

# WSDB 398

# Library Workshop

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Library workshop coursepage

<http://bit.ly/WSDB398>

# Agenda

- 1) The legislative process in Canada
- 2) Hansard & Standing Committees
- 3) Special Joint Committee on the Constitution (SJC)

A note on sensitive subjects and language....

# The legislative process in Canada

A bill (formal legislative proposal) must pass through a number of very specific stages in the House of Commons and the Senate before it becomes law. In parliamentary terminology, these stages make up what is called “the legislative process”.

The passage of a bill by the House of Commons and the Senate is effectively a request that the Crown proclaim its text as the law of the land. Once it has received Royal Assent, it is transformed from a bill into a statute.

Because the process whereby a legislative proposal becomes first a bill, and then a law, takes place in Parliament, the end product—the statute—is often called an “Act of Parliament”.

[https://www.ourcommons.ca/About/ProcedureAndPractice3rdEdition/ch\\_16-e.html](https://www.ourcommons.ca/About/ProcedureAndPractice3rdEdition/ch_16-e.html)

# Legislative process

## The Structure of Parliament

There are three parts of Parliament, which all work together to create new laws:



### The Monarch

Head of State

represented in Canada by the  
Governor General



### The Senate

Upper Chamber

appointed

105 seats

represents Canada by region



### The House of Commons

Lower Chamber

elected

338 seats

represents Canada by population

# Legislative process

**Step 1, First Reading:** A bill (proposed law) is introduced in either the House of Commons or the Senate.

This is the 'First Reading' of the bill and also represents the first time the bill is printed and made available publically.

It is assigned a bill number. There is no discussion of the bill at this stage.



Published Documents

Bills originating in the House are labelled with the letter 'C', government/public bills, sponsored by Ministers of the Government are numbered C-1 to C-200. Private Members bills, sponsored by a private member or MP and deal with public policy are numbered C-201 to C-1000.

Senate government/public bills are numbered S-1 to S-200, are sponsored by the government, but first introduced in the Senate. Private Senator Public bills, numbered S-201 to S-1000 are sponsored by a private senator and deal with public policy.

Bills are published on LEGISinfo, historically bills were also published in the Journals, the official record of decisions and other transactions of the House

# Legislative process

## Step 2, Second reading:

Parliamentarians (MPs in the House or senators in the Senate), debate on the bill and vote to decide whether it should be studied further.

This is known as the 'Second reading.'



Published Documents

The debates are recorded in the Hansard, which is available online, and contain everything that is said, verbatim in the House or Senate chamber.

Historical Hansard debates are also available, online.



# Legislative process

**Step 3, Committee stage:** If the bill passes debate, it is then referred to a Standing Committee who studies it in depth and may suggest changes. There may be Witness hearings.

Standing Committees are permanent and review matters under their jurisdiction. Special and select committees are appointed on a temporary basis, to examine specific bills in detail. Joint committees are composed of members of the House and Senate.



Published Documents

Committee Minutes are a brief synopsis of proceedings. Evidence consists of a verbatim transcript of public meetings, including witness testimony.

Final Reports are presented to the House and most often appear in Committee proceedings or associated monographs.

They may also appear in House Journals, Debates, Votes and Proceedings and Parliamentary Sessional Papers.

# Legislative process

## **Step 4, Report stage:**

The bill returns to the chamber where it originated, either the House or the Senate, for a final debate and vote. This is known as the 'Report stage'.



Published Documents

The debates are recorded in the Hansard, which is available online, and contain everything that is said, verbatim in the House or Senate chamber.

Historical Hansard debates are also available online.

# Legislative process

**Step 5, Third reading:** If the bill passes the vote, it goes to the other chamber, where it goes through the same process as it did in the first chamber.



Published Documents

Committee Minutes are a brief synopsis of proceedings. Evidence contains a verbatim transcript of public meetings and includes witness testimony. Final reports are presented to the Senate and most often appear in Committee proceedings. They also appear in Senate Journals, Debates and Minutes of Proceedings and parliamentary sessional papers.

What is said in the Senate chamber is published in the Debates of the Senate of Canada (Hansard)

# Legislative process

**Step 6, Royal Assent:**  
Once the bill has been passed by both chambers in identical form, it goes to the Governor General for Royal Assent, comes into force and becomes Canadian law.



Published Documents

When a bill successfully passes through the legislative process and receives Royal Assent, it becomes an Act. Public General Acts are of a general public nature. Local and Private Acts concern matters relating to specific persons or matters.

Each Act is assigned a chapter number coupled with the name of the reigning sovereign and the regnal year(s) of the session, (eg. 40-41-42 Elizabeth II, c.44). In bound form, these Acts are commonly known as Statutes.

The most recent Public Acts and their enactment proclamations are available in the Canada Gazette, Part III.

The Canada Gazette is the official news bulletin of the Government of Canada. It includes new statutes and regulation, proposed regulations, decisions of administrative boards, and notices, as required by Statute.

# Indian Act

The *Indian Act* is the principal statute through which the federal government administers Indian status, local First Nations governments and the management of reserve land and communal monies.

It was first introduced in 1876 as a consolidation of previous colonial ordinances that aimed to eradicate First Nations culture in favour of assimilation into Euro-Canadian society.

The Act has been amended several times, most significantly in 1951 and 1985...

[\(Canadian Encyclopedia – Indian Act\)](#)

# Indian Act - 1951

Between 1946 and 1948, a special joint committee of the Senate and House of Commons examined the operation of the Indian Act and Indian administration. Witnesses were called, including government officials, select native groups, and interested parties.

From 1948 to 1950, government officials considered the special joint committee's proposals and rejected most of them: the federal vote, the claims commission, and the notion of Indian band constitutions and incorporation. In June 1950, revised Indian Act legislation was presented to the House of Commons. It was soon withdrawn because Indigenous people and their supporters claimed they had not been formally consulted.

