others have commented on in this legislation, is that we see a very strong representation from the energy side, so to speak, to the sponsors of this legislation, and very little evidence of consideration, safeguarding and policy analysis by the Department of Indian Affairs and Northern Development, which should have a very strong say in the framing of such legislation and which is mandated by treaty and trust responsibility to look after the legitimate concerns and interests of Canada's aboriginal people.

I would like to quote from a brief submitted to the Minister of Indian Affairs and Northern Development (Mr. Crombie) by the Dene-Metis Negotiations Secretariat. These are concerns which were echoed at the Standing Committee hearing of which I was a part three weeks ago, I believe, in Yellowknife. Under the heading of "Opening Up New Lands", the Secretariat says:

> Neither the Bill nor the policy statement of last fall gives any assurance that the current "land freeze" in the Mackenzie Valley will remain in place until a final aboriginal rights settlement is in place, or until a co-ordinated process involving the Dene-Metis and the affected communities approves the opening up of new land.

Here is its submission:

> We ask that you follow up on our correspondence with you on this issue by making it clear that there will be no exploration licences on new lands prior to a final claims settlement without the direct and explicit approval of both the Dene-Metis and the communities directly affected.

That is a provision which is very evidently absent from this legislation. Yet it is a provision which relates to the very articles of the foundation, if you like, of the country and society in which we have the good fortune to live.

One of the ways in which Canada has traditionally operated, at least ostensibly, and overtly, is that we would not arbitrarily extinguish the rights of native people, whether it be their territorial rights, land tenure, or the right of their own form of government. Yet we see in Bill C-92 the potential at least—and I do not wish to accuse the Government of bad faith—for the overruling of legitimate native interest in the process of the bidding criterion. That is something which gives us cause for concern.

Essentially the only protection for native people which is offered in the text of the Act is a statement that their rights would not be abbrogated. That I think is frankly inadequate, because it begs the question of what are the rights and interests in the land and the land claims themselves. To put that in legislation without some documentation, some specificity as to what those rights are is, in my opinion, not taking adequate care of those rights and opening up the possibility in the future of the abrogation of them.

• (1220)

Another criticism we have is that there is really very little provision in the Bill for the pacing of development to accord with Canada's best interests. We do not know if we are setting the country up for a feast or a famine when it comes to oil development. We really do not know what the effects will be on the Canadian economy, whether there will be a stampede to the frontier or another capital strike of the nature of the one that occurred after the introduction of the National Energy Program and led to very little drilling in the frontier. By moving away from a system of orderly development, something that could have been negotiated according to the Government's priorities, policies and goals, will simply be at the mercy of commercial decisions which, in almost every case, will be taken entirely outside of Canada and beyond the bounds of Canada's ability to express the national interest and the Government's ability to influence the decisions that are being made.

Returning to the Crown share, I would like to echo the theme developed by my colleague, the Hon. Member for Vancouver—Kingsway (Mr. Waddell), who discussed the back-in provision of 25 per cent which gave the federal Government the right to acquire the interest in commercially viable petroleum funds in recognition of the very substantial burdens imposed on the Canadian taxpayer in the development of these frontier lands. It is all very well for the Government to refer to the 25 per cent back-in provision as being confiscatory, but there are two facts which the Government cannot influence. One is the success by comparison of the Norwegian oil industry. The Norwegian oil industry is one which, far from having a 25 per cent back-in provision for the state-owned company, Statoil, has a 50 per cent, and in some cases a 70 per cent back-in provision. Yet the Norwegain oil industry has flourished. Norway has gone from being a country which produced no oil 20 years ago to a substantial producer of oil and gas, indeed one with surpluses available for export.

Perhaps I could note one thing by distilling the evidence given by representatives of Statoil who were invited to the hearings on Bill C-28 of the previous Parliament at the initiative of my colleague, the Hon. Member for Vancouver—Kingsway. They were starting from zero. Essentially, as did Britain in the North Sea oil and gas, they started out without any experience, without a great deal of expertise in oil production, with no regulations and with no history of the production of liquid or gaseous fuel hydrocarbons. The Norwegians went ahead and introduced this legislation which gave them the right to a 50 per cent share through Statoil. I suppose our Government would call that double confiscation since it thinks of a 25 per cent back-in as being single confiscation. Yet the Norwegians built a successful oil industry.

Of course, the other thing that the Government cannot change is the fact that Canadian taxpayers have invested very heavily in this industry in the past. Surely we as taxpayers have the right to some return on that investment. Surely the Crown share is an effective way of getting that return.

I suppose others have already pointed this out, but I think it bears stating again that the Government is being inconsistent in this. In the Prince Albert declaration of 1984, the Conservatives had the following to say:

> We will set aside this retroactive "back-in", which is expropriation without compensation and has done so much to damage our relationship with international and Canadian investors. Instead, we will introduce a "Canadian share" which will encourage Canadian private and public ownership of oil and gas production on discoveries made after October 28, 1981.