example, Mr. Speaker, is this. The other day we had another member, the minister in charge of Parks, Recreation and Culture, who looks at new provincial regulations to deny treaty rights of hunting, and new regulations on corridors, on roads, have been made. And of course these particular regulations deny the treaty right of Indian people to hunt. But a lot of people will say, of course, the treaty hunting right . . . The minister will say the treaty hunting right of Indians exists. It may exist in law, but the practical policies of this government deny the practical right for the people to hunt for food to feed their families and their children.

That is what I mean by discrepancy between . . . on the one hand promoting, and on the other hand recognizing existing rights. There is a big difference on those two.

As I also looked at the question, an issue pertaining to the issue of women; I would just state this: my own belief is that section 28, I hope that it covers all aspects of the constitution on the equality clause for men and women.

But in regards to aboriginal people, Bill C-31, which intent was to do that, does not do that. It deals with only first generation women and their children, but it denies the opportunity for second and third generation women, and it will leave out another group of aboriginal people in this province and all across Canada.

Bill C-31, which was supposed to provide the equality provisions following the 1985 constitutional process, was definitely not a solution to the equality question raised for women, for Indian women, you know, across Canada. And I must say that I hope that something in the future can be done in that regard, although I know that particularly in this constitution I feel that it is not really addressed, and that I feel that in the final analysis that it will have to be addressed through section 28 some time in the future.

In regards to another aspect that I will be dealing with in my amendment, and that's the concept of fundamental characteristic, I've looked at the record of most aboriginal organizations across Canada and they are amazed that at this stage of development in Canada we have talked only about the fundamental characteristic of the French and English in Canada. Of course, the distinct society of the English could be well looked upon and said, that came out in 1763. The distinct society clause for the French occurred in 1774 in Quebec and really never came in. We reaffirmed it in the Canadian context in '87 through the Langevin accord.

But the fundamental characteristic argument smacks from the aboriginal viewpoint, from the people who have spoken against it; they say it smacks not only of the whole colonial nature against aboriginal people but that it also smacks and promotes the racial inequality that has existed against aboriginal people. They are saying they were the original . . . aboriginal people are the original owners of this land from time immemorial, and that recognition of that fact should be known.

My opinion, Mr. Speaker, is this: I agree that the fundamental characteristic exists for the French and the English, but I also recognize that it also exists for aboriginal people. But I must also add that it also exists with other nationalities in Canada. That is my own personal position.

But on the very least, in my amendment, because I know that ethno-cultural groups across Canada are supporting, you know, a multinational type characteristic over in this legislature, I'm looking at the fundamental characteristic for aboriginal people, you know, and I'll be supporting that in my amendment.

The other thing is that it's important to know that the courts . . . Premier Devine was very adamant in this so-called Saskatchewan context. The law and the court

should not be brought in when we deal with aboriginal people during the process of defining and going with self-government, you know, on a contingency basis, were his words. But this clause implied, and this direction by the Premier implied, that: believe is, aboriginal people, on our political goodwill.

But when it comes down to Meech Lake-Langevin agreement, the courts play a role. Premier Devine agrees with the courts playing a role in the Quebec agreement, but not when it came to aboriginal people.

There are many other problems, Mr. Speaker, and because of time I will try and start summarizing some points, some other aspects. There is an increase in provincial law and provincial power in this new constitution. The history on aboriginal people which are originally federal bilateral agreements between nations, that more power to the province in historical practice has shown that indeed the question of increased provincial powers takes away from aboriginal agreements. So that's straightforward. The other point that has been made is that how come we can deal with fisheries in our process? How can we deal with fisheries? Are fish more important than people?

(1530)

So in summary I present summary questions, and I will say . . . I'll ask the people in Saskatchewan: is it fair . . . Is this agreement fair to the people of the territories? Is it fair to leave out the Saskatchewan public? Is it fair to demand absolute detail on definitions in regards to aboriginal people and not require the same of a distinct society clause in relation to Quebec? Is it fair to demand that we don't use a court when we come down to aboriginal people, and then we leave it to the courts to decide when it comes down to the question of Quebec? Is it fair to demand equality for all existing provinces and not to demand the equality for future provinces and the territories? Is it fair to accept the fundamental characteristic of the French and the English and not to accept the fundamental characteristic for aboriginal people and other nationalities? Is it fair to promote a pure political position for aboriginal people and not one when it comes down to the question of Quebec? Is it fair to increase provincial powers which may jeopardize social, economic, and progress, and programs for people? And is it fair to leave out Saskatchewan people?

Mr. Speaker, I have to make a quick conclusion. I would state that as I . . . In the past little while, the Premier and the Prime Minister have done two things. One, they've slashed funding to native people in constitutional matters since March. The other thing that they have done is they've refused to deal with the issue of aboriginal constitution in the Meech Lake accord.

The people are saying: why is it that the Premier of this province and the Prime Minister have one law and one process for aboriginal people, and another law and another process when it comes down to Quebec? And that is the fundamental question that people are asking me.

So as I move this amendment, I must state that I hope that

all members in this House will deal with aboriginal people in the same fairness and the same sense of justice that they are dealing with the question of Quebec. I firmly hope that the positive support of the people of Saskatchewan, and all across Canada, for aboriginal rights can finally be taken up by the leaders of our country.

So with that, Mr. Speaker, I will move my amendment, seconded by the member from Saskatoon Sutherland. I move:

That section 1 of the schedule be amended by striking out "constitutes a fundamental characteristic of Canada" in paragraph 2(1)(a) of the Act and substituting:

and Canadians who are aboriginal people constitute a fundamental characteristic of Canada."

And further:

That section 13 of the schedule be amended:

(a) by renumbering paragraph 50(2)(c) of the Act as being enacted by section 13 of the schedule, as paragraph 50(2)(d), and

(b) by adding the following paragraph after 50(2)(b): (c) ways whereby the aboriginal people of Canada may achieve full participation in the Canadian confederation including ways of achieving aboriginal self-government.

So with that, I move.

Some Hon. Members: Hear, hear!

Mr. Koenker: — Thank you, Mr. Speaker. I appreciate the opportunity to address this important amendment to this important question of constitutional accord.

Without a doubt, the achievement of Meech Lake was the inclusion of Quebec in the constitutional family. There's certainly no doubt about that, and no one can argue that the time is long overdue for the people of Quebec to be full partners in Canada and full partners in Canada's constitution.

But if Meech Lake redresses this historic, constitutional inadequacy, and if Meech Lake is celebrated for the inclusion of Quebec, then certainly from all thinking Canadians and from all Canadians of goodwill there follows, or ought to follow, a concern that when it comes to the aboriginal peoples, Meech Lake is not the final word on our constitutional family, and that Meech Lake has still not finished the task of bringing all Canadians into this constitution; that Meech Lake has failed to establish full partnership or participation for aboriginal peoples.

And this is the focal point of the amendment before us whereby there would be ways whereby the aboriginal people may achieve full participation in Canadian confederacy including ways of achieving aboriginal

self-government. It refers to the failure of Meech Lake to include expressed provision for a constitutional conference dealing with the concerns of aboriginal peoples; the failure of Meech Lake to make a commitment to further first ministers' conferences on aboriginal rights.