A revised bill was reintroduced in the fall of 1950 and was reviewed by select Indigenous leaders in a five-day session in Ottawa in the winter of 1951. A new Indian Act, the one currently in force, was proclaimed in September 1951.

(STANDING COMMITTEE ON ABORIGINAL AFFAIRS, NORTHERN DEVELOPMENT AND NATURAL RESOURCES – COMMITTEE EVIDENCE, 37<sup>TH</sup> PARL, 1<sup>ST</sup> SESSION, 2002)

# Standing Committees

In Canada, a **standing committee** is a permanent committee established by Standing Orders of the House of Commons or the Senate.

It may study matters referred to it by special order or, within its area of responsibility in the Standing Orders, may undertake studies on its own initiative.

The Standing Committee on Indigenous and Northern Affairs ([INAN](#)) was established by the then new Department of [Indian Affairs and Northern Development](#), in 1968.

The Committee may study any issue of the Department's management and operation, as well as any legislation, programs or policy areas. The mandate of the Standing Committee on Indigenous and Northern Affairs includes all areas covered by the Department of Indigenous Services and Department of Crown-Indigenous Relations and Northern Affairs. The Committee can study any aspect of the management and operation of the two departments, as well as legislation, programs or policy areas administered by them. The Standing Committee on Indigenous and Northern Affairs reviews, examines and reports on issues affecting First Nations, Inuit and Métis peoples and northerners.

# Committee work

The role of the committee is to consider a bill clause by clause, and if necessary, word by word, and to approve the text or to modify it.

The committee has the power to modify the provisions of a bill to the extent that when it is reported to the House it may be completely different in substance from the bill referred to the committee.

Members examine the clauses of a bill in detail. It is at this stage that they have their first opportunity to propose amendments to its text. It is also at this stage that witnesses may be invited to present their views and to answer Members' questions. A bill is referred to a standing, special or legislative committee for consideration, normally *after* second reading in the House, but sometimes *before* second reading.

During consideration of a bill, a committee may receive clarification from the House of its order of reference. Such "instructions" from the House may extend the committee's mandate by giving it additional powers. ([House of Commons, Procedure and Practice, 2017](#))



# Committee work - Witnesses

A committee to which a bill is referred usually chooses to hold public hearings. Its steering committee (referred to as the subcommittee on agenda and procedure), or the whole committee...may discuss a timetable for meetings and compile a list of witnesses whom the members wish to invite to appear.

A steering committee will usually present its recommendations to the whole committee in the form of a report. The committee may then adopt the report with or without amendments.

For example: 2013 Standing Committee on Aboriginal Affairs and Northern Development, **Bill C-428, An Act to amend the Indian Act (publication of by-laws) and to provide for its replacement: Witness** – Betty Ann Lavallée, National Chief, Congress of Aboriginal Peoples: <https://www.ourcommons.ca/DocumentViewer/en/41-1/AANO/meeting-65/evidence#Int-7939775>

# Special Joint Committees

Special joint committees are established by orders of reference from both chambers to deal with matters of great public importance.

The chamber that wishes to initiate a special joint committee first adopts a motion to establish it and includes a provision inviting the other chamber to participate in the proposed committee's work.

A special joint committee ceases to exist when it has presented its final report to both the House and the Senate, or at [prorogation](#) or dissolution.

The mandate of a special joint committee is outlined in its order of reference. Special joint committees have been appointed to deal with such issues as child custody, foreign policy and the creation of a code of conduct for Members and Senators. They have also been struck to deal with legislation, by being empowered either to prepare a bill or to study a bill following second reading. ([Compendium of Procedure](#))

## ORDERS OF REFERENCE OF THE HOUSE OF COMMONS

## HOUSE OF COMMONS

MONDAY, 13th May, 1946.

*Resolved*,—That a joint committee of the Senate and House of Commons be appointed to examine and consider the Indian Act, Chapter 98, R.S.C., 1927, and amendments thereto and to suggest such amendments as they deem advisable, with authority to investigate and report upon Indian administration in general and, in particular, the following matters:

1. Treaty rights and obligations.
2. Band membership.
3. Liability of Indians to pay taxes.
4. Enfranchisement of Indians both voluntary and involuntary.
5. Eligibility of Indians to vote at dominion elections.
6. The encroachment of white persons on Indian Reserves.
7. The operation of Indian Day and Residential Schools.
8. And any other matter or thing pertaining to the social and economic status of Indians and their advancement, which, in the opinion of such a committee should be incorporated in the revised Act.

That the following members be appointed to act on behalf of the House of Commons on the said joint committee, namely Messrs. Arsenault, Blackmore, Brown, Brunelle, Bryce, Case, Castleden, Charlton, Farquhar, Gariépy, Gibson (*Comox-Alberni*), Glen, Harkness, Little, MacNicol, MacLean, Matthews (*Brandon*), Raymond (*Wright*), Reid, Richard (*Gloucester*), Stanfield, Stirling.

That a message be sent to the Senate requesting their Honours to appoint Senators to act as members of the Senate on the said special joint committee.

That the said committee have power to appoint from its members such sub-committees as may be deemed advisable or necessary to deal with specific phases of the problem aforesaid with power to call for persons, papers and records, to examine witnesses under oath and to print such materials from day to day as may be ordered by the committee for the use of the committee and members of the House of Commons and the Senate.

That the said committee shall report from time to time and that the provisions of Standing Order 65 limiting the number of members on special committees be suspended in relation thereto and that a message be sent to the Senate to acquaint their Honours therewith.

WEDNESDAY, 29th May, 1946.

