

*Canada Petroleum Resources Act*

Recommendation in that it relaxes the conditions set out therein. As noted in Citation 773(7) of *Beauchesne's Fifth Edition*, an amendment is out of order "... if it extends the objects and purposes, or relaxes the conditions and qualifications as expressed in the Royal Recommendation." Therefore, I must rule this motion out of order.

Motions Nos. 9, 10 and 11 will be grouped for debate and voted on separately.

Motions Nos. 12 and 13 will be debated and voted on separately.

As I said, Motions Nos. 14 and 15 have been grouped with Motions Nos. 3 and 4.

The Chair will now proceed to propose Motions Nos. 1 and 2—

**Mr. Waddell:** Mr. Speaker, I rise on a point of order. This is the first time I have risen in the House, with the exception of another occasion when I rose to make a statement, when you were in the Chair. May I offer my congratulations to you, Sir. We share a common border, 49th Street in Vancouver. I am the MP for one side and Your Honour is the MP for the other. I wish to extend to you my congratulations.

I accept your ruling, of course, Mr. Speaker. However, I wonder if you had a chance to refer to Section 35 of the Constitution Act which states in part:

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

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

The amendments proposed to the Bill were an attempt to give native people whose land claims are guaranteed in the Constitution and who are now in negotiation with the federal Government a say in the matter. They are now seeing their land being given away from underneath their feet. They are giving away interest in these lands to oil companies. That is what the legislation before us does.

I wonder if Your Honour has had a chance to look at that proposition. What we were trying to do by introducing these amendments was to give native people some say with respect to their lands, something to which they are entitled under the Constitution.

**Mr. Speaker:** Order, please. The Hon. Member has raised a matter of great concern in our country. I know that all Hon. Members in the House realize that there is a very interesting potential debate on the matter raised by the Hon. Member. Without commenting at all on how that debate should be conducted or concluded, I must remind Hon. Members, and especially the Hon. Member for Vancouver—Kingsway (Mr. Waddell), that the Chair must rule on points of order with respect to the Bill in question. I am sure the Hon. Member for Vancouver—Kingsway wishes that the Bill in its original form took into account some of the matters he has brought to the

attention of the House this morning and which he will bring to our attention later this morning. However, the Chair is in the position of having to look at the wording and the substance of the Bill as it is. Under those circumstances I felt compelled to rule as I have ruled.

I know that the Hon. Member will have a chance to express his concerns with respect to the amendments he will be debating. I ask all Hon. Members to consider the reason behind the ruling which the Chair has given.

As Hon. Members know, it is not the function of the Chair to put the Constitution Act into legislation which appears before the Chamber.

**Mr. Gauthier:** Mr. Speaker, I rise on a point of order. I wish to clarify one point with you. It has been the practice of the Speaker in the past to present notes on rulings to us prior to the reading of the ruling. This was done so that if any Member wanted to debate a question he could do so. This would allow the Speaker to take into account the points debated by Hon. Members.

If I read you clearly this morning, Your Honour is now telling us that once you have ruled, as you have done this morning, no further debate can be entertained. I would ask the Chair to be more flexible in this regard in terms of future Bills. For example, if there are debatable points with respect to future Bills which are put at report stage then I ask the Chair that we be allowed to put these points to you before you rule as to the acceptability, or not, of the so-called motions.

**Mr. Speaker:** I thank the Hon. Member for his intervention. I advise the House that motions in amendment were being received during the last sitting day and the first opportunity the Chair has had to consider the proposed ruling which has been made was this morning. At approximately 10.30 this morning I instructed the Clerk to circulate the notes of my ruling to Hon. Members. I regret that if for some reason or other the Hon. Member did not receive a copy of my notes. He should have received a copy of them. I will ensure that this does not happen again.

It has been the practice of the Speaker to make rulings such as the one I have made. If there is some particular point about which the Hon. Member feels strongly, and if he asks that he or some other Member be granted leave to raise some points with respect to it in terms of something the Chair may have overlooked, then arrangements can be made to hear such arguments later on today. Unless there is some very serious reason to raise such arguments, I ask Hon. Members to cooperate this morning.

I want to make it very clear that the point raised by the Hon. Member is a good one. I hope that in most cases the Chair will be able to give notice in more time than was possible today. If the Hon. Member did not receive a copy of the notes, then I ask that he speak with the Table Officers to find out what went wrong and ensure that it does not happen again.