And I note, Mr. Speaker, that following the failure of the fourth meeting of first ministers on aboriginal rights, it was none other than the Prime Minister himself who said, and I quote:

It was with the greatest sadness that this was a moral obligation that has been unfilled by Canada, by the federal government, and by the provinces.

Here we have the Prime Minister himself saying that there was a failure to establish within the constitution the principle of aboriginal self-government — a moral obligation, an unfulfilled moral obligation. And so the reason why I and my colleague from Cumberland, and all the members on this side of the House put forth this amendment, is to say that if in Meech Lake we are going to acknowledge as we do in section 1, paragraph 2(1), the recognition, and I quote:

the recognition that the existence of French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic . . .

If we're going to say and to recognize this fundamental characteristic of French-speaking and English-speaking Canada, then surely we need also to recognize the existence of aboriginal peoples as constituting equally a fundamental characteristic of Canada. And that, as this amendment points out, "ways whereby the aboriginal people may achieve full participation in the Canadian confederation," needs first of all to be discussed in future constitutional conferences, and need secondly to be put on the agenda of this country.

Presently as the Meech Lake accord stands, without this amendment before us, there is expressed provision for constitutional conferences on what matters: Senate reform, and the roles and responsibilities in relation to fisheries.

I say, Mr. Speaker, we say on this side of the House, that if this Assembly on behalf of Saskatchewan people stands ready to approve the Meech Lake accord as it now exists with provision to discuss Senate reform and fish in constitutional conferences, then surely to goodness we can and we must make provision to include aboriginal peoples for ways that they may become partners fully in confederation in the constitution, and for ways and means of achieving self-government for these aboriginal peoples.

Perhaps the best analogy to deal with an understanding of the issue at hand in this amendment, to understand the importance of inclusion of aboriginal peoples when it comes to their rights in the constitution, would be the

analogy of a circle. That is to say that a circle, the circle of our constitution, simply isn't complete without aboriginal people included in it.

The inclusion of Quebec closes the gap, almost completes our constitutional circle. But to finalize this circle, we must now include aboriginal peoples. We must include all Canadians as partners. And I think it is important to note, Mr. Speaker, that this past March when we saw the fourth and final attempt by the first ministers to deal with aboriginal rights, we saw that their meeting ended in failure. The talks broke off precisely because the provincial premiers wanted a precise definition of self-government before negotiating any agreement that would entrench aboriginal rights, including the right to self-government.

Mr. Speaker, I think it's certainly interesting and important to note in this connection, that it was none other than the Premier of this province who was one of the most vocal of the first ministers in calling for a precise definition of exactly what self-government meant. And that is characteristic fashion of saying one thing and doing another, it was this same Premier who was full of glowing and gushing verbal support for aboriginal peoples, but who insisted that every "i" be dotted, and "t" be crossed when it came to the matter of self-government with respect to aboriginal peoples.

Yet when it came to a definition of distinct society in the Meech Lake accord from this same premier, there is no comparable insistence upon a definition of precisely what this phrase means; nor is there any insistence on, for example, what the phrase, Senate reform, means, which is to be subject to subsequent constitutional conferences, no parallel concern for what in fact it means to talk about the roles and responsibilities in relation to fisheries.

As my colleague from Cumberland has already pointed out, it was quite easy for the Premier to come to an understanding of some 300 definitions with respect to Weyerhaeuser corporation and the agreement that was signed to give away the province's resources. But when it comes to a definition of self-government for native people, there seems to be quite a stumbling block with the Premier.

And so we have a situation, Mr. Speaker, with Meech Lake where there is a willingness to accommodate a vague, undefined phrase such as distinct society, or Senate reform, where there's a rush to include Quebec in the circle of the constitutional family, but also correspondingly and at the same time, an unwillingness to accommodate the phrase, self-government — a dragging of the heels and a closing of the door when it comes to including aboriginal peoples in the circle of our constitutional family.

And what we seek then in this amendment is simply to place the concerns of aboriginal people on the constitutional table where they legitimately belong, and where they presently aren't being placed as the Meech Lake accord stands in this amendment; to place on the agenda for future first ministers' conferences on the constitution, questions of aboriginal rights and self-government right beside Senate reform, right beside

questions regarding fisheries — a formal commitment at least to discuss ways of achieving full participation for aboriginal peoples in Canadian confederation; a formal commitment at least to discuss ways of achieving aboriginal self-government. And certainly this discussion is needed and is necessary. Surely this isn't too much to ask, that the first ministers subsequently will continue to seek resolution of these concerns and attempt to close the constitutional circle to include aboriginal people.

The subject of constitutional change and the constitutional accord often seems remote, rather academic, far from everyday concerns of ordinary people, esoteric, the domain of lawyers and constitutional experts, politicians, perhaps.

(1545)

There is however, I would agree, a fundamental sense in which the constitution and constitutional change profoundly affects and ultimately involves all of us as Canadians. And this is because our constitution guides our future as a nation, our collective future, and gives articulation to the fundamental values which are common to us all, that we draw on, and that we live by as a society.

And this is why when it comes to the concerns of Canada's aboriginal peoples to the need for recognition of their rights for inclusion in the constitutional process, for recognition of the need for self-determination and self-government, for land claims issues and associated concerns, that the Meech Lake is so important for our present and our future Canadian society. We need to express in a formal way our commitment to a fairer, more inclusive, and compassionate, just society.

And so the specific concern before us this afternoon with respect to this Meech Lake amendment is that there is no commitment to further the first ministers' meetings on aboriginal rights as Meech Lake presently stands. There is no commitment for further participation by aboriginal peoples on important issues of self-government. And this is precisely what this amendment attempts to rectify.

As I said earlier, the Prime Minister of Canada himself has commented that when it comes to the failure to establish aboriginal self-government in the constitutional process, we have, he said, and I quote:

... a moral obligation that has been unfulfilled by Canada, by the federal government, and by the provinces.

And we all know that it was just three days ago, this past Sunday, that we heard Pope John Paul urging a settlement to this question — a settlement to the question of self-government for Canada's native peoples, calling on Ottawa and the provinces to have a new round of talks with native leaders so aboriginal rights can be entrenched in our constitutional process.

Today, this afternoon in this Assembly, we have just such an opportunity to take steps to see that in the new rounds of constitutional discussions, our first ministers address these aboriginal concerns. We have the opportunity to

take a simple first step toward fulfilling what the Prime Minister has called a moral obligation. We have demonstrated for us in Meech Lake the flexibility of our first ministers in the responsiveness of our federal system to the reality of Quebec, and to the special relationship that Quebecers have with the rest of Canada. And this certainly is the strength of the Meech Lake accord.

Equally, we have here today an opportunity as Saskatchewan legislators to demonstrate our flexibility and our commitment to fairness in support of this amendment, to include in the Meech Lake accord and the Meech Lake agenda for constitutional conferences, ways whereby aboriginal peoples of Canada may achieve full participation in Canadian confederation, including ways of achieving aboriginal self-government.

Thank you, Mr. Speaker, for the opportunity to address this issue and to support the amendment.

Some Hon. Members: Hear, hear!