*Ordered*: That the quorum of the said Committee be reduced to nine members.

*Ordered*: That the said Committee be granted leave to sit while the House is sitting.

Attest.

ARTHUR BEAUCHESNE,  
*Clerk of the House.*

## ORDERS OF REFERENCE OF THE SENATE

## THE SENATE

THURSDAY, 16th May, 1946.

*Ordered*, That the Senate do unite with the House of Commons in the appointment of a joint committee of both Houses to examine and consider the Indian Act, Chapter 98, R.S.C., 1927, and amendments thereto, and to suggest such amendments as they may deem advisable, with authority to investigate and report upon Indian administration in general and, in particular, the following matters:

1. Treaty rights and obligations.
2. Band membership.
3. Liability of Indians to pay taxes.
4. Enfranchisement of Indians both voluntary and involuntary.
5. Eligibility of Indians to vote at dominion elections.
6. The encroachment of white persons on Indian Reserves.
7. The operation of Indian Day and Residential Schools.
8. And any other matter or thing pertaining to the social and economic status of Indians and their advancement, which, in the opinion of such a committee, should be incorporated in the revised Act.

That the following Senators be appointed to act on behalf of the Senate on the said joint committee, namely, the Honourable Senators: Blais, Dupuis, Fallis, Ferland, Horner, Johnston, Jones, Macdonald (*Cardigan*), MacLennan, Nicol, Paterson and Taylor.

That the said committee have power to appoint from its members such sub-committees as may be deemed advisable or necessary to deal with specific phases of the problem aforesaid, with power to call for persons, papers and records, to examine witnesses under oath and to print such materials from day to day as may be ordered by the committee for the use of the committee and members of the Senate and the House of Commons.

That a Message be sent to the House of Commons to inform that House accordingly.

TUESDAY, 28th May, 1946.

*Ordered*: That the quorum of the Senate Section of the Joint Committee be reduced to two members.

*Ordered*: That authority be granted to the Senate Section of the Joint Committee to sit during sittings and adjournments of the Senate.

WEDNESDAY, 29th May, 1946.

*Ordered*: That the name of the Honourable Senator Stevenson be substituted for that of the Honourable Senator Paterson on the Senate Section of the Joint Committee appointed to examine and consider the Indian Act.

Attest.

L. C. MOYER,  
*Clerk of the Senate.*



SESSION 1947



SPECIAL JOINT COMMITTEE OF THE SENATE  
AND THE HOUSE OF COMMONS

APPOINTED TO CONTINUE AND COMPLETE THE EXAMINATION  
AND CONSIDERATION OF THE

INDIAN ACT

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 33

THURSDAY, JUNE 12, 1947

WITNESSES:

Chief Councillor Mike T. Montour, Mohawk Band, Caughnawaga, Quebec;  
Matthew Lazare, Jr., spokesman for Hereditary Chiefs, Caughnawaga;  
Chief Michel Penetouche, Low Bush, Ontario, Abitibi Agency, Quebec;  
Chief Paul Rock, Bersimis, Quebec;  
Mr. L. E. Beauvais, Caughnawaga Reserve, Quebec;  
Mr. F. McD. Jacobs, Caughnawaga Reserve, Quebec;  
Mr. George A. Cree, Montreal, Quebec, for Lake of Two Mountains, Quebec;  
**Mr. James Montour, Oka, Quebec;**  
Chief Charles Nolette, Pierreville, Quebec;  
Chief Clifford White, St. Regis Reserve, Quebec;  
Messrs. Joe Mitchell and Moses Thompson, St. Regis Reserve;  
Mr. Charles Canadian, for Caughnawaga Taxi Association.

Mr. James Montour,  
Oka, Quebec

Mr. MONTOUR: My understanding it is the Six Nations Confederacy.

The CHAIRMAN: Then we have heard from them, when the Six Nations reserve was here.

Mr. CASTLEDEN: But these gentlemen are from Oka.

The CHAIRMAN: It is all the same confederacy, it is the Six Nations confederacy.

Mr. CASTLEDEN: The others were from Brantford.

The CHAIRMAN: Well Mr. Montour, have you got something you would like to say or have you a brief.

James Montour called: 

By the Chairman:

Q. Would you read your brief please?—A. I will read it, or perhaps you would.

Q. I would be glad to read it for you. There seems to be two briefs here.

Mr. LICKERS: This one is in connection with the claim on Montreal Island.

The CHAIRMAN: There are two briefs. Would it be in order to file one of these and print it in full in to-day records of this committee (see Appendix GD) and then I will read this short one for you.

The purpose of our brief is to recover our reserve of Lake or Two Mountains accorded by His Majesty's Royal Proclamation of 1763.

Our reserve has been disturbed, and all sorts of illegal proceedings have taken place, happenings of all kinds befell the Indians so that the Indians did not progress. The law that was made for the inhabitant was pressed to the natives. The hunting grounds for the Indians were sold, and not by the Indians, but unknown to them the sales and losses of the Indians were all illegal and most unjust.

The case of the reserve of Lake of Two Mountains in 1910 passed through Montreal. The documents of said case were sent to England in 1912. Some were returned to Canada Privy Council of the dominion. The dominion was to settle said case for the Six Nations Indians of Lake of Two Mountains with justice. Therefore it is now the requirement of the Six Nations band to have the reserve redeemed according to the surveyance of His Majesty. Furthermore all destruction should be recompensed. Following the justification and settlement for the confederacy of the Six Nation to be in full justice, and the documents of the Six Nations of 1784 should be reinforced in full. It also means 1763 and 1766.

In 1913, the right of Six Nation of the reserve of Lake of Two Mountains was given in to the hands of Deputy superintendent Duncan C. Scott, through Mr. Rowell and Chief Angus Corenthé receiving same from England and it was the request of Chief Angus Corenthé to receive same but was not granted. So it went in the hands of Duncan C. Scott, Deputy Superintendent, and the benefit for the Six Nations was then lost thereon.

