

Oil and Gas Production and Conservation

The minister made reference to the existence of certain treaties within the Territories covered by this bill but I suggest that is quite irrelevant to the question of whether the amendment is in order. The particular clause under consideration has to do with the coming into force provisions of the act. The amendment changes the proposal in the bill with respect to the coming into force of the act. It does so on grounds that should be of particular interest and concern to the minister in connection with the other aspect of his portfolio, because it is basic to the whole question of the right to the development of oil and other resources of the Territories. If this consideration is not relevant to the manner in which these resources will be developed, then this house is negating one of its basic responsibilities about which the minister has expressed some concern in other contexts. I refer to the right of the Territories to the land and resources which lie beyond any of the treaties to which the minister referred. The question of order does not relate to the relevance of this amendment as it concerns the treaties, but rather to the basic question of the right to exploration for the oil itself.

In this particular bill we are dealing with a section of Canada for which this parliament has direct responsibility in respect of the resources, land, its use and development. The minister can not suggest this amendment is out of order because jurisdiction overland and resources is in the hands of the provinces. This question relates clearly to how, when and to what extent this bill should come into force so that it will be consistent with the position being taken with regard to the right of the indigenous people to the resources and use of the land which they occupy.

The amendment proposes to change the existing provision with regard to the proclamation of certain provisions of this bill until we have dealt, as we have the right to do in this parliament, with our responsibilities to the indigenous people. This bill provides us with a unique opportunity to tell the indigenous people of the Northwest Territories and the Yukon, where I understand there are no reserves in the ordinary sense and where the indigenous people do not want reserves, that we will recognize the principle of a fair settlement of their indigenous rights to the territory. In this particular part of Canada we are increasingly moving toward infiltrating their rights.

I argue that this amendment to alter the coming into force provision is clearly within our jurisdiction. We should have a right to discuss this matter before the bill proceeds any further.

Mr. Heath Macquarrie (Hillsborough): Mr. Speaker, I would like to say a few words on this point raised by the hon. member for Comox-Alberni (Mr. Barnett). I suppose geographically there is no one in this house who is further removed from the area mentioned in this particular amendment than myself, and perhaps philosophically there are few people further removed from the hon. member for Comox-Alberni than myself.

Mr. Barnett: Not really.

Mr. Macquarrie: Probably not. A fellow shouldn't say that, Mr. Speaker. I think the hon. member for Comox-Alberni has stated in terms of compassion and realism something which should affect us in our deliberations on this bill. I would be shocked and surprised if anyone were to suggest that this matter of the acceptability of the application of this legislation to the people mentioned in this amendment should be recorded as out of order. Indeed, I am shocked and surprised. I come from a constituency where the people mentioned in this amendment do not exist. I commend the hon. member for Skeena (Mr. Howard) and the hon. member for Comox-Alberni who is speaking on his behalf, for bringing forward a suggestion which is not only compassionate, but practical. I ask that no thought be given to the restricted, narrow and brittle suggestion that such amendment be ruled out of order.

● (8:50 p.m.)

Heaven knows, Montesquieu was not the first man who noted the distinction between the letter and spirit of the laws. If these laws are not too happily and properly applicable in the area of their geographical jurisdiction this would be a most unhappy state. So I should like to say, Mr. Speaker, with great brevity but with utmost sincerity, that I agree 100 per cent with the hon. member for Comox-Alberni who was hitting the truth right on the head tonight.

Mr. Orange: Mr. Speaker, on the point of order, may I say that I have listened to both the hon. members who have just spoken with compassion in respect of what should happen to the people who were born in the Northwest