Mr. Lyons: — Thank you very much, Mr. Speaker. I'm pleased to be able to participate today in the debate on the accord. And I'm pleased in particular to be able to deal in my remarks, and they will be brief this afternoon, on this amendment which deals with a question fundamental to our country, to its vision, and to its reality. And that is the question of course, of the right to self-determination for the aboriginal peoples of this country just as it is the accord deals with or attempts to deal with the right of self-determination for my friends in Quebec.

I want to start today, Mr. Speaker, and talk a little bit and define, I believe, in my own mind, and maybe for some of the other members here, precisely what this debate is about. A constitution and the constitutional debate, as other members of this House have noted, is not the most exciting, is not the most exciting political event in this province nor in this country at this time, and it's probably not anywhere near the top of the citizens of this province and of this country's own personal and political agenda.

Many of the speakers before me have talked about that there are other issues which need urgent attention, which need to be addressed, and which require action by governments. And I tend to agree with that. I tend to agree with that because I believe that in our haste to deal with what some people have said is an attempt to bring Quebec back into confederation, that we have emerged with a document which is flawed and a process which is more than flawed.

Because, Mr. Speaker, fundamentally, a debate over the constitution of the country requires two things. First of all, it requires a vision of what our country should become. The Meech Lake accord, as presented to this House of Assembly in Saskatchewan, fails on that test. It fails because it is nothing more than a compromise and, like all compromises, there are good sides and bad sides, but in this compromise in my mind, Mr. Speaker, the bad outweighs the good. The bad outweighs the good when we deal with the question of Quebec.

Other speakers before me have dealt with the question of

distinct society and its imprecision. And I want to bring a little personal note into this debate in terms of why, to me, it is imprecise and does not belong in a fundamental document of our country.

I was born in a town Truro, Nova Scotia, and I grew up there for the first 12 years of my life. Truro, Nova Scotia was a distinct society in the sense that it contained a great many number of black people, people of African and West Indian origin, originally brought to Nova Scotia, the descendants of people who were brought to Nova Scotia as slaves.

And the mix of people in Truro, Nova Scotia, and the people that I knew, and the people I grew up with — some of whom have moved on to play in the National Hockey League, some who became doctors, some who went to work in the Stanfield underwear works in Truro — that mix of people formed a distinct society, and it gave me an interest in "blues" music based on the kind of rhythms and kind of music that became popular among the people I was growing up with in Truro, Nova Scotia.

At the age of 12, I moved to a place called Pictou, Nova Scotia, an entirely different mix of people in that small town of 5,000 — 50 per cent of Scots origin and about 50 per cent of French origin, via the Magdalen Islands, who moved into that town during the Second World War. And that formed a distinct society, those people, the kind of Scots/French mix, many who we see a reflection of here in Saskatchewan, in some of the Metis traditions, and particularly the Metis music, Metis fiddle music, and the type of tunings that one finds in the Metis fiddle. Anyway that particular mix in Pictou, Nova Scotia formed a distinct society.

And, Mr. Speaker, as I grew up and moved to different parts of the country before finally settling in Regina, I worked in a place called Port Hardy, British Columbia. And Port Hardy, British Columbia is at the northern end of Vancouver Island, and it's a logging town. And it's a mix of the native people from that part of British Columbia and immigrant workers who moved into Port Hardy and established their lives and their livelihood in Port Hardy in the logging industry; and they, too, formed a distinct society.

And I can think of the time when I was employed as a bush pilot in northern Saskatchewan, Mr. Speaker, and lived in a place called Stony Rapids. Stony Rapids is one of the most beautiful communities in this province, and for those who haven't been to Stony Rapids, I certainly recommend the trip.

But that too was a distinct society, being one-third people of Caucasian origin, one-third Metis, and the other third people of the Dene people, of the Chipewyans. And that formed a distinct society; each one of them forms a distinct society. But we're not dealing with each of those communities here and the people in those communities here in this debate.

We have, it seems to me, Mr. Speaker, by inserting the term "distinct society" into the Canadian constitution, done a disservice to those people — my friends, my relatives, the people I've worked with, all multicultural

and ethnocultural groups in this country — because each of them has an aspect of a distinct society.

And we've also done a disservice, Mr. Speaker, to mes amis du Québec, for Quebec is not a distinct society in the classical sense. Quebec forms, if one is to look at the classical definitions of it, Quebec forms a nation — nothing more and nothing less. It has its unique culture, its unique history, its unique language, and is bordered by its own geographical regions.

So on the one hand by trying to make a political compromise by using the words "distinct society," we have done a disservice to all the people of this Canada, whether francophone or anglophone, whatever their national and cultural background. And I find that, Mr. Speaker, I find that unacceptable that we should have to deal with a term like that in a document as fundamental as our constitution.

And it does fundamental disservice, Mr. Speaker, to the other nation in our country outside the anglophone nation, and that's the aboriginal nation, made up of people who call themselves nations. And we see here in Saskatchewan — and in my own constituency I have the president of a people who see themselves as a nation — the Prairie Treaties Nation Alliance; and the head of another association which lives in the Rosemont constituency, Mr. Jim Sinclair, president of AMNSIS (Association of Métis and Non-Status Indians of Saskatchewan), see themselves in some way as a nation.

And without getting into the academic debates in terms of what my colleague from Cumberland said, it is evident that the aboriginal peoples of Canada, whether Chipewyan, whether Dene, whether Inuit, whether the Cree, or the Micmac, and the nation which is no longer with us, the Beothuk from Newfoundland, a nation which was eradicated by colonialism, the point being is that they see themselves as a nation. And this document, the Meech Lake accord, and the Canadian constitution, denies them that status. It denies them the status of nationhood.

And I can tell you, Mr. Speaker, if someone were today to deny the status of nationhood to any one of us who sit here in this legislature, the hue and cry throughout this land would be deafening. It is unfortunate that when we deny that status to others, to others who because of historical circumstances have been left out of history and who've been ignored to that extent, they are denied nationhood.

And when I think of the people I know in Stony Rapids, and the people I've worked with in La Ronge, and the people I've worked with in Ile-a-la-Crosse and Buffalo Narrows and Green Lake and other northern towns in Saskatchewan, when I see . . . when I see an attempt by the federal government to deny them of that nationhood, it is taking away from themselves as people. And I believe my colleague from Cumberland outlined that well.

Mr. Speaker, it's interesting to note that we have Senator Forsey here today — glad to hear it, and I'm sure all members of the Assembly join me in having Senator Forsey here while we are taking part in this historic

debate.

(1600)

Because Senator Forsey who understands, when we strip away all the other things, that a constitution is about power — nothing more, nothing less. And a constitution is about who wields power and who doesn't wield power — nothing more, nothing less.

And I want to refer, Mr. Speaker, to section 41 of the Meech Lake accord:

An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General (of Canada) under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

It's that section that says there must be unanimity. And I deal with that section, Mr. Speaker, in particular, because it deals with a couple of questions which are close to my heart.

The question of power, that particular amendment, section 41 of the accord, when you look at it as a question of power, you have to ask yourself: does it empower the ordinary citizen of this country? Does it provide a way and a method of increasing the participation of citizens in this country over decisions which affect their lives?