Since 1841 we have been slaves.

We want to reject the book of the Indian Act. It does not prove beneficial. We want the right of the Six Nation of His Majesty's Proclamation 1763 to stand in our reserve.

Saying reserve brings to mind.—There are four leagues of reserve in Montreal that we have never been paid for. We, as Six Nation, applied to the Indian Department in 1936 to assist in securing settlement and

nothing was done for us. We also went to the Governor General but were met by his assistant at that time and were advised to go to the deputy minister and it is our last hope.

We fully expect proper understanding and a just legal settlement. We ask you once more in all judgment not to weaken the right of the Six Nation Confederacy of the Lake of Two Mountains, Province of Quebec, Canada.

Yours truly,

JAMES MONTOUR.

June 10, 1947.

I have here also the judgment referred to, which went to the Privy Council in a letter addressed to George A. Cree under date of February 3, 1937. That letter is addressed to you Mr. Cree.

Mr. CREE: Yes, sir.

The CHAIRMAN: It is written by W. O. Rowell and it is headed as though it was from the Chief Justice of the Supreme Court of Ontario. If it is agreeable I will have that filed and it will become part of the record.

Mr. CASTLEDEN: Can we have it read?

The CHAIRMAN: It cites from a judgment of the Imperial Privy Council.

Mr. CASTLEDEN: What is the point of it?

The CHAIRMAN: I have not read it, I do not know. It will be on the record so that we will have a full and complete picture.

Mr. CASTLEDEN: We may have it two weeks from now but we cannot question this man at present.

Mr. CASE: It does seem somewhat unusual if we are going to question the judgment of a Supreme Court Judge.

The CHAIRMAN: Mr. Castleden's point is that we should know what is in it.

Mr. CASTLEDEN: I want to know whether the judgment has been fulfilled.

The CHAIRMAN: You want to know what is in the judgment. This is the letter addressed to Geo A. Cree, and I will read it:—

OSGOODE HALL,

Toronto, 2,

February 3, 1937.



## APPENDIX GD

LAKE OF TWO MOUNTAINS,  
October 24, 1946.

To the Honourable Senators and Members of Joint Committee,—

We the Iroquois tribe of the Lake of Two Mountains Indian Reserve, members of the Six Nations Confederacy, assembled at a meeting to discuss and consider the merits of the eight (8) point questionnaire as requested by the Joint Committee.

We have faithfully discussed and considered the said eight points as requested of us.

And the following are our views as passed in Council with the consent of our tribes and bands.

We hereby resolve not to subject to amendments to the Indian Act.

As we are resolved to abolish the Indian Act, by virtue of our ancient treaties; that by virtue of our treaty rights Indians of the Six Nations are not liable to any federal or provincial laws within their territories; that by virtue of our treaty rights Indians of the Six Nations are not liable for payment of taxes either to the Dominion or provincial governments.

That by virtue of our treaty rights we demand of the Canadian Government the recognition and the respect of our sovereign rights and privileges as a Nation. We do not wish to become enfranchised. In dealing with these treaties, between Great Britain (and the Indians) and the United States (and the Indians) both Great Britain and the United States have confessed that the Six Nations were independent people.

The Supreme Courts of both countries furthermore recognized those treaties as inviolable. In the Life of Sir Frederick Haldimand, Volume 3, page 356, the question of the sovereignty of the Indians was very embarrassing in that it would have been impossible on any theory of the laws of nations for Great Britain or the United States to establish any prerogative in themselves to enforce the laws of the white man upon the owners of the country in dealing with the Jay Treaty of Amity. Mallory, p. 590 in 1791 said the rights of the Indian were recognized. Moreover the language used (in that Treaty) treated those tribes as being outside the circle of British subjects in relation of citizenship and sovereignty. To make this admission still stronger that article was amplified by the amendment of 1796 (Mallory, p. 607) which provided that no treaty made or to be made by either party with another nation or with any other Indian tribe should be construed to deny those tribal rights.

We do not approve and never will approve of the Indian Act by virtue of the respective treaties enumerated herein:

Treaty of Peace and Friendship, 1784, in this treaty it will be found Indians are not citizens, but Nations;

Treaty of 1759 and 1791, King George the Third is the absolute protector of Indians and absolutely forbade the purchase or molestation of Indians;

Treaty of 1763, forbids the encroachment of white persons on Indian reserves;

Treaty of 1794, confirms the sovereignty of the Six Nations;

As regards schools, we would derive more benefit from day schools, if we are provided with good teachers.

As to the eight (8) points:

To our advancement, all government aid should be free to the Indians. It should not collect the value of what is distributed among the Indians as it is or has been going on in recent years. Indians are not in a state to be able to repay (the Government) for cattle, horses, farm machinery.

As to health: We think we should have a good lively doctor. As far as the doctor who looks after the Lake of the Two Mountains, he is of an age when he should be retired.

Speaking of housing: some of our houses are in terrible shape, some require a lot of repairing and many need new houses, as the houses they are living in are old houses which should be condemned.

As to agriculture: there are some with small land and some with none at all. Some wish to go into agriculture. There's a large tract of land which was granted once to the Indians and the Seminary of Montreal have taken these lands away from us Indians hundred years ago, or little more.

As to the expense of our delegates: We would suggest that the government pay the expense of attending before the Joint Committee, as we do not know just what it would cost nor how long we would be there.

We will now bring our brief before you.

The Indians of Lake of Two Mountains have suffered something serious. Since the Act of 1841 was decreed, it has taken our reserve from us without the consent of our Indians. That was not the intention of the Crown, but those acting in authority for the Crown are responsible for it.

