

(2) Unless the Governor in Council otherwise directs, all matters relating to compulsory taking or using of lands in a reserve under subsection one shall be governed by the statute by which the powers are conferred.

(3) Whenever the Governor in Council has consented to the exercise by a province, authority or corporation of the powers referred to in subsection one, the Governor in Council may, in lieu of the province, authority or corporation taking or using the lands without the consent of the owner, authorize a transfer or grant of such lands to the province, authority or corporation, subject to any terms that may be prescribed by the Governor in Council.

(4) Any amount that is agreed upon or awarded in respect of the compulsory taking or using of land under this section or that is paid for a transfer or grant of land pursuant to this section shall be paid to the Receiver General of Canada for the use and benefit of the band or for the use and benefit of any Indian who is entitled to compensation or payment as a result of the exercise of the powers referred to in subsection one.

Hon. Mr. HARRIS: There were a number of objections to this section in the form of correspondence. There were none offered at the conference. There was some discussion about it but in the end there was no objection. Originally representations came from the Indians of The Pas, but the changes were unanimously agreed to. The Chief and Councillors of the Penticton Indian Reserve in British Columbia suggested that no lands should be taken without the consent of the Indians. The Blackfoot Band Council of Alberta objected; the Sarcee Indian Band objected; the Cree and Chipewyan Band, Athabaska agency objected; the Oka Band Council wanted a change in the wording and recommended adding the words "whole subject to legal prior notification of the band who shall have the power to make lawful representation before the decision is given."

The Indian Association of Alberta approved in principle, with the protest that any such expropriation is a violation of treaty and should be exercised only when there has been a proclamation of grave national emergency.

The president of the North American Indian Brotherhood objected. The Bands of Southern Vancouver Island suggested striking out the word "where" and inserting "only when a grave national emergency has been proclaimed."

The Blackfoot Band Council of Alberta objected to the word "surrender" and wanted to use the words "in trust."

The Union of Ontario Indians suggested that the consent of the band council should be necessary.

Now, the basis for this section is in the old Act and it continues the authority of the parliament of Canada, a provincial legislature, a municipal or legal authority or corporation, which by its authority has power to expropriate land. It may continue to have that right subject to the consent of the Governor in Council, subject to such terms as may be prescribed. This is a continuation of the previous discussion on the temporary use of land on the reserve. This is permanent expropriation of land on the reserve for public utilities and matters of that kind.

As I say the conference did not object to it. They understood that Indian reserve lands should be subject to the same form of expropriation that other lands in Canada have by the body having that purpose.

Mr. APPLEWHAITE: May I ask one question? Is Indian land under that section, or any other section, in any weaker position against expropriation than the same lands would be if owned by white men?