After studying this document, Mr. Speaker, my answer to that question is no. It does the exact opposite. Instead of empowering the citizens of Canada to participate in the process to make those decisions which affect their own lives, it removes that process from them.

Instead of empowering the people of Saskatchewan and the people of Canada, it removes power from them because it centralizes it in Ottawa, and it makes it much more difficult to deal with those institutions which in the past and which in the present and which now in the future will block their empowerment, will block their ability to make decisions to affect their own lives.

The first institution — and the one which our party has had a long and, I would say, glorious tradition of opposition to — that institution is of course the Senate. Our position in our party has been for the abolition of the Senate. This amendment enshrines the Senate.

And our position has been, Mr. Speaker — and I want to read here, I want to read here a quote from Wayne Easter, the president of the National Farmers Union. Wayne Easter, a farmer, somebody who represents an organization of ordinary working people from Saskatchewan and across Canada — people who work on the land. I want to quote him in regards to the position of the Senate. Mr. Easter said:

The need for Senate reform has been a matter of long-standing discussion. Two major weaknesses in the current Senate system are obvious, in our

view. The first is the patronage system of appointments of senators which has been used over the decades to reward persons of long-standing loyalty to the governing party. Senators are accountable to no one but the party to whom they hold allegiance.

And, Mr. Speaker, it is absolutely no surprise to us that the reason the members opposite support this particular amendment is because it gives them the chance to increase that long list of names, the long list of names on the Premier's patronage list.

And so there's no wonder that they're quite eager to jump into bed with our Prime Minister on this issue because it provides another patronage opportunity for them to put forward names.

The second reason, the second reason, Mr. Speaker, that Mr. Easter outlines is the fact that many senators are tied in closely to private sector business interests through directorships or as corporate shareholders. This essentially places them in a privileged position as publicly paid lobbyists for private business matters.

And I want to say here, Mr. Speaker, that I personally don't think that applies to each and every senator here, and I would exclude Senator Forsey from that list. I would exclude Senator Forsey from that list.

But in general, and Mr. Easter is making the general point, Mr. Easter goes on to say:

We believe this represents a serious conflict of interest. Abolition of the Senate (get this, Mr. Speaker) is an obvious solution.

With that I heartily concur, Mr. Speaker. With that I heartily concur. And the reason why the call for abolition of the Senate has been made in the past by people like Tommy Douglas, and is being made now by our party, the reason for it is because it destroyed the vested interest that are built up in institutions in this country, takes the power away from them, would take the power away from them, devolve that power into their hands to allow for the kind of participatory democracy that I envision for this country and that I and our party envision for this country. Despite what the members opposite may think, our party stands for power devolved into the hands of Canadian citizens.

And that, Mr. Speaker, is one of my fundamental objections. I want to say, Mr. Speaker, that as I've given a bit of my personal background in terms of the people that I know in Canada, and the people that I've worked with and the people that I've lived with, that this document fails to provide the kind of vision, the kind of forward look, but in fact represents another attempt to entrench vested interests, the same vested interests who have acted as blocks for progress in this country.

To finish off, Mr. Speaker, I will again quote Mr. Easter, because I find his comments before the joint committee on the constitution extremely, extremely edifying. What I am saying, Mr. Speaker, and I'll quote Mr. Easter again, is that:

... we have not made a real effort to build Canada as a nation, and this Constitutional Accord does not do that, either. The Constitution really should be a discussion on how we make Canada a nation. What I see happening here, and as I see the different participants coming before this committee, even ourselves... (and I say that in regards to all the members here whether) we are all coming forward as special-interest groups, whether it is labour, whether it is natives, whether it is farmers or whomever. We are isolating ourselves, in those special interests. Even the accord itself, as I said ... instead of building a nation, what it seems to be to me is an act of appeasement for certain provincial complaints.

I would ask all members to listen carefully to that. Do we want to lay the future of this country on an act of appeasement? I don't. Thank you, Mr. Speaker.

Some Hon. Members: Hear, hear!

Hon. Mr. Andrew: — Thank you, Mr. Speaker. I spoke on this amendment earlier on in the debate on the main motion. Since that time there has been several amendments advanced and I would like to speak specifically to the amendment of the member from Cumberland and respond to a couple of the questions raised by the other members as it relates to the amendments. I note the member from Rosemont talked about the Senate. I would like to just perhaps touch on that a bit.

Let me say as follows. That in this debate, which I think is important that we all have the opportunity to debate on something as fundamental as the constitution, a process that until now really was not really part of what a legislature often dealt with, I think it would be fair to say that the members opposite, the official opposition and the member from Assiniboia-Gravelbourg, have made various and raised various concerns with regards to Meech Lake. I think one could categorize those concerns into two basic areas. They have been concerned about some of the substantive questions, substantive issues that are contained in Meech Lake accord and they've raised concerns with regard to the process of Meech Lake accord.

I'd like to deal first of all with some of the substantive issues that the hon. members have raised. The member from Regina North yesterday indicated and raised the concern with regard to what I might call the Yukon amendment, or the Yukon concern. The member opposite raised the question about the ... basically what it was is the ... should we change the process, as Meech Lake does, for the entry of provinces into confederation. In particular, will Meech Lake so hamstringing the territories of the Yukon and the Northwest Territories in such a way that for them to attain a provincehood that would make it far too difficult ... (inaudible interjection) ...

Mr. Speaker, I take the members opposite speaking from their chair are requesting that you intervene and indicate that I am not able to speak with regard to those particular issues. The member from Saskatoon ... or from Regina Rosemont ...

Mr. Koskie: — A point of order, Mr. Speaker. The member spoke on the general resolution already. In accordance with your ruling that he can get it back into the debate what . . . strictly speaking to an amendment subsequent. And his comments must be directed to the specific amendment that was put forward by the member from Cumberland.

Mr. Speaker: — The member from Quill Lakes has raised a point of order and the point of order is well taken. The member must restrict his remarks to the specific amendment before the House.

Hon. Mr. Andrew: — Mr. Speaker, the member from Regina Rosemont just spent some of period time dealing with the question of the Senate. Now if it is acceptable for that member from Regina Rosemont to deal with the Senate issue on this amendment, why is it not equally in order for me to respond to what he's been saying?

Mr. Speaker: — Order, please. Order, please. Order, please. The rules of the House, in fact, indicate that — and I know the hon. member understands it very well because he takes an interest in the rules — that a member who has spoken to the main motion may speak again but he must speak to the amendment specifically introduced later. And I acknowledge the hon. member that perhaps the member from Regina Rosemont did at times wander from the amendment itself. However, be that as it may, let us just adhere to the rules not and I'm sure the hon. member from Kindersley can do that very well.

An Hon. Member: — A point of order, Mr. Speaker.

Mr. Speaker: — Yes, what is the point of order?

Hon. Mr. Andrew: — I find that I accept your ruling, Mr. Speaker, as being properly within the rules. I find it strange that the members opposite who have sat for some time indicating, why aren't other people from this side of the House dealing with the variety of questions, and I find it . . .

Mr. Speaker: — Order. Order. Order! Order. I don't think that, you know, we should get into a debate. Perhaps there is another forum where you may want to do that but I don't think this is the forum, and I just ask you to continue with your remarks, please.

