

*Oral Questions*

discussion, the Nova Scotia third draft, with amendment, as representing the basis upon which all the items which require to be attended to at this conference could be addressed. So there is a specific piece of paper, and other participants are now coming forward with their suggestions.

Let me put it this way—I hope there will be flexibility. I hope other Governments and the aboriginal people will follow the lead of the federal Government which has shown leadership, the determination to work toward an agreement, and that it is prepared to be flexible in order to achieve agreement.

## CONTINGENT RIGHTS ISSUE

**Mr. Keith Penner (Cochrane—Superior):** Mr. Speaker, my question is also addressed to the Minister of Justice. Would the Minister explain to the House, to the aboriginal people of Canada and to the citizens of Canada, why his Government would take the position that an aboriginal right must be contingent upon agreements being made, when with respect to other rights, for example, the rights of women and linguistic rights, we have never insisted they be contingent upon agreements negotiated and signed with the Government. Why, Sir, are aboriginal people being treated so differently in the seeking of their rights?

**Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada):** Mr. Speaker, again I think the Hon. Member attempts to put labels on the position put forward by the federal Government. If the Hon. Member were to consider the position of Liberal Governments across this country, he may be dealing with a contingent concept, but he cannot make that accusation with respect to the federal Government. What we are saying is that we want to recognize an explicit right. We want the right of self-government to be within the Canadian Confederation. I hope the Hon. Member shares that basic and fundamental precept with respect to these discussions. Indeed, a recent polling has indicated that most Canadians support the idea that the articulation of self-government should be through negotiated arrangements. This is the Canadian way. This is the appropriate way in order to achieve self-government.

We recognize, and we are prepared to recognize explicitly and clearly in the Constitution, the right to self-government. We say we are going to include in the agreement a non-derogation provision which will say that nothing in this amendment derogates in any respect whatsoever from any rights the aboriginals have under our Constitution. That is our position. I would like to know what the Liberal position is.

REQUEST THAT GOVERNMENT SUPPORT INHERENT RIGHT  
CONCEPT

**Mr. Keith Penner (Cochrane—Superior):** Mr. Speaker, I want to ask the Minister of Justice whether he will carefully reconsider the position being taken by the federal Government at this time and follow the lead offered by the Leader of the Official Opposition in his motion last Friday, and make a declaration when he goes to that conference tomorrow that the

right to self-government is both an inherent right and an inalienable right? Will the Minister do that?

**Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada):** Mr. Speaker, I have to say with all deference to the Hon. Member—who I acknowledge has had a long interest in this matter and I commend him for that; he has been very much involved in aboriginal matters—that I have a very difficult time understanding the position put forward by his Leader on the basis of last week's discussion. I do not know what else we can possibly do in a constitutional document, and I remind the Hon. Member again, it is not a matter which can be dealt with unilaterally by the federal Government. We must have with us seven provinces representing 50 per cent of the population of this country in order to get—

**Mr. Turner (Vancouver Quadra):** Show the leadership.

**Mr. Hnatyshyn:** We want to ensure that we can build a plateau upon which the aboriginal people can go forward. We are putting forward propositions which meet all the criteria of the things the aboriginal people have asked for, yet do reflect the fact that our preferred route is through negotiated settlements. I hope the Hon. Member will support us in our endeavours.

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## PHARMACEUTICAL INDUSTRY

## PATENT ACT—GOVERNMENT POLICY

**Mr. Neil Young (Beaches):** Mr. Speaker, my question is directed to the Minister of Consumer and Corporate Affairs. As the Minister knows, since 1969, when Canada changed its Patent Act insofar as pharmaceutical products were concerned, there have been no less than four major studies which have examined that policy and concluded that it was a sound one for Canada. Would the Minister now stand in his place, in face of this additional evidence, and simply tell the Canadian people that the only reason the Government is now changing that policy is because of pressure from the industry in the United States and President Ronald Reagan?

**Hon. Harvie Andre (Minister of Consumer and Corporate Affairs):** Mr. Speaker, if the Hon. Member had participated in the committee deliberations on this Bill, and I might remind the Hon. Member the House has already approved of the Bill in principle, he would have seen the studies and examination, and had he kept an open mind he would realize that this Bill provides an enormous net benefit to Canada. I frankly cannot understand why the New Democratic Party is opposed to more research in this very important health care area here in Canada. Why do the New Democrats insist we let the rest of the world do that research and that Canada should opt out of this important area, thereby denying hope to people like the young sufferer of leukemia about whom we talked?