

Indian Act

Mr. McDermid: I am not ashamed at all.

Mr. Munro (Hamilton East): I am not talking about my official critic. I am talking about those people who expound with deep sentiment what they feel about this issue within their own Party. They know that there are people within their own Party advocating a Bill which is even stronger than this one.

The Hon. Member for Broadview-Greenwood said that all the organizations were against it. That is right, they are against it but they are against it for different reasons.

Mr. McDermid: That is right.

Mr. Munro (Hamilton East): I agree with my official critic. However, some Hon. Members disagree with him because they do not think the Bill is strong enough. They think that we should be unequivocally forcing them to take up band membership and residency immediately, without any discussion with the bands respecting the rate of flow of people on to the reserve or anything else.

An Hon. Member: That is not right.

Mr. Munro (Hamilton East): Well, I just quoted the statement of the Hon. Member for Kingston and the Islands. Of course there are others who think that there should not be any time limit within which the bands must act and take their non-status people back into the bands, as well as their non-Indian spouses and children. I think the Hon. Member for Notre-Dame-de-Grâce-Lachine East (Mr. Allmand) was one who advocated this. Let me say to these people that I have a legal view which casts considerable doubt on that suggestion. If that were the case and we left it to the bands to determine band membership, indeed it could be struck down by the Charter. If we gave the bands the power to decide band memberships, we can be sure—and this is true—that people would be treated differently from one band to another. Of course they would be. There are 600 or more bands in the country. Since they would be treated in many cases differently from one band to another, and since they would all have lost their membership for the same reason—and all these women lost their membership for that reason—it would be contrary to Section 15 of the Charter.

The Hon. Member for Notre-Dame-de-Grâce-Lachine East wanted to remove the two-year provision. We would have had to strike it down because we have a legal opinion which casts considerable doubt on its validity, based upon the fact that it would be contrary to Section 15 of the Charter.

Perhaps that information will be helpful to Hon. Members. Perhaps I would have been tempted, as others would have been tempted, to extend the deadline or remove it.

Mr. McDermid: That is the only thing that stopped you.

Mr. Munro (Hamilton East): That is right, it is that legal opinion which stopped it. However, those who advocate it here as if it could be done ignore the fundamental reality that it would be contrary to the Charter.

This is the last day on which I will be Minister of this Department. I have had a very enriching experience for over four years dealing with the aboriginal peoples of the country. I have worked, along with my own colleagues in Government, to achieve some notable breakthroughs. Now I am on the floor of the House on a Bill about which I know native peoples will be unhappy. I have had a tremendous association with those native peoples, one which I will remember until the day I die. I do not know how we could meet this situation in a much more constructive way than we have attempted to do. I think their unhappiness is inevitable and justified. I am not entirely sure any government could have turned that unhappiness around. The minute it would try to correct this situation, it would be confounded with dilemmas which are almost unresolvable. In the first place, it did not create the problem, we created it, as the Hon. Member for Athabasca said, when we incorporated that section in the Indian Act. It was offensive and created this discrimination in the first place. At last we are coming to grips with correcting it.

How do we correct such a thing when a blatant injustice has been done to thousands and thousands of people? It is not the fault of the Indian people, but we have to look to them to correct it. We tried our best. The committee tried its best. I congratulate most sincerely everyone on the committee, members of all Parties. Some of them came up to me the day before yesterday and indicated that they thought they had a compromise. They indicated that if I could get my colleagues in Cabinet to approve these amendments and to agree to the essential elements of this compromise, they thought they had all-Party agreement to proceed. Despite all the unhappiness of the organizations, unhappiness for very different reasons, they were prepared to grab the mettle, show some courage in a troublesome situation and have all-Party support. I think most of the Members will agree with this. I came back with what I think the committee felt was pretty well an endorsement by Cabinet of all the elements of the package which were in that compromise except one. That was the one where we said that we could not go back for reinstatement past the people who lost their status plus one generation. We could not go beyond that. It would double the number of those qualified from 70,000 to about 140,000.

● (1500)

We heard what the Hon. Member for Athabasca said about the potential of 70,000 Indians coming back on the reserves. How would Members like it if we had a further amendment to reinstate up to 14,000 Indians? Talk about the devastation that might have been created for some bands in the country! Of course we could not go for that. For that reason, to say nothing about the horrendous expense of people coming back on the reserves who have virtually no connection whatsoever with the Indian reserves or their culture, and despite what the Hon. Member for Notre-Dame-de-Grâce-Lachine East says, to open up the floodgates to that extent, would, frankly, be a little unreal.

I am prepared to make a challenge. I do not think anyone believes it is likely to happen, but I challenge the Official