Since that time and to the present date, we have been forbidden the enjoyment of our reserve.

Before the Act of 1881 was passed the Indians looked very much to the terms of 1760 and also 1763, also to a judgment of the Superior Court, October 5, 1722, regulating boundary lines between the Seignory of Lake of Two Mountains and that of Madame D'Argenteuil. (See Ordonnances des Intendants, Arrêts et reglements du Conseil Superieure de Quebec, Vol. I, p. 189, Canadian Archives).

With regard to the Act of 1841, it was formed from nothing. The Indians were entirely ignored by that Statute. It did not comply with the terms of the Treaty of 1763 wherein it says we do with the advice of the Privy Council strictly enjoin and required no private person to presume to make any purchase from the said Indians of any lands reserved to the said Indians within those parts of our Colonies where we have thought proper to allow settlements. Further, that if at any time any of the said Indians should be inclined to dispose of the said lands the same shall be purchased only for us in our name at some public meeting or assembly of the said Indians to be held for that purpose by the Governor or Commander in Chief of our colony respectively in which they shall lie.

The Sulpician Order have abused the Act of 1841. They were placed as trustees by the Judgment of the Superior Court, King's Bench, and also the Privy Council.

The Seminary in recent years has made a good sale of the property a good portion of which the Indians have been using as common land for the pasturing of their cattle, horses, or as wood lots.

So to-day our Indians are without common lands or wood lots.

We ask the Government to abolish the Act of 1881 that the Seignory of the Lake of Two Mountains was never alienated to the Seminary and Oka is the only one where any property has been left.

We are in a position to appeal confidently to the Government of Canada for complete justice and respect of our sovereignty and rights.

We also ask that the Grand Chiefs at the Lake of Two Mountains be granted a commission like the commission that was granted May 1, 1830, in the name of Charles Tharye, Baptist Arienarison, Grand Chief A. Laplace, D. Clark Tharye, by His Excellency's Command, Sir James Kempt.

Lest we forget now and forever that in Europe and Pacific battlefields the flowers bloom between the crosses, row on row, and in other places, lie many of our Indian braves.

They went through the stench of hell fire, met the onslaught of ingenious instruments of modern warfare, the insidiousness of poison gas and other diabolical weapons of death. They lie in honoured death that the British flag may never fall, the sun never set on the British Empire, so that Britannia rules the waves and that the escutcheon of the House of Windsor be not desecrated, but do blaze as always in its splendid glory, for the honour and respect of the laws and sovereignty of the British Commonwealth.

Also that some day their laws and rights and sovereignty of their own people might be honoured and respected.

We therefore beg and pray that all our treaties be maintained and recognized by Great Britain and her commonwealth and that our rights as a sovereign nation be taken into serious consideration, and we refer most particularly to Northwest Angle Treaty, 1873; Imperial Proclamation, December 22, 1766; Royal Proclamation, October 7, 1763; and the previously mentioned judgment of the Superior Court, October 5, 1722 and 1794-95.

*Postscript*

One incident that is omitted in our above brief which is very important is this: Our forefathers originally came from Montreal which was Mont Royal, and we have never been paid for the lease. We think that if justice is going to be practised for us, we should be paid in full for the use of our lands.

INDIAN ACT

1797

(2) One of our chiefs asked for the deed of our Seignory. Mr. Rowell, who was chairman for our affairs said that if the Chief would go to Ottawa that he, Mr. Rowell would meet him and in the presence of Mr. Scott, who was Superintendent of Indian Affairs. When they did meet there, Mr. Scott refused to let the Chief have the deed. And therefore Mr. Rowell had to leave it in his charge. That is why we can not get the deed for our seignory.

The undersigned delegate appointed by the Chiefs.

(Sgd.) JAMES MONTOUR.



# Special Joint Committee on the Constitution (SJC)

The Special Joint Committee on the Constitution (1980-81) solicited feedback from Canadians about the government's proposal to patriate the Constitution and entrench a Charter of Rights and Freedoms. The committee heard from over nine hundred individuals and organizations, many of whom had a direct impact on the final draft of the constitutional proposal.

In the wake of Quebec's referendum on sovereignty-association in 1980, Prime Minister Trudeau committed his government to [patriating](#) the *British North America Act* and entrenching human rights in the constitution. The government established a special joint committee of the House of Commons and the Senate to receive submissions from the public.

The committee had twenty-five members (ten from the Senate and fifteen from the House of Commons). Fifteen were Liberals, eight were Progressive Conservatives, and two were New Democrats.

What began as a thirty-day session of hearings turned into a three-month consultation in which 914 individuals and groups submitted briefs, and 214 groups made an oral presentation before the committee. ([Canada's Human Rights History – SJC](#))



# Using the online SJC

1. Go to the Collection: Special Joint Committee on the Constitution of Canada (1980-1981) webpage and click on the Index.

## COLLECTION: SPECIAL JOINT COMMITTEE ON THE CONSTITUTION OF CANADA (1980-1981)

2018-05-15 LEAVE A COMMENT

### Special Joint Committee of the Senate and House of Commons on the Constitution (1980-1981)

RESPECTING: The document entitled "Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada" published by the Government on October 2, 1980

Joint Chairmen: Senator Harry Hays, P.C. & Serge Joyal, M.P.

[Index](#)

**November, 1980 (Issues 1-15)**

[Show issues 1-15 \(November, 1980\)](#)

**December, 1980 (Issues 16-30)**

[Show issues 16-30 \(December, 1980\)](#)

2. "Click here to view the original document (PDF)" to get into the Index

### Document Information

**Date:** 1981-02-13

**By:** Canada (Parliament)

**Citation:** *Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and of the House of Commons on the Constitution of Canada*, 32nd Parl, 1st Sess, Index (13 February 1981).

