

Canada. Members opposite are indulging in the irresponsibility of opposition, it seems to me.

The second point is as follows:

(b) in the areas where Indian people still have the use and control of their lands, no encroachment is permissible without the consent of the Indian people involved.

The problem here is that it is not clear how this would differ from the first point. It is not clear how one would distinguish between areas where the Indians are nominally still in possession and where they might be seen to have lost or be losing the use of their lands. There is considerable ambiguity in the line to be drawn between this point and the first point. This should be stated in unambiguous language before we can deal with it. You are asking us to give them *carte blanche*. If we are going to have a document of the kind to which we are giving consideration, I think we should scrutinize it very carefully.

The third point is as follows:

(c) if treaties meet adequate standards of fairness, a recognition of treaty promises as they were understood by the Indian people. If the treaties fail to meet adequate standards of fairness this failure must be acknowledged and fair and adequate arrangements made to the satisfaction of the Indian people involved.

I would agree that it must be to the satisfaction of the Indian people. I trust it would also be to the satisfaction of the Parliament of Canada. The question that arises is how this fairness is to be judged and what mechanism is to be established to judge it.

The fourth point is as follows:

(d) a recognition of the obligation to restore or, with the consent of the Indian people, to compensate for the loss of specific rights (such as hunting, fishing or trapping rights) which are either preserved in treaty areas or which exist in non-treaty areas as part of unextinguished Indian rights and which have been curtailed by government action.

Before we could give our adherence to such a proposal, we would have to know more particularly whether the rights to which the proposal refers are, for example, rights which are extinguished for the benefit of the Indians themselves. In many cases where there are regulations which may limit hunting or trapping, these are made for the protection of the species which, of course, is for the protection of the Indians themselves. Is it being suggested that when there is such legislation which is for the benefit not just of the white man but also of the Indian, there should be compensation given to the Indian? Perhaps that is the principle this House would want to adopt, but I think we should know whether it is or not.

• (1750)

Despite the fact that there are certain over-generalities in these proposals, we must recognize that the very presentation of this document to the committee and to the House, with the assistance, I might add, of federal money which has been given to these people to enable them to do this, constitutes a major event in our country's history. It marks the first time that such a complete statement has been made by what is now, I think, the national Indian organization as to what they want us to agree to. But we must keep in mind that this is a bargaining position which they are putting forward. We must respond to that bargaining position, but I do not think the Indians expect us

### Indian Affairs

to respond by agreeing to everything put forward, as the opposition suggests.

I was hoping to discuss at some length the case of *Calder v. The Attorney General of British Columbia*, and many other matters as well. However, as there are others who wish to gain the floor to speak on this motion, I will yield.

**Mr. Thomas S. Barnett (Comox-Alberni):** Mr. Speaker, pursuant to Standing Order 6(5) I move, seconded by the hon. member for Timiskaming (Mr. Peters):

That this sitting continue beyond the ordinary hour of adjournment for the purpose of continuing consideration of the motion for concurrence in the second report of the Standing Committee on Indian Affairs and Northern Development.

**The Acting Speaker (Mr. Laniel):** Order, please. The motion proposed by the hon. member comes under Standing Order 6(5) (b), which reads:

When Mr. Speaker puts the question on such motion, he shall ask those members who object to rise in their places. If ten or more members then rise, the motion shall be deemed to have been withdrawn, otherwise, the motion shall have been adopted.

All those opposed to the motion will please rise.

*And more than ten members having risen:*

**The Acting Speaker (Mr. Laniel):** More than ten members being opposed to this motion, the motion is deemed to have been withdrawn.

**Mr. Howard:** Mr. Speaker, I think the record should show that the Liberal party opposed it.

**Mr. Chrétien:** Hon. members opposite are trying to play politics, as usual.

**The Acting Speaker (Mr. Laniel):** The hon. member for Meadow Lake (Mr. Nesdoly).

**Mr. Reid:** I rise on a point of order, Mr. Speaker. It has been the normal practice of the Chair to alternate in the recognition of speakers. As Your Honour previously recognized the hon. member for Comox-Alberni (Mr. Barnett) it seems to me, in all fairness, that Your Honour ought to recognize a speaker on my side of the House.

**Mr. Peters:** Then they should stand up, instead of sitting on their fannies.

**The Acting Speaker (Mr. Laniel):** The hon. member should point out the standing order to which he is referring.

**Mr. Knowles (Winnipeg North Centre):** You are in the chair, and not the hon. member.

[Translation]

**Mr. La Salle:** I rise on a point of order, Mr. Speaker.

**The Acting Speaker (Mr. Laniel):** The hon. member for Joliette on a point of order.

**Mr. La Salle:** Mr. Speaker, I realize there are some problems as to whether an hon. member of the opposition or a government member should be recognized. In order