Hon. Mr. Andrew: — Mr. Speaker, what the members opposite, with the amendment just presented, and with the other amendments that they have presented, without dealing with the . . . totally with the substance — and I will deal with the substance . . . I also deal with the process which is of the amendment, which is legitimate.

So let me deal with the question of process first of all. The members opposite do not want to talk totally about substance. We talk about substance and process. Let me deal with process first.

What the members opposite are saying with the amendment before the House now, with the amendment before the House now, is to say: let us not accept Meech Lake; let us not accept the Meech Lake accord that was

agreed by all 10 premiers and the Prime Minister; let's not accept that from this legislation; let us not accept the fact that the province of Quebec, the province of Quebec have accepted the Meech Lake accord as a good faith measure by the rest of this country, by the rest of this country as a way by which Quebec can feel part of this country again.

(1615)

Let us not accept the condition put forth by, I suggest, the 10 premiers, and particularly the province of Quebec, and by the federal House just having reported back the last day or two with regards to Meech Lake, that now they are saying, no, let's not accept that but let's change it. Let's change it in the Saskatchewan legislature which is tantamount to saying, let us give it conditional approval only. And let us accept the risk of conditional approval only that the whole question could be derailed, put off the rails, and the whole Meech Lake accord ultimately dashed.

That is exactly what we are asking for in this amendment, or in any of the amendments that they have advanced today. That is exactly what they are asking — that is exactly what they're asking with this particular amendment.

Now let's deal with the substance of this particular amendment. The question of native self-government in this province, in this country, have been dealt with for an extended period of time in recent history. For the last five years, Mr. Speaker, for the last five years the first ministers and the Prime Minister and the designated ministers from all provinces, have sat down along with the various native groups from across this country. The various native groups from across this country with one exception, Mr. Speaker, and that is the group representing the Indian people of this province. They were not at the table. They were not at the table not because of something this government did, and they were not at the table because of something the federal government did, or the Government of Manitoba, or the Government of Alberta did. They were not at the table because George Erasmus said they should not be at the table. Now we are asking, we are asking that the native people, the Indian people of the prairie region, should be excluded from the process. And that's also a fact, Mr. Speaker.

Now let's go back through the history. In 1985 we were that close to a deal with regard to native self-government. That close to a deal. It was rejected ultimately, Mr. Speaker, by two native groups. And so back we went through the process again, Mr. Speaker, leading to another amendment advanced by the Prime Minister and by the federal government in 1987. That particular amendment was rejected by two basic groups. It was rejected by four provinces and it was rejected by George Erasmus and his group. That's the reality of what happened in Ottawa earlier this year.

The members opposite are then saying, even though you didn't get a deal on this, let's write something into it now. When 10 premier, Mr. Speaker, and the Prime Minister and the various native groups with the exception of the native groups representing Saskatchewan, sat down for

five years in constant negotiation to come to an agreement, and couldn't — it terminated earlier this year — are we to somehow then say, well this legislature will accept Meech Lake only on the condition that we undo what five years was not able to accomplish? We will not accept Meech Lake but for making those particular changes.

The members opposite, what they are asking us to do, is they're asking the people of the province of Quebec, the people of Quebec, who have gone through significant history, Mr. Speaker, significant history as to what the meaning of this is, they are asking those people of Quebec to wait another round, wait for a while longer, wait if that's what it takes, because we need these amendments. That's what they're asking.

And I think it's fitting in that regard, Mr. Speaker, to read from today's editorial of the Toronto *Globe and Mail*. It's about a woman and a scholar and a federalist from the province of Quebec who spent a great deal of her time fighting about the referendum in the province of Quebec and now we tend not to want to talk about.

But let me read excerpts from this because I think it's important. I think it has some meaning to it. They quote her as saying:

I think none outside (of) Quebec knew the reality of the referendum (on sovereignty-association in 1980). . . English Canada could not care less one month after, and it stung me and it stung all of us who fought so hard to remain in Canada and to find ourselves outside of Canada. You know, it was a very dramatic gesture when (former premier Rene) Levesque put the flag of Quebec at half mast the day you were all celebrating (the 1982 constitutional patriation) . . . Because our hearts were at half mast too that day, because we were out of a country (in which) we had chosen to remain.

Then she talked about receiving a call from Meech Lake the night that the deal was struck.

Since the telephone rang at our house and a friend called me from Meech Lake to say 'it is done,' I have held my head high, believing at least that I have not been deceived by my compatriots when, the non team (against sovereignty-association), we told them 'that there would be a place for Quebec in . . . Canada tomorrow . . .'

But surely by now, surely, you all know that if Meech (Lake) is to fail for whatever reason, there can be no more negotiations, nor more justifications. If Quebec is once again to realize . . . it is more difficult to opt into Canada than to stay out of Canada, then surely you know that the roads of tomorrow can only lead to another form of independence . . .

And that is what we are talking about in this debate here today. And the editorial concludes by saying:

Meech Lake is imperfect, as all . . . predecessors in our constitutional history have been imperfect.

But it is sound and historically essential in the context of the 1980 referendum. Quebec has ratified Meech Lake. The rest of Canada, having satisfied its reason, must honor its word and show its heart by doing the same.

And that is exactly what we are asking with this amendment, Mr. Speaker, with the final motion that we would hope will come today. Because what we are really talking about, without talking about the process of the various issues, what we are really talking about today is: are we as a province, and are we as legislators of this province, going to accept Meech Lake? And everybody can argue as to the imperfection of this or the imperfection of that. The question really boils down is: will we accept Meech Lake as is, or can we only accept Meech Lake with conditions?

Then that begs the second question: what are those conditions for our acceptance? And they have been expounded by various members. I then ask the members opposite: how strongly do you feel about those exceptions and those conditions? Are they conditions upon your support of Meech Lake? And that's what we're talking about, Mr. Speaker, because at the end of the day, at the end of the day the members opposite are going to have to stand in their place and say yes or no to Meech Lake. They're going to have to say yes or no to the people of Quebec. And they're going to have to say yes or no to what the meaning of this country is.

Mr. Speaker, I challenge the members opposite, and it's going to stand hard on their conscience, Mr. Speaker, when this vote comes down — when this vote comes down — we will watch to see where they stand. Will they stand yea, or will they stand nay? For the good of this province, and the good of this country, I hope we stand united and say yea.

Some Hon. Members: Hear, hear!

Mr. Speaker: — Order, please. Order, please. I'd just like to acknowledge the members. I noticed members on both sides of the House are kind of edgy. They say the speakers are a little off the topic. And quite frankly, that's true. I realize that. That is why I allowed the member for Regina Rosemont . . . perhaps it wasn't exactly according to the rules . . . order, please. Perhaps it wasn't exactly according to the rules, but I allowed him to mention one or two other points . . . (inaudible interjection) . . . Order, please. Order, please.

Now the hon. member from Regina North East is protesting, and let me explain that part of it as well. If we're going to talk about rules, I'm quite pleased to do that.

Now this motion in fact is not a concurrent motion. The reason it is not a concurrent motion is this. It does not wholly replace the original resolution. It is dealing with a narrow aspect. Therefore the member from Regina Rosemont was also restricted to the narrow aspect of this resolution.