**Other formats:** [Click here to view the original document \(PDF\)](#).

3. Use Ctrl+F to search for the name of your organization, or follow the alphabetical order of the Index, to find your organization.

primarydocuments.ca/wp-content/uploads/1981/02/SpecJointComConstitutionIndexFr1981Feb13-1...

Federation of Saskatchewan 3/5

Note: See page 1 for Dates and Issues

38 CONSTITUTION OF CANADA

**Organizations/individuals appearing and briefs...—Cont.**

- Coalition of Provincial Organizations for the Handicapped, 12:26-44
- Cohen, Mr. Max, 34:56-100
- Commissioner of Official Languages, 6:10-47
- Council for Yukon Indians, 18:7-38
- Council of National Ethnocultural Organizations of Canada, 22:73-102
- Council of Quebec Minorities, 8:30-53
- Denominational Education Committees of Newfoundland, 35:50-77; 35A:1-18
- Federation of Canadian Municipalities, 9:7-25
- Federation of Independent Schools in Canada, 29:66-78
- Federation of Saskatchewan Indians, 29:93-122; 29A:19-26; 31:57-95
- German-Canadian Committee on the Constitution, 26:36-58
- Indian Association of Alberta, 29:93-122; 31:57-95
- Indian Rights for Indian Women, 17:83-103
- Inuit Committee on National Issues, 16:4-30; 17:7-24; 17A:1-3
- La Fédération des Francophones Hors Québec Inc., 13:26-52
- La Forest, Professor Gérard V., 34:6-31, 34-7, 40-55
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- Parole Board, 47:67-8
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- Paterson, Mr. Alex (Co-Chairman, Positive Action Committee) Constitution of Canada, 7:51-5, 59-64, 75-9
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## **Federation of Canadian Municipalities**

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## **Federation of Independent Schools in Canada, *see***

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**Federation of Saskatchewan Indians, *see* Organizations/individuals appearing and briefs submitted**

## **Federorowicz, Dr. Jan (Canadian Polish Congress)**

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## **Organizations/individuals appearing and briefs...—*Cont.***

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Cohen, Mr. Max, 34:56-100

Commissioner of Official Languages, 6:10-47

Council for Yukon Indians, 18:7-38

Council of National Ethnocultural Organizations of Canada, 22:73-102

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German-Canadian Committee on the Constitution, 26:36-58	Pa
Indian Association of Alberta, 29:93-122; 31:57-95	
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4. Once you have located the name of your organization, note all the Issues of SJC and that the organization appears in. Also note the page ranges, there may be multiple Issues and page ranges.

## How to read an entry:

Issue : Page range in issue

**29: 93-122** = Issue 29 : Pages 93 to 122

**31: 57-95** = Issue 31 : Pages 57 to 95

# Using the online SJC

5. Go back to the Collection: Special Joint Committee on the Constitution of Canada (1980-1981) homepage, find the correct link for the Issue(s) you need

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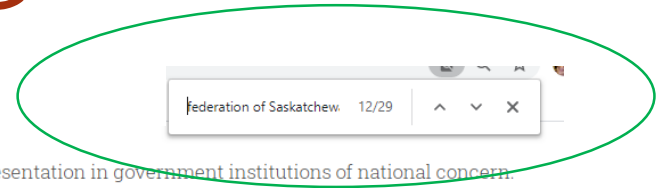
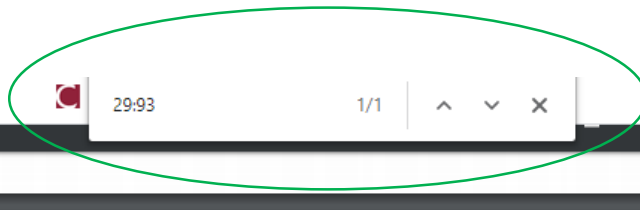
Issue 38 (January 15, 1981)

Issue 39 (January 16, 1981)



# Using the online SJC

6. Once you have clicked on the Issue(s) you need, use the Ctrl + F feature to locate the page numbers and/or name of the organization within the webpage or PDF of the SJC



[Text]  
gram, in a voluntary program for people who come in off the street and are looking for housing, jobs, food, the contribution they are making to the youth of the community through programs in which the youth use their property without charge, and voluntary leadership is provided—if you were to add up the total cost of all that contribution, if the city were to provide that, I am sure, without having gone into the calculations with a computer, that you would come to a figure much higher than the bill for taxes if the community were to provide the services which the church now provides.

So, on balance, I do not think the church, if that scheme were worked out would have any fear on this sort of proposal.

**Senator Phillips:** Before proceeding, I have one brief question. I can either put it now or later on.

I was more interested in how the church would react if, under the bill of rights, someone said they did not have to pay taxes to the municipality because the church was not paying municipal taxes. May I have an answer to that question, please?

**Mr. MacDonald:** The question has never come up in that precise form; but building on the answer I have given you previously, this person would have to convince the church of the validity of the illustration which I used.

**Senator Phillips:** No, it is the church which would have to convince the court

[Translation]  
gens qui cherchent un logement, un emploi, qui ont besoin de se nourrir; elle organise des activités à l'intention des jeunes, qui peuvent se servir gratuitement de ses locaux, et si l'on calculait le total de ces contributions, en supposant que la ville doive fournir ces mêmes services, je suis sûr qu'on aboutirait à un chiffre nettement supérieur aux impôts; et l'on n'a pas besoin d'un ordinateur pour s'en rendre compte.

L'un dans l'autre, je ne crois donc pas que l'Église ait à redouter quoi que ce soit d'une proposition de ce genre.

