

The Aboriginal Peoples Act would also direct the government to initiate policies and programs that would provide the Aboriginal peoples with the means to exercise their right to self-government; acquire institutions and resources necessary for self-government; promote their cultures and values; improve their economic circumstances; and generally exercise their skills and talents.

The same section of the bill would prevent arrangements between the federal government and other governments that would reduce the rights of the Aboriginal peoples or diminish federal authority, obligation, or fiduciary duty regarding the Aboriginal peoples.

The proposed legislation would also result in a major overhaul of the job description normally associated with the Minister of Indian and Northern Affairs. Under this bill, the minister would be charged with the responsibility of advocating on behalf of the Aboriginal peoples. For example, he or she would have to promote an understanding among Canadians that the cultures, rights, and institutions of the Aboriginal peoples constitute a fundamental characteristic of Canada.

Moreover, the minister would have to take steps to ensure that Aboriginal peoples would have adequate resources to carry out negotiations, to represent their interests, and generally to preserve and develop their economies, cultures, and governmental institutions.

In addition, the minister would have to take measures and find funding to reduce disparities in economic opportunities between Aboriginal peoples and other Canadians.

Perhaps the most significant aspect of the proposed legislation is found in the provision requiring the minister to enter into negotiations on outstanding land claims, self-government and resources required for self-government, and the modernization of existing treaties and agreements. According to the bill, the minister would have to enter into such negotiations within six months of having received a request to do so from the Aboriginal peoples of Canada.

Honourable senators, the last point I wish to make concerning Bill S-18 is very important, and one that has come to light as a result of the developments surrounding the demise of the Meech Lake Accord. It now appears that the future of the country will be decided through a series of bilateral relations and bilateral agreements between the federal and provincial governments. This type of approach may not be ideal, but it will probably work as far as provincial interests are concerned. However, it fails to provide a means by which the Aboriginal peoples may participate in decisions affecting the future of this country.

● (1850)

The events of the past few weeks more than demonstrate the danger of trying to freeze the Aboriginal peoples out of such decisions. It is therefore obvious that there is a real need for bilateral relations and discussions between the federal government and the Aboriginal peoples. Bill S-18 would clearly provide the Aboriginal peoples with a process, resource, and

capability to pursue such bilateral relations with the federal government on their future in Canada.

In closing, I wish to stress that Bill S-18 is only a starting point for the Aboriginal peoples. It is my hope that they will use the bill as an opportunity to come forward with their views and suggestions in order to develop legislation that will fully reflect their desires and aspirations.

I believe the newly-formed Senate Committee on Aboriginal Peoples would be in an excellent position to facilitate such consultations. Through the use of such a forum, the Senate will be able to work in conjunction with Aboriginal peoples to develop effective solutions.

For the reasons I have outlined, I call on the Senate to give quick passage to Bill S-18. It is a bill the Aboriginal peoples need now more than ever.

On motion of Senator Doody, debate adjourned.

### CUSTOMS ACT

#### BILL TO AMEND—SECOND READING

**Hon. C. William Doody (Deputy Leader of the Government)** moved the second reading of Bill C-55, to amend the Customs Act.

He said: Honourable senators, I should like to say a few words in support of Bill C-55, to amend the Customs Act. This bill is not complicated, and I should like to offer a few comments on the benefits it holds for the Canadian business community.

Honourable senators, the situation now is one where the right of duty on certain imported goods is reduced retroactively. Consequently, it is only fair and equitable that importers of these goods receive a refund for the duties they overpaid during the period of retroactivity. Over and above these refunds, the importers should be paid interest on these sums, because their financial resources have been tied up for a period of time through no fault of their own. As well, honourable senators, the act provides for appeal rights where a departmental decision adversely affects an importer. It is felt that the same provisions should be applied uniformly in all cases. In order to ensure equity and fairness, the appeal provisions should apply in these circumstances as well.

In essence, the bill gives the Department of National Revenue, Customs and Excise, the mechanism to grant the full benefits arising from the orders made by the Governor in Council. Unless this legislation is passed importers will not receive fair and equitable treatment.

Honourable senators, the new customs tariff that implemented the harmonized system on January 1, 1988, included Order in Council authority to allow the government, during an 18-month period after implementation, to respond to requests to restore rates in effect under the old tariff. A recent amendment to the customs tariff extends this authority for a further 12 months. Currently the Customs Act does not allow for these provisions to be fully implemented, given that the authority to refund duties does not cover the entire retroactive