However, having said that, I realize that the constitution is something very, very important to people and to

members, and I must admit I have been a little lenient allowing people to perhaps stray a little bit from the actual resolution being discussed.

So if hon. members are wondering why that occurred, I'm just trying to explain that while I realized that we weren't right on the resolution, I was giving somewhat of a latitude because I feel that it is a very important motion, and **Hon. Members** should get a little opportunity to express what's on their mind in a situation like this.

An Hon. Member: — We know why it occurred, and it wasn't the reasons you gave.

Mr. Speaker: — Yes, it was.

An Hon. Member: — No, it wasn't.

Mr. Speaker: — Order, please. Order, please. I'd like to just clear this up. I know it's not in order, and you shouldn't debate with members, I realize that. But the original ruling for the member for Regina North East was this: if the amendment is a resolution which replaces the original resolution, then it runs concurrently; if the amendment does not replace the original resolution, it does not run concurrently. That aspect of it wasn't in my ruling, but that is the rule.

(1632)

Amendment negated on the following recorded division.

Yeas — 21

Blakeney	Prebble
Brockelbank	Shillington
Koskie	Tchorzewski
Thompson	Rolfes
Mitchell	Upshall
Simard	Anguish
Goulet	Hagel
Lyons	Calvert
Trew	Smart
Van Mulligen	Koenker
Goodale	

Nays — 29

Muller	Duncan
McLeod	Andrew
Berntson	Lane
Taylor	Smith
Maxwell	Schmidt
Hodgins	Gerich
Hardy	Klein
Meiklejohn	Pickering
Martin	Toth
Johnson	McLaren
Hopfner	Swenson
Martens	Baker
Gleim	Neudorf
Gardner	Kopelchuk
Britton	

Some Hon. Members: Hear, hear!

Mr. Calvert: — Mr. Speaker, I count it a real honour and privilege to participate in this debate, now on the main motion, and given the time of day, I will be amending some of the remarks I plan to make.

But I do want to say, as a novice member of this legislature, how rare and perhaps unique privilege it is to speak in this kind of debate, for here we debate something so very fundamental to our nation. And when we are long gone from this place, when we've all said our little bit, the things that we do today will be lasting, and we may, in fact, be debating the shape of our nation not only for ourselves but for our children and our grandchildren and perhaps even our great grandchildren. So I consider it a real honour and privilege to participate in this debate.

Mr. Speaker, one area that I wish to bring to this debate that to this point has not been highlighted in the debate or discussed at any length in this House, has to do with the reality of our nation that many suggest is not adequately represented in the accord before us — and I speak of the multicultural reality which is Canada. And it is a concern, Mr. Deputy Speaker, felt very keenly by the multicultural community across our province.

May I say just at the outset that the multicultural community in Saskatchewan, like many of us, welcome the fact that by this accord the province and the people of Quebec are brought fully into confederation. The multicultural community across this province welcome — welcome — the province of Quebec fully into confederation and, indeed, the accord simply recognizes, in my mind, what is reality: that in the province and people of Quebec there is a distinct society. The accord also recognizes a fundamental characteristic of our nation, and that we are a nation of French and English. And again, that truth may be self-evident.

But there is, Mr. Deputy Speaker, another fundamental reality of our nation and that reality is the multicultural characteristic of our land. We are not just a nation of French and English; we are a nation of many peoples. We are a nation — a living diversity of peoples. And it is the concern of the multicultural community, and a concern that I share, that this reality, this fundamental characteristic of our nation is not adequately reflected in the accord which is now before us.

Mr. Deputy Speaker, if I may say just a word about that, about that reality. Take any random group of 64 individuals in this country — take the members of this House — and it's easy to illustrate the multicultural reality of our province and our nation. In this House alone we sometimes hear the hint of Scotland from the member from Turtleford.

Mr. Deputy Speaker, yourself and the Speaker are in a good position; you hear the voices in this House, and you hear greetings, sometimes extended to visitors in the German tongue. You hear greetings extended in the French tongue. When you listen to speeches delivered in this House you hear a hint of the Ukraine, and you hear a

hint of Poland. You hear a hint of Cree. Mr. Deputy Speaker, you once in a while even hear a hint of the Maritimes in this House. We are, in this House, a multicultural reality, and I submit you could select any random group of 64 Canadians and find that same mix.

In any of the cities or towns that we represent you can again find that mix — in the city of Moose Jaw, in one small city on the Canadian prairie, you can find peoples who themselves have immigrated, or whose ancestors have immigrated from almost every corner and culture on this globe. We are not just French, and we are not just English; we are a living diversity of peoples and we have been forged into a great nation, and that living diversity is our strength, and it is the wonder of this country, and it is the richness of this country.

Mr. Speaker, Deputy Speaker, that multicultural reality has been given focus over the past number of years by the growth of multicultural groups and ethnocultural groups across our nation. And that is particularly true also here in Saskatchewan. Here in Saskatchewan there are now over 900 local, regional, and provincial multicultural groups. And while they remain involved with the process of sponsoring cultural events and cultural entertainment, they've gone far beyond that. They now deal regularly with issues like heritage languages. They deal regularly with immigration and citizenship. These are groups that struggle with race relations in our society. They are actively involved in education. And let me repeat, Mr. Deputy Speaker, these multicultural groups and the council here in Saskatchewan more than welcome the province of Quebec as a full partner in confederation. But they do have concerns. And those concerns ought not to be overlooked by this legislature, by this government, and by its federal counterpart.

They are concerned about the kind of immigration policies and practices that could evolve under this accord. They are concerned about aboriginal rights. They are concerned about the future of Canada's North. They are concerned about the equality right provisions from the charter that are not included in this accord. And they are, as I am, concerned that the reality, the multicultural reality of Canada be fully and adequately represented in this accord. And they have proposed federally and provincially to provide that recognition, to be sure there is no confusion that the section of the accord which now describes the French/English characteristic of Canada, should also and equally describe the multicultural reality of Canada. They fear that a separation of the two in the accord may at some future time indicate one having precedence over another.

Mr. Speaker, I believe it is incumbent upon this government to carry this concern to its federal counterpart, to carry that concern to Ottawa. If one premier in Canada should be raising the concerns of multiculturalism, it is the Premier of Saskatchewan, for we are the only province in Canada where there is neither a French nor an English cultural majority. And so I sincerely hope that the Premier will carry these concerns of the multicultural community in Saskatchewan to Ottawa.

Mr. Speaker, it is my conviction that a constitution must

not only reflect our past, it must adequately reflect our present, and in some ways set a vision and a goal and a dream for the future. I believe the accord that is now before us can be a better accord, and so I call upon the Premier of this province, and the government he leads, to go to Ottawa, reflect the concerns that have been raised in this House, and make it a better accord for all Canadians.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — Thank you, Mr. Deputy Speaker. Many members have spoken in this debate, and I want to say that that's as it should be, especially when in any Legislative Assembly members talk about the future of our country as we're doing when we're considering the amendments to our constitution in the form of this Meech Lake accord. I'm therefore pleased to have the opportunity to say a few words in this debate and express some of the views that I have as well. It is my view that the debate which has taken place in the last several days, which started some time in July, has been of, I think, a high level. And that is also as it should be on this kind of an important subject.