**Le sénateur Phillips:** Avant de poursuivre, je voudrais poser une brève question. Je veux aussi attendre pour la poser.

Ce qui m'intéresse davantage, c'est de savoir comment réagirait l'Église si, en s'appuyant sur la charte des droits, quelqu'un refusait de payer des taxes à la municipalité, sous prétexte que l'Église n'en paie pas. Pouvez-vous répondre à cette question, s'il vous plaît?

**M. MacDonald:** Jamais la question ne s'est posée sous une forme aussi précise; mais à partir de la réponse que je vous ai donnée antérieurement, je peux dire que cette personne devrait convaincre l'Église de la validité de l'exemple que j'ai cité.

**Le sénateur Phillips:** Non, c'est l'Église qui devrait convaincre le tribunal

Provide for direct Indian participation and representation in government institutions of national concern.

The next one: provide for participation by the Indian people, on the same full legal and voting basis as "citizens Plus", in any resumed constituent process directed towards the elaboration and adopting of a new or renewed Canadian federal system.

The following propositions are respectfully submitted for the consideration of the members of the Special Joint Committee.

Thank you, Mr. Chairman.

**The Joint Chairman (Mr. Joyal):** Thank you very much, President Steinhauer.

I understand that completes the presentation that the Indian Association of Alberta want to make at this point to hon. members of this Committee.

If agreed, I would like now to invite Mr. Sanderson, the Chief of **Federation of Saskatchewan Indians** to come to the table.

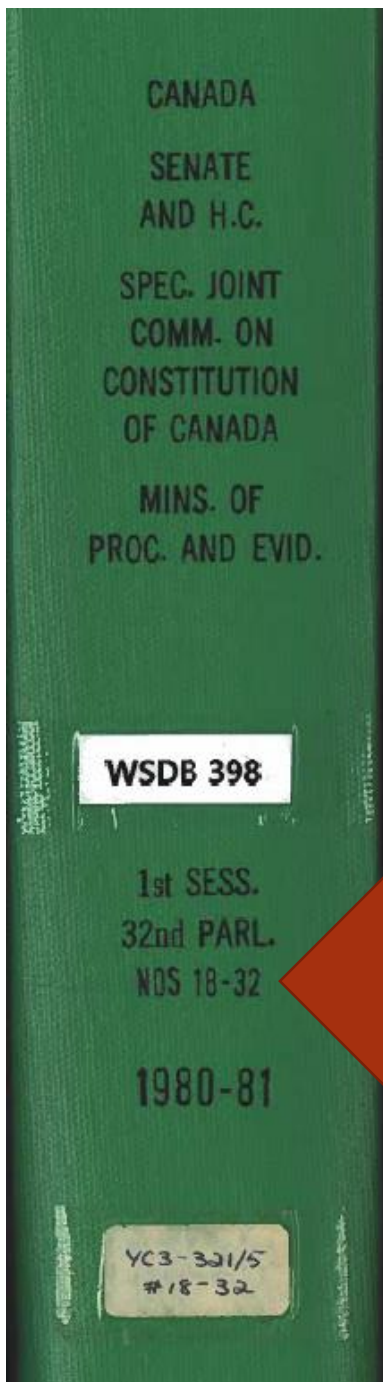
It is my pleasure to welcome on behalf of hon. members of this Committee Mr. Sanderson, Chief of the **Federation of Saskatchewan Indians**.

Mr. Sanderson, I would like you to first introduce the members of your delegation and then to proceed with your statement. After that we can have discussions and an exchange

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of comment and questions between you and hon. members of this Committee.

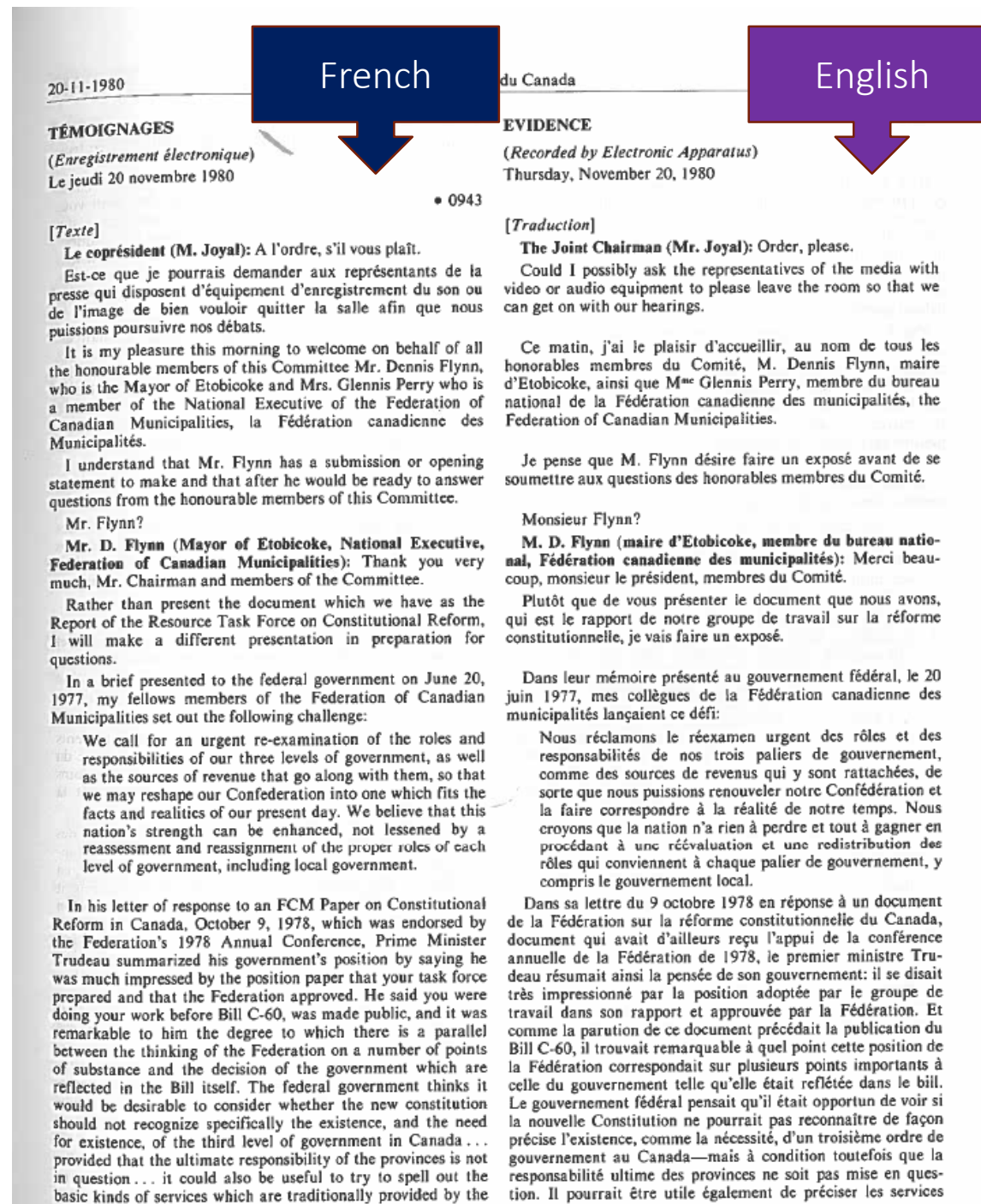
**Chief Saul Sanderson (Chief of Federation of Saskatchewan Indians):** Thank you, Mr. Chairman.



