

"What will be the situation in 100 years where the Indians of the day will say that the people who dealt with Chrétien were crazy to make that kind of deal? We are smarter than that," he said.

"That will never finish. So we say we will respect the treaties and uphold the treaty rights so they can share in the advantages and responsibilities of the Canadian society."

The matter goes further in the Yukon because the aboriginal peoples there do not have treaty rights, and if justice is to be done under the terms of the 1867 resolution this will mean that the present government will have to negotiate in terms of the amendment I have put before the House.

Mr. Speaker: Before putting the amendment to the House I have to bring to the attention of hon. members that the Chair has some doubts as to the procedural validity of the motion as put by the hon. member. Briefly, and perhaps this will help hon. members who may want to advise the Chair, it seems to me that this amendment is, in effect, a substantive motion. It is not a reasoned amendment because it does not oppose the principle of the bill. Further, the amendment attaches a condition to the motion for second reading. The amendment clearly states that it attaches a condition, and there are many precedents which say that such an amendment cannot be moved on second reading.

I thought it might be helpful to hon. members, who may wish to argue in support of or in opposition to the regularity of the amendment, if I were to indicate my reservations. Of course, I would be grateful to hon. members who wish to indicate how the Chair might be guided in making a decision, or making a ruling on the acceptability of the proposed amendment.

Mr. Chrétien: Mr. Speaker, I do not want to take up the time of the House but I do wish to make exactly the same point as Your Honour has made. Really, this amendment is not related to the bill at all. It relates to a different problem, a problem of a different nature. The bill that we have before the House is a measure dealing with the administration of minerals in the Yukon, and ways and means of making sure that this mineral development will be achieved for the benefit of all. The amendment is related to a completely different problem. I recognize that it is a problem, but this is not the time to raise that problem. In terms of the specifics of the rules this is the only point I wish to make, but I think some other hon. members on the government side wish to raise other arguments in terms of the procedural aspect of the question.

Mr. Jerome: Mr. Speaker, I will be very brief but I would submit that the proposed amendment offends the rule governing relevancy, as the minister has just suggested. In the second place, it does in fact clearly establish a condition precedent to the enactment, not only of this legislation but of any other contemplated legislation dealing with this question. This type of condition precedent is doubly repugnant. In the first place, it is repugnant because it is a condition precedent. In the second place, it is repugnant because it is not only a condition precedent to this measure but to any measure dealing

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with the sale of mineral rights in the lands of the Yukon Territory. There is precedent to indicate that amendments which propose to interfere not only with the passage of the contemplated legislation but with other legislation as well are repugnant.

I would submit that this amendment seems to raise an entirely new question outside the terms of this legislation altogether. But what troubles me the most about it, Mr. Speaker, is that it not only is a condition precedent to the passage of the legislation, but I wonder when Your Honour will be able to decide that such a condition had been fulfilled. The condition, in the terms of the amendment, says that prior to proceeding with this legislation, or the passage of any other legislation dealing with mineral rights in the lands of the Yukon Territory, a resolution enshrined in the *Journals* of 1867, dealing with fair treatment of Indians and their claims, must be implemented.

The question is, Mr. Speaker, when do we determine that a resolution, such as that referred to in the amendment, which stands on the books of this House and stipulates that we must have fair dealings with the Indian tribes in the territory, has been implemented? When do we arrive at the point when we say that this House has implemented such a resolution which calls upon us to be fair in our dealings with Indians and to compensate them for lands acquired in the Yukon Territory?

I submit that this amendment does not appear to be opposed to the principle of the bill, but rather refers to in general to fair dealing. Since it is not opposed to the principle of the bill, it should be ruled out of order. I submit that it is not relevant to the provisions of the bill and should be ruled out of order. I submit it raises a new condition, Mr. Speaker, and in imposing a condition precedent, not only to the passage of this legislation but to the passage of any other legislation dealing with this question, it should be ruled out of order. Furthermore, the condition precedent is impossible of fulfilment. For these reasons, I submit that Your Honour should rule the amendment out of order.

Mr. Barnett: The parliamentary secretary has placed before Your Honour two questions, one dealing with a matter of fact and the other dealing with a matter of the relevancy of the amendment to the bill.

I would submit with regard to the matter of fact that the question of whether or not the terms of an earlier resolution of the House have, or have not, been implemented would rest within the judgment of the House rather than being considered a procedural matter for Your Honour to decide. I feel that this is the obvious answer to that particular question which was raised by the parliamentary secretary, and I would submit that particular question is therefore irrelevant to the discussion of whether or not the amendment is in order.

I should like now to consider the question of whether or not the amendment is relevant to the bill. In view of a remark Your Honour made earlier to the hon. member for Brandon-Souris (Mr. Dinsdale) that perhaps he might have more acquaintance with the details of the bill than