The constitution of any nation, Mr. Deputy Speaker, is the first law. It is the master plan which provides the framework for the making of all other laws. The making of or the amending of the constitution is not like an amendment to The Vehicles' Act of the times Act. There is no other law that has such a dominant impact on every citizen of our country.

The constitution determines how all other laws are made, who makes them, how they are administered, and how they are to be enforced. Surely the, Mr. Deputy Speaker, the process of amending our constitution is as important as the final document itself.

Throughout the world and in most democratic nations, the constitution is considered to be of such importance that whole populations are involved. And in many cases, plebiscites are taken on their constitution and changes to it.

(1645)

We in the opposition and on this side of the House have stated our belief that our constitution is important, and amending it is important. It's not just something that belongs in the forum of the legislators. It's not just something that the Prime Minister and 10 premiers should decide on in the middle of the night or like a collective agreement hammered out between management and representatives of workers.

We have argued in this debate that there should be public debate. We have proposed amendments to that effect.

As I have said, there can be few more important matters affecting the future of a country than constitutional change. And in order for the public to be informed about those matters there should be a conscious and a sustained effort on the part of governments to make the public aware of the issues. And yet the process of Meech Lake has not allowed this to happen.

The Premier and this government have refused to allow a public debate to take place. There have been federal hearings in Ottawa. There have been, or will be, hearings in Ontario and Manitoba and New Brunswick as well, I understand. Why then couldn't we here in Saskatchewan have the same opportunity?

The Minister of Justice when he spoke in this debate earlier said that public hearings are unnecessary. He said, and I think that this was a telling quote, and I quote it:

Government tends to push through passage of the motion.

That, Mr. Speaker, has unfortunately become so much the style of this government. They act with no consultation and little consideration of the implications of their actions, and the opinions of people are ignored while the political interests of the government are paramount.

The position taken by the Premier and the Minister of Justice to push, as they call it, this motion, flies in the face of every reasonable argument. If public hearings are not necessary, why did hearings take place in Ottawa? Why did other provinces believe that process to be important? Why have many individuals and organizations in this province urged that hearings take place? Surely they should have a right to be heard.

Several government members spoke in this debate. I'm glad for that. And yet not one of them was able to explain why the government opposed the opportunity for Saskatchewan citizens to discuss the accord. We heard only from them the script written by the Prime Minister of Canada, and I regret that very much.

I say, Mr. Deputy Speaker, that people should be accorded the opportunity to say what they think, to ask for explanations, and to be able to better understand the complexities addressed by the Meech Lake accord. And that is why we moved, in this Assembly, during this debate, an amendment that would have required public hearings so that the people of Saskatchewan could ask their questions and make their submissions. The government chose to defeat that motion. That is regrettable and that is indefensible.

The Premier who was at the table at which the accord was struck has never made himself available for questioning on this accord. The very process of this motion he put forward in this House insulates him from having to answer questions or provide information. People in central Canada, Mr. Deputy Speaker, with easy access to Ottawa, were given the opportunity to easily participate in the federal hearings. The former Prime Minister, Mr. Trudeau, took part; other so-called prominent Canadians took part. But the citizens of Saskatchewan were not afforded that opportunity.

This insistence by the Premier and the Minister of Justice that there should be no public hearings, Mr. Deputy Speaker, ignores the geographic and the historical realities of Canada. Those near the centre of government in Ottawa have easy access to the decision making, but those who live in regions such as the western prairies, or

eastern or the western coasts, somehow become second class, receiving what central Canada has decided to offer them.

And I say that it's difficult to understand why a provincial government in this province would accept that so readily, and say to Saskatchewan people that they have no role even in such an important matter as an amendment to the constitution. In the amendment of our constitution I say, Mr. Deputy Speaker, if the people are locked out then the process is flawed. And in Saskatchewan's case, the people have been locked out.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — Mr. Deputy Speaker, we have pointed out in this debate that we welcome the recognition in the accord of the role of Quebec in Canadian society. The constitution of Canada must have full legitimacy in Quebec as well as elsewhere in Canada, as has been said by others. And I'm confident that across this land there was a sense of joy and relief that Quebec by the accord had agreed to formally become part of the constitution. I applaud the negotiations for this very important achievement.

The resolution before us is a great stride forward in achieving the objective of a united Canada in which all regions, including Quebec, are a part. This accomplishment is so significant that it in itself is reason for us in the end to consider supporting the resolution.

Now, Mr. Speaker, we share the concern expressed by the Yukon and the Territories that the changes in the rules governing entry of the new provinces into confederation are unwise and unfair. I am afraid that the stringency of the new unanimity rule is unjust and it's unfair.

We expressed our concern by proposing an amendment to improve the Meech Lake provision. Once gain our position is on the record, and once again the government in its desire to push this resolution through, defeated that amendment.

Saskatchewan, of all provinces, having suffered so often from federal government neglect, should have led the way in proposing the removal of this unanimity rule on the entry of new provinces into the Canadian confederation. Mr. Speaker, we have stated that; it is on the record. It's regrettable that the government members opposite would not consider it.

My colleague, the member from Cumberland, who speaks in such an articulate way about our native people, he articulated our regrets that the accord does not advance the objective of dealing with the constitutional aspirations of Canadians of native origin. The member from Cumberland represented those aspirations with passion and sincerity. I don't know if any other member of this House could have stated it better. Even Pope John Paul took the time, travelling thousands of miles, to address this issue in his speech at Fort Simpson.

Isn't it ironical, Mr. Deputy Speaker, that the Pope, with his busy schedule, travelling thousands of miles, would be more aware of the concerns of our native people than

the Prime Minister of Canada and the Premier of Saskatchewan.

Some Hon. Members: Hear, hear!

Mr. Tchorzewski: — The amendment moved by the member from Cumberland, which was just defeated by the government members opposite, puts on the record our concern about the inadequacies of the Meech Lake accord with regard to the recognition of the aspirations of native people. The Premier, on this issue as on others that we have raised, chose to speak for the Prime Minister; only New Democrats chose to speak on behalf of native people and their aspirations.

Mr. Speaker, another issue that has been addressed and discussed in this debate is the question of the Senate. There are few people who will defend the Senate in Canada today. In my opinion the accord provisions move in the direction completely opposite to where we should be going in this obsolete luxury retirement home for politicians and political party supporters who no longer want to be involved in the day-to-day activities of their political party. This low regard which Canadians have for the Senate, Mr. Deputy Speaker, I note it has even been shared by the Prime Minister, but only when the Senate knocked his . . . rapped his knuckles because it had some concerns about the drug patent legislation.

I think that the Meech Lake accord provision, which now requires unanimity in the reform of the Senate, is a bad move. It may very well perpetuate for ever the Senate in its form, without any opportunity for reasonable and adequate reform of that body and that institution.

Many people have different views. Some believe it should be abolished; others talk of a Triple E Senate, but the one view they all share is that it ought to be reformed. I'm afraid that this accord prevents that from happening in the future because of the amendment formula which it proposes.

Now, Mr. Speaker, there have been others who have raised another issue that is of concern to many groups in Canada. This deals with the absence of any reference to section 15 and section 28 of the Charter of Rights and Freedoms. These sections, as you know, are the equality provision and the provisions which basically say that the rights and the freedoms in the charter are guaranteed equally to male and female persons.

