

SYDNEY MINES MEMORIAL HIGH SCHOOL

NORTH AMERICAN CHAMPIONS OF TELEVISED CONTEST
"REACH FOR THE TOP"

Hon. Robert Muir: Honourable senators, if I may, I should like to switch to another subject and perhaps pour some oil on troubled waters. In light of the adjournment motion that the deputy leader made today, a lot of water may pass under the bridge before I can bring the subject up again. I hope the media are listening and paying attention to this, because this is very good news—although for some reason some of them do not like to write good news.

I realize that the Leader of the Government is a busy man and has a lot to do, but I should like to ask the minister if he is aware that a team from Memorial High School in Sydney Mines beat every high school in Canada and became Canadian champions on "Reach for the Top"? They then went on to a place called Houston, Texas, and took on the best the Americans had to offer, and they are now the North American champions.

Hon. Senators: Hear, hear!

Senator Muir: They are not just champions of Cape Breton, or of Nova Scotia, or of Atlantic Canada, but of all of North America! Is the Leader of the Government aware that the students' names are: Jay Boutilier, Jennifer Morawiecki, Patrick Sutton, Anthony Serroul, Karl White, and Robert MacDonald? The coaches are Patricia Lewis and Patricia Smith. I would hope that the minister would acquaint himself with the background on this matter, because this event occurred just this past weekend. His seatmate moved a motion that we adjourn for a time, and I was worried that I would not have an opportunity to mention this matter. I apologize to honourable senators for bringing it up now, but I do not apologize for the fact that the team from Sydney Mines Memorial High School are the champions of North America.

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Honourable senators, I was absolutely thrilled to read, as I did last night on page 1 of the *Halifax Chronicle Herald*, of the tremendous success of the students from Sydney Mines. I join with Senator Muir and all in this house in extending our warmest congratulations to them. Of course, for those of us who know that part of the country well, we are not at all surprised to find that there is such—

Senator Hastings: Brilliance!

Senator Murray:—high IQ in Senator Muir's home town and that students are capable of such a truly outstanding achievement.

Hon. Royce Frith (Deputy Leader of the Opposition): Honourable senators, to continue framing this in proper terms for Question Period, is the Leader of the Government aware of the fact that we on this side also congratulate this fine group of young people for their splendid international—indeed, "world class" achievement?

Hon. Senators: Hear, hear!

[Senator Olson.]

Senator Murray: Honourable senators, if Senator Frith had failed to do so, he would have had a great deal of explaining to do to his leader, who is not here at the moment.

Senator Frith: I had not thought of that, but you are quite right.

MEECH LAKE ACCORD

IMPACT ON ABORIGINAL RIGHTS—EFFECT OF "DISTINCT SOCIETY" CLAUSE

Hon. Jeremiah Grafstein: Honourable senators, I have a supplemental question on the impact of the accord on Aboriginal rights. In his earlier response to Senator Olson the Leader of the Government said that section 16 of the accord indicates that the "distinct society" clause does not apply to section 25 of the Charter of Rights and Freedoms or to section 35 of the Constitution Act, 1982 or to section 91(24) of the Constitution Act, 1867. However, he did not say that it does not apply to section 92 of the 1867 act respecting the division of powers, which gives legislative jurisdiction to the provinces.

The opinion of the legal experts, of which Senator Beaudoin was one, appended to the accord, indicates that the "distinct society" clause "may be considered in determining whether a particular law fits within the legislative authority of Parliament or any of the provincial legislatures."

Is it possible under the accord and the interpretive provisions that the courts in future may decide cases differently, in favour of provincial jurisdiction and against the interests of native or Aboriginal Canadians, if the "distinct society" clause is adopted?

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Honourable senators, I think the short answer to that question is no, but if the honourable senator wishes to engage in a learned dialogue on the subject he should address himself to the distinguished constitutional experts who signed the opinion.

Senator Frith: And to speeches already made on the subject by others, including me.

Senator Grafstein: On April 26, in a letter to the editor of the *Toronto Star*, Senator Murray described the effect of the "distinct society" clause, indicating that the courts would be obliged to take Quebec's distinctiveness into account when considering specific laws challenged as to their constitutionality. We have the legal opinion prepared by the experts, who, in effect, go on to say that the rights and freedoms which Canadians now enjoy would, if the accord is adopted, be subject not only to the grounds of limitation now available—

Senator Murray: That is the Charter we are talking about, senator.

Senator Grafstein:—but would also be subject to the collective interests set out in the "distinct society" clause. So the question remains for Canadians as to whether or not the division of powers would be affected by an interpretive effect of the "distinct society" clause. This has not generally been the