

Motion No. 16

That Bill C-31, be amended in Clause 4 by adding immediately after line 22 at page 7 the following:

"(6.1) Upon receipt of any notice under subsection 10(5), the Registrar shall not thereafter add or delete any name to or from the Band List for the band unless the Minister gives notice in writing to the band council of his decision that the membership rules do not comply with the conditions set out in subsection (1) or subsection (11) and, in that event, the Registrar shall not add any name to the Band List for that band until the expiration of a period of 180 days after the Minister has given notice of his decision in writing to the band council.

(6.2) Within six months after the Minister has given notice to a band council under subsection 10(6.1), the band council may either

(a) give any further notice or notices to the Minister under subsection 10(5), or

(b) appeal the decision of the Minister to a court referred to in subsection 14.3(5)

and, in the event that an appeal is taken under this subsection from a decision of the Minister, the provisions of subsections 14.3(2), 14.3(3) and 14.3(4) shall apply as if reference in subsection 14.3(4) to the Registrar were references to the Minister.

(6.3) In the event that, within six months after the Minister has given notice to a band council under subsection 10(6.1) the band council gives any further notice to the Minister under subsection 10(5) and the Minister decides that the further membership rules for that band provided to the Minister pursuant to that subsection do not comply with the conditions set out in subsection (1), the Minister may refer his decision to a court referred to in subsection 14.3(5) and the provisions of subsection 14.3(2), 14.3(3) and 14.3(4) shall thereupon apply *mutatis mutandis* as if the Minister was a person taking an appeal under subsection 14.3(2) and as if references to the Registrar in subsection 14.3(4) were references to the Minister.

(6.4) After the commencement of an appeal under subsection 10(6.2) or subsection 10(6.3) in respect of the membership rules of a band, the Registrar shall not thereafter add or delete any name to the Band List for that band until the final resolution of such appeal."

● (1240)

Mr. Jim Manly (Cowichan-Malahat-The Islands) moves:

Motion No. 17

That Bill C-31, be amended in Clause 4 by adding immediately after line 3 at page 8 the following:

"(11) In this section, "elector" includes every person whose name is included on the band list and is of the full age of eighteen years."

Mr. Jack Shields (Athabasca) moves:

Motion No. 18

That Bill C-31, be amended in Clause 4 by adding immediately after line 3 at page 8 the following:

"(11) Subject to subsection (12), subsections (3) and (4) shall not apply where, at any particular time before April 17, 1987, the council of a band gives notice to the Minister under subsection 10(5) and it is established to the reasonable satisfaction of the Minister that

(a) the number of persons alive at the particular time who were entitled on April 17, 1985 to have their names entered in the Band List for the band pursuant to paragraph 11(1)(c) is more than 20% of the number of persons whose names were entered in the Band List for the band immediately prior to April 17, 1985;

(b) the aggregate of the number of persons alive at the particular time who were entitled on April 17, 1985 to have their names entered in the Band List for the band pursuant to paragraph 11(1)(c) and the number of dependent children of such persons is more than 20% of the number of persons whose names were entered in the Band List for the band immediately prior to April 17, 1985 and who at the particular time are ordinarily resident on reserve lands set apart for the use and benefit in common of the members of the band; or

(c) the number of persons alive at the particular time who were entitled on April 17, 1985 to have their names entered in the Band List for the band pursuant to paragraph 11(1)(c) and who at the particular time are over the

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age of eighteen (18) years is more than 20% of the number of persons who were electors of the band immediately prior to April 17, 1985.

(12) Subsection (11) shall not apply unless the membership rules established by the band provide that

(a) all persons who would be entitled to have their names entered in the Band List for the band pursuant to paragraph 11(1)(c), paragraph 11(1)(d) or subsection 11(2) if the Band List was maintained in the Department shall be entitled to have their names entered in a transitional list which shall be maintained by the band;

(b) any person whose name appears in a transitional list shall be entitled to apply to the council of the band for membership in the band and to have his name transferred from the transitional list to the Band List for the band;

(c) all applicants for membership in the band and for transfer from the transitional list to the Band List pursuant to paragraph (b) shall be entitled to a hearing by the council of the band or by a committee established in accordance with such rules; and

(d) all applications for membership in the band and for transfer from the transitional list to the Band List pursuant to paragraph (b) shall be dealt with fairly and equitably without discrimination on the basis of sex.

(13) The name of a person who is entitled to have his name entered in a transitional list pursuant to paragraph 12(a) is not required to be entered therein unless an application for entry therein is made to the council of the band on or before April 17, 1990."

Motion No. 20

That Bill C-31, be amended in Clause 4 by adding immediately after line 40 at page 10 the following:

"13.4 No person shall be entitled to have his name entered in a Band List under paragraph 11(1)(c) unless the application is made on or before April 17, 1990."

Motion No. 21

That Bill C-31, be amended in Clause 4 by striking out lines 10 to 15 at page 12.

Mr. Jim Manly (Cowichan-Malahat-The Islands) moves:

Motion No. 24

That Bill C-31, be amended in Clause 4 by adding immediately after line 30 at page 13 the following:

"General

14.4 (1) Where the total number of persons whose names have been entered on a band list under paragraph 11(1)(c) and who have attained the age of eighteen years equals or exceeds fifty percent of the total number of members of the band who have attained the age of eighteen years, no amendment may be made to any trust arrangement relating to the assets of the band without the consent of a majority of the electors of the band and a majority of the electors of the band who were members of the band immediately prior to April 17, 1985.

(2) This section shall cease to have effect on April, 1995 or earlier if requested by the Band Council."

Hon. David Crombie (Minister of Indian Affairs and Northern Development) moves:

Motion No. 32A

That Bill C-31, be amended in Clause 15 by striking out line 22 at page 17 and substituting the following therefor:

"band;

(p.4) to bring subsection 10(3) or 64.1(2) into effect in respect of the band;";

Mr. Deputy Speaker: All of the motions that have been put to the House will be grouped for debate.

Hon. David Crombie (Minister of Indian Affairs and Northern Development): Mr. Speaker, before I begin to make comments with respect to the series of motions before us, I