Here again is an issue that deserved public discussion. Here again is an issue which people who have those concerns, and there are many of them, should have been able to express to public hearings which should have been held in Saskatchewan.

I say to the House and to you, Mr. Deputy Speaker, that the decision of the Premier to refuse the opportunity for input by people who have these concerns and other concerns such as our native people have, such as our territories have, our multicultural organizations have, is a disregard for democracy itself. It is the act of a premier and a government who have taken on the big brother approach in which they think that they alone have all the answers; they alone know what's good for everyone; and

they alone will make all the decisions behind closed doors of the cabinet room.

The other significant flaw in the accord, Mr. Deputy Speaker, is the reference to the changing and the formula which will determine whether the territories become a province of Canada. Other members who have spoken have addressed that issue before me, so I shall not spend much time because my time is quickly drawing to a close.

We moved an amendment, the New Democratic Party opposition moved an amendment to change that formula, because we think that the proposals are unfair.

Consider this. To amend the constitution of Canada will take 50 per cent of the population and a certain number of provinces — seven out of 10. But to allow a province . . . a territory to become a province not takes unanimity. Somehow that seems to me to be unfair. We have put that on the record as well.

Mr. Speaker, my colleague from Moose Jaw South addressed an issue which I feel very strongly about, and I wish that I had more time to deal with it in a more adequate way. And that is the question of the real composition of our country, and that is our multicultural nature. Mr. Speaker, that is what makes this country strong.

We acknowledged at the outset that the major accomplishment of the Meech Lake accord is the hope it brings that Quebec may become a full participant in Canadian confederation. But having said that, we must be careful also to acknowledge the fact that Canada is a truly multicultural society. And I hope that all members of this House, and the Premier in particular, in the follow-up to this accord, will keep that in mind and so that we do not lose sight of that fact.

Our history as a nation has placed all of us within a common border and under a common law. All of us share one precious possession, the name Canadian. And to a large extent, to be a Canadian means to have initially been a stranger, to have left behind the familiar for something new. And I hope that the constitution of Canada does not deny the stranger among us, because if it does, it also and thereby continues to deny Canada.

(1700)

Mr. Speaker, we are a nation in which there is more understanding of people, of each other, than I think anywhere else in the world. Why? Because you can go to any community in Saskatchewan and hear another language besides English or French spoken. You can hear Ukrainian spoken and nobody is surprised. You can hear French or Chinese or Hungarian or German spoken and nobody is surprised because that's normal.

And because of that, Mr. Deputy Speaker, I have always believed that this country is a model to the rest of the world in the understanding that people have of each other's differences, and I hope that we will continue to do that no matter what happens to the Meech Lake accord in the end.

I conclude, Mr. Speaker, by saying that we have expressed several concerns about the accord. We have proposed some solutions that we thought were reasonable and important. We asked and we urged the government to improve the accord and to be part of that improvement. We regret that they denied the opportunity to do that.

But in this accord, finally, there is one major achievement, and that is that our country now has all the provinces and the federal government in political harmony in the constitution of Canada. That's not a small achievement. We acknowledge that and we applaud it.

That is the part of the resolution that is most important in a political and public policy sense as the member from Elphinstone has said: it is the recognition of the role of Quebec in Canadian society. We're happy to see that happen.

We're concerned about the process which we think, and I think most people in Saskatchewan will think, has been flawed and inadequate. We have put that on the record; it is well known, and we stand by those resolutions that we moved in the House.

Some Hon. Members: Hear, hear!

Hon. Mr. Berntson: — Mr. Speaker, I just want to take a couple of minutes, and I know that we're fast approaching 5 o'clock, but I just want to take a couple of minutes to put a couple of comments on the record relative to the resolution that's before us today.

Mr. Speaker, now that we are near the end of the debate on the resolution to authorize amendments to the constitution of Canada, I think it has become clear that each of us cares very deeply for Canada and wants to see the nation's future be the very best that it can be for us and for all Canadians.

The constitution is, of course, not perfect, nor will it be perfect when the amendment contained in the resolution before us is proclaimed. But Canada itself is a compromise, and so is its constitution. I, for one, think the compromise will be far better when these amendments have been made.

First, this will complete the unfinished agenda left over from the 1981-82 constitutional round. Quebec will be, in all respects, both legally and politically in the constitution.

Second, the changes to the constitution themselves: the recognition of the fundamental characteristics of Canada and the distinct society of Quebec; the provision for special agreements on immigration; the role of provinces with respect to appointments to the Senate and the Supreme Court of Canada; the entrenchment of the Supreme Court of Canada; the new provision respecting shared cost programs; the provision for annual conferences on the constitution and the economy; and finally, the changes to the amending formula itself — all represent improvements to the manner in which this country works.

More so than ever, we must work together in Canada to meet the challenges which face us now, and which will face us in the next century. It is essential that we approach those challenges as a united country and as a country where people and government are able to communicate, to consult, and to co-operate fully. These amendments and the things they will enable us to do represent a significant improvement in that regard.

I know, Mr. Speaker, there are those who worry about certain details, and I respect their concern. I respect them for being good Canadians who want the best for Canada and its constitution, but at the same time I say to them that unanimous accord is essential, for this package of the constitutional change is a fragile thing.

I believe it is the best that we could obtain, and I also believe that unless it is adopted and proclaimed in force soon, the circumstances for another unanimous agreement may not come again for a very long time.

I believe that is a risk we cannot afford to take, Mr. Speaker. We cannot afford to be anything less than united. We cannot afford to continue to expend our national energies on this agenda. As I said earlier, we have other great challenges which face us and which must command our best efforts.

In conclusion then, Mr. Speaker, I commend this resolution to each and every member of this Assembly. As I have said, I believe it is the best compromise available. I hope that each and every member of this Assembly can see his or her way clear past any questions on particular issues or particular details so that this Assembly may adopt this resolution unanimously. Thank you very much, Mr. Speaker.

Some Hon. Members: Hear, hear!

(1710)

Motion agreed to on the following recorded division.

Yeas — 43

Muller	Duncan
McLeod	Andrew
Berntson	Lane
Taylor	Smith
Maxwell	Schmidt
Hodgins	Gerich
Hardy	Klein
Meiklejohn	Martin
Toth	Johnson
McLaren	Hopfner
Swenson	Baker
Gleim	Neudorf
Gardner	Kopelchuk
Britton	Blakeney
Brockelbank	Shillington
Koskie	Tchorzewski
Thompson	Rolfes
Mitchell	Upshall
Simard	Hagel
Calvert	Van Mulligen
Koenker	Goodale

Martens

Nays — 3

Anguish

Goulet

Lyons

Some Hon. Members: Hear, hear!

Hon. Mr. Berntson: — Mr. Speaker, I've talked with the Opposition Whip about this, and so by leave of the Assembly, I move, seconded by the Minister of Justice:

That the resolution just passed concerning an amendment to the constitution of Canada be transmitted by Mr. Speaker, on behalf of this Assembly, to the Clerk of the Privy Council of Canada.

Leave granted.

Motion agreed to.

The Assembly adjourned at 5:14 p.m.