

Hon. Mr. HARRIS: There were a number of objections relative to section 28 from the Blackfoot band council, Alberta, who said that permission should not be granted without the consent of the band council. The Sarcee Indian band, Alberta, went further and they said that the consent of a majority of electors of the band should be first obtained. The Indian Association of Alberta "rejected it unanimously as a violation of existing treaties." And the Queen Victoria Treaty Protective Association suggested deleting it entirely.

At the conference there was no objection taken to the section because those who had objected to it in the first instance after discussion thought that it would be all right. They felt that the purpose of it was that protection would be granted for the kind of thing which Mr. Hatfield mentioned, and that it would be in the interests of the Indians. So they agreed to subsection (2) giving the minister permission to grant permits for a year at a time for this type of thing, thereby earning revenue for the band council.

Mr. HATFIELD: Would the damage money go into the possession of the band fund?

Hon. Mr. HARRIS: The money would go to the band fund.

Mr. CHARLTON: What about the individual land holder in that case?

Hon. Mr. HARRIS: It says that if the individual land owner is affected, he would come under the previous section, concerning expropriation of land.

Mr. CHARLTON: Mr. Hatfield has asked about a band being reimbursed for any damage.

Hon. Mr. HARRIS: That would apply to common lands. But there could conceivably be damage to the band itself.

Mr. HATFIELD: Who has the right to sell or lease land on the reserve?

Hon. Mr. HARRIS: There is a later section about that. When an individual Indian has an allotment of land, he may lease it under some conditions with the consent of the minister, and under other conditions with the consent of the band council.

Mr. HATFIELD: What is that again, please?

Hon. Mr. HARRIS: If an Indian has land allotted to him, he can sell it, under some conditions with the consent of the band council, and under other conditions with the consent of the minister.

Mr. HATFIELD: Well, what about land which is held by the reserve?

Hon. Mr. HARRIS: That comes under section 56.

Mr. BLACKMORE: Why does subsection (2) of section 8 not specify that the consent of the band is required?

Hon. Mr. HARRIS: The council of many Indian bands cannot be found for several months of the year. For example, in some cases in your own province they go down to the United States to work during certain seasons; and in other parts they go fishing for quite extended periods of time. Now, if there should be a request for action, at that time it would obviously be in the interest of the band for the minister to be able to give the permission, and that permission could not be renewed. The purpose is that the band council, when it is available, may consider whether or not permission should be renewed for another year.

Mr. BLACKMORE: Would there be any chance for the minister, at the end of the year, to issue another permit for another year and to go on that way almost in perpetuity without obtaining the consent of the band?

Hon. Mr. HARRIS: There is no provision for renewal under subsection (2).

Mr. BLACKMORE: It is just for one year?