

The Constitution

the Royal Proclamation, but what the Royal Proclamation does is to show that the British Crown recognized that there was such a thing as an aboriginal interest.

Then in subclause (b) there is reference to rights or freedoms that may be acquired by aboriginal peoples of Canada by way of land claims settlement. I just stated that it is no wonder that there are some doubts about this clause when we look at the modern settlement of James Bay in which aboriginal interests were supposedly extinguished. The Government of Canada was to provide various catch-up provisions with respect to housing, education, health care and so forth, because, as we heard in committee and in this House, of the plight of the native people there resulting from the government not implementing the spirit of that agreement. It is no wonder there is some doubt about that clause.

We then come to Part II. Clause 33(1) states:

The aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

That is a positive statement in this Constitution, but I know that status Indians are very concerned about clause 33(2), which includes in the definition of an aboriginal person, all Indian, Inuit and Metis peoples of Canada. In effect, we are now using the term "native people".

The concern which is being expressed as to do with status Indians who need to catch up in society to become equal in their way of life to most of us in the southern part of this nation. The concern is whether the budget set aside to assist those people will now have to be shared by another 700,000 people.

The clause which causes the native people of this country much concern is clause 35. I realize that the Prime Minister could not put into the Constitution something which was not defined, so he put in a clause which sets up the procedure to define an aboriginal right. An aboriginal right will now be defined by the first ministers of the provinces, the Prime Minister and those people whom he, as Prime Minister, will invite to participate in discussions.

Mr. Manly: You left it in your amendment.

Mr. Schellenberger: For the first time the definition will be arrived at with the participation of the provinces of this country, so the New Democratic Party said it would assist by moving an amendment to solve that problem. Members of the New Democratic Party said that rather than dealing with one province, we will now deal with the whole amending formula; we will deal with all six provinces. The provinces have an interest in defining an aboriginal claim in a very narrow way because it means land within their boundaries, it means money. So rather than having one province deal with it, there will now be a gang of provinces. One can mess things up, but I know what a gang can do, and I can understand why the status Indians of this nation and the Native Council of Canada now oppose the amendment which the NDP is proposing. They asked to have a meeting with the leader. He refused to have a meeting with them to discuss this very important point, so we have lost that support.

Mr. Manly: Mr. Speaker, would the hon. member permit a question?

The Acting Speaker (Mr. Ethier): The hon. member for Wetaskiwin (Mr. Schellenberger) has been asked if he would permit a question.

Mr. Schellenberger: I have very limited time because of closure supported by the NDP, and I would like to continue my remarks. If there is some time left after my remarks, I would be happy to entertain a question.

Before my time runs out I want to come to a point which is very important to western Canada. As we face this amending formula and as we face the National Energy Program, many people in western Canada are asking whether their members of Parliament have the ability to represent them in this chamber because we are consistently being outvoted by the majority in the provinces of Ontario and Quebec. When our country was set up, the regions of this nation were to be protected by the Senate. The wise men of the nation were to protect our regions and our provinces. We know the history of that, particularly when one Prime Minister is in power for a long time. As a result, when a budget which has disparate effects on our regions is presented, or when a resolution such as the one we are debating is presented, the regions again are manipulated and outvoted. The Senate, which is supposed to protect them, is not doing so.

I must say that there are certain senators—and our leader has referred to them—who are attempting to protect the regions and the provinces, but again the majority is against us.

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After we face this Constitution and push through the National Energy Program, in my opinion we must have a change in our institutions, particularly the Senate if we are to keep this nation together. I believe the Senate should be elected. It should have the power to stop certain of these bills which affect our regions, so that we in western Canada will have some protection against the majority populations in the centre, when we are faced with this kind of situation in the maritimes and western Canada.

Some hon. Members: Hear, hear!

Mr. Schellenberger: If we had started with this type of process, I think between the change in our institutions such as the Supreme Court, the CRTC, the Senate, and the town hall constituents assembly, we would have a great deal more unity in this nation.

The Acting Speaker (Mr. Ethier): I regret to interrupt the hon. gentleman but the time allotted to him has expired.

Mr. Stanley Hudecki (Hamilton West): Thank you, Mr. Speaker, for giving me the opportunity of making this first address, my maiden speech, during this important debate.

Some hon. Members: Hear, hear!