

*Supply*

have seen and, indeed, as some of the concepts contained in the original BNA Act and the Constitution Act.

Let us look at the Constitution Act, 1982. Section 1 of the Charter of Rights and Freedoms guarantees rights and freedoms "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". Is there anything more general one can state in a constitution or a charter than those words?

In Section 7 everyone has the right to life, liberty, and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. Those words outline principles which we all support and which we would want to be interpreted in the proper Canadian way.

Let us go back to Parliament's powers in Section 91 of the Constitution Act, 1867. It allowed Parliament to make laws for the peace, order, and good government of Canada. The Privy Council and the Supreme Court together have been moulding and remoulding that expression for 120 years. We still have no certainty about its meaning, whether it is a residual or an emergency power.

I think the wording of the proposed amendment is in comparative terms most precise and supportive. I do not think any of us would want to have such restrictive and constrained wording in the course of a constitutional amendment that it would not allow for expansive, creative, evolutionary development of a united Canada which recognizes the interests and the uniqueness of the country; one which can in fact be developed as time goes by.

Since questions have been raised in respect of allegations—

**The Acting Speaker (Mr. Paproski):** I regret to interrupt the Hon. Minister, but he too is about to take up a few extra minutes. I hope he will get unanimous consent to continue.

**Some Hon. Members:** Agreed.

**Mr. Hnatyshyn:** Mr. Speaker, I will try to be brief. I want to touch upon the second part of the motion because I believe it is a very sustainable—

**Mr. Gauthier:** Mr. Speaker, I rise on a point of order. Here again I must remind the House that we have Members on all sides who want to speak in this debate. This is an Opposition Day. If government Members could take their 20 minutes, plus the 10-minute Question Period, I would appreciate it. If the Minister could give us an undertaking that he will not take any more than three minutes or four minutes to finish his speech, I would appreciate that also.

**Mr. Hnatyshyn:** I will try to take no more than four minutes or five minutes.

**Mr. Gauthier:** All right.

**Mr. Hnatyshyn:** In respect of appointments to the bodies in question, there has been no limitation of the ability of the

federal Government represented in Parliament to make the appointments in question. However, there has been a new process in respect of consultation, not only in terms of appointments to the Senate until Senate reform is a reality, but also in terms of the Supreme Court of Canada. I suppose the impact is more pronounced in the Province of Quebec than in the rest of Canada. Consultations can take place with the provinces in respect of the other positions in terms of the Supreme Court of Canada.

I want to deal with the latter part of the motion before us by pointing out that we are in fact moving forward in terms of our consideration of constitutional amendments in the interests of aboriginal peoples. I share the disappointment. I think all Hon. Members of the House felt that we were unable to strike an arrangement on aboriginal constitutional amendments at the last First Ministers' meeting. However, the federal Government gave leadership. I hate to take issue with a statement by the Hon. Leader of the New Democratic Party, but the reality is that the federal Government was in a position of leadership to bring forward, in all stages of the discussions over the course of the last three years, a proposition which would have allowed for self-government in Canada. We felt that it should have been acceptable and sufficient, not only to the aboriginal peoples but also to the provinces, to bring about an amendment. All of us agree that the objective is one toward which we all want to work. However, it became a question of whether or not we would be able to bridge the gap which unfortunately existed between a number of provinces and the aboriginal people over the question of the inherent right to self-government existing for aboriginal peoples. We tried every device and every initiative to bridge that gap. It was not consensus making which was at stake; it was a fundamental principle in which the federal Government said that self-government must always be within the context of Canadian confederation.

If we consider that basic principle, then any other position on the part of the federal Government would not find acceptance by Members of Parliament, let alone the population of Canada. We wanted to allow for a position which could be evolved and developed, and for a commitment to be made to sit at the table with the aboriginal people on a mandatory basis to move forward with self-government, but it did not work.

However, that was not the end of it. The Prime Minister (Mr. Mulroney) indicated at the conclusion of the First Ministers' meeting that it was not the end of it and that we may not call a First Ministers' meeting in order simply to go over what happened in the past, but that we would want to see some indication that we would make progress. Therefore I have met, on behalf of the Government of Canada, in an initial way with three aboriginal representative groups. The Minister of Indian Affairs and Northern Development (Mr. McKnight) has been in communication on an ongoing basis with the AFN. We are asking for their input into what would be an appropriate mode to proceed in respect of aboriginal self-government. I have had very helpful discussions with representatives of the aboriginal groups. I am now consulting to determine what will