Reading the  
Evidence  
(testimony)

All pages in every  
Issue of the SJC,  
are divided into  
parallel French  
and English  
columns

Issue(s) No.  
29 & 31 will  
be in this  
print volume  
of the SJC.



# Briefing Notes and Submissions to SJC

## Briefing Note

- Prepared by Research staff at the Library of Parliament
- About Witnesses/Organizations that appeared before the SJC
- Gives an overview of the witness organization and a brief summary of their position and testimony
  - 2-5 pages in length

## Submissions/ Organization Briefs

- Prepared by Witnesses/Organizations
- Submitted and presented to the SJC
- Gives the organization's position and reflects what factors they want considered in the patriation the Constitution and entrenchment of a Charter of Rights and Freedom



# Briefing Notes and Submissions to SJC

Canada's HUMAN RIGHTS HISTORY

HOME HISTORY ENCYCLOPAEDIA ARCHIVES RESOURCES NEWS ABOUT STATE FUNDING CONTACT

## Special Joint Committee on the Constitution

HOME > ARCHIVES > SPECIAL JOINT COMMITTEE ON THE CONSTITUTION

### Site Resources

- Archives
- Readings
- Historians
- External Resources

### Further Reading

... available on this site deal with a ... from human rights to biographies and ...

### Writing Website

... material or referencing content ... from HistoryOfRights.ca should be acknowledged by the User and cited as follows:  
- Clément, Dominique. "page title or document title"

Scroll down

## Statistics

The Library and Archives Canada collection for the special joint committee includes a statistical summary. It lists the presentations before the committee (thematically organized in categories such as ethnic, human rights, feminist, race, business, and more), the number of sittings attended by individual MPs and senators, and the issues raised by the presenters: [Statistics on the Special Joint Committee on the Constitution](#).

[Index of all the presentations before the Special Joint Committee on the Constitution](#).

[Briefing Notes \(English\)](#) ←

[Briefing Notes \(French\)](#)

Submissions ←

Aboriginal Peoples Organizations and Bands

Government



# Briefing Notes and Submissions to SJC

federation of saskatchewan | 2/2

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SPECIAL JOINT COMMITTEE ON THE CONSTITUTION

BRIEFING NOTES

WITNESS: Federation of Saskatchewan Indians (FSI)  
Sol Sanderson, Chief of FSI  
Rodney Soonias, counsel  
Delia Opekokew, counsel


DATE OF APPEARANCE: 18 December 1980  
4:30 P.M.

FORM OF SUBMISSION: Book - The First Nations: Indian Government and the Canadian Confederation

SOURCE FOR NOTES: The First Nations, and conversation with Dr. Victor O'Connell, President, Kanata Institute for development and cultural pluralism

BACKGROUND: The FSI represents the registered and treaty Indians of Saskatchewan, who number approximately 50,000, and belong principally to the Dene, Dakota and Cree Nations. The FSI plays a leading role in the organization of educational, economic and governmental structures for its Saskatchewan constituents, and is that province's member in the National Indian Brotherhood.

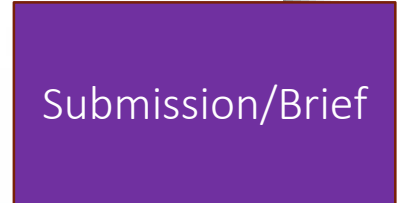
Prepared by: Amos Shlosberg  
Research Branch  
Library of Parliament  
18 December 1980



Briefing Note

Recognition And Entrenchment Of  
Treaty And Aboriginal Rights  
And Indian Government  
Within The  
Canadian Confederation

The Federation of Saskatchewan Indians  
December 1980



# Activity

Choose One Organization:

- Canadian Association of Lesbians and Gay Men
- Protestant School Board of Greater Montreal

Follow the instructions on the worksheet.

# Wrap up

Did you find everything you were looking for?

Were any of the tools particularly difficult to use?

Do you have any questions about the sources?

Thank you!

<http://bit.ly/WSDB398>

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– to book an appointment