to refer Bill C-31 to the Supreme Court for an opinion on whether the proposed legislation complies with the provisions of the Charter of Rights and Freedoms. Many people think the bill fails to do that. The minister and his legal advisers remain convinced of its constitutionality.

In turning down the suggestion, the minister noted that it was not a normal practice for the federal government to make such references to the Supreme Court of Canada. He noted the Constitution Act of 1982 as an exception. I agree with him: It is not the normal practice. Indeed, that was the reason that I suggested it. In my view, the issues involved here are of such fundamental importance to the lives of Indian people that they warrant extraordinary care, such as a reference to the Supreme Court of Canada before the government implements the provisions of Bill C-31.

However, while making this suggestion very seriously, I had a feeling that I might not receive a positive response from the government. The next practical concern was to seek a guarantee that some kind of assistance would be available for the Indian people to defray the cost of court challenges which will, inevitably, follow passage of this bill.

The minister was extremely forthcoming on this question. There is, as honourable senators know, a litigation support fund in existence in the Department of Indian Affairs and Northern Development, which has been used primarily in the past for test cases of Indian land claims. This will now be supplemented, as required, with funds for test cases relating to Bill C-31.

At our committee meeting, the minister said:

> I am prepared to set aside funds for the next couple of years for a litigation support program and, indeed, increase the moneys available to the program already in place.

He talked later in terms of perhaps an initial additional outlay of $2 million to $3 million.

There are specific criteria for cases to qualify for this assistance, and we are assured that they are broad enough to encompass the key questions that Indian groups may wish to test before the courts. Also, this special litigation fund is normally used for assistance when a case reaches the appeal stage of the legal process. Mr. Crombie again assured us that, in terms of Bill C-31, the fund is flexible enough to apply at the initial stage, that is, the court of first instance. This can be of significant encouragement to those who wish to launch a court action but lack the means to begin.

I want to thank the minister for opening this door. I know he is confident that this bill is in harmony with the Charter of Rights and Freedoms, but he acknowledges the opposition to that point of view and, given the nature of this issue, is prepared to provide assistance to permit an appropriate court challenge to take place.

The minister also clarified another important question concerning assistance to bands in implementing Bill C-31. No resources currently provided to Indian bands for federal programs will, in any way, be used to finance the consequences of the restoration of Indians to status and band membership under this bill.

The resources for Bill C-31 will be a separate expenditure. As it becomes clear—and I share the concern of Senator Watt at the imprecision of that statement—who and how many wish to take advantage of restoration, particularly to the extent of wishing to return to the reserves, this expenditure will have to proceed through supplementary estimates in Parliament and, automatically, through public scrutiny.

In the case of possible strains on the current infrastructure on reserves caused by dependent children returning with their mothers who have regained their status and band membership—for example, strains on the educational facilities—it will be the government and not the band which will be responsible for meeting these extra requirements.

On the question of possible federal spending cutbacks on Indian programs, as suggested last spring in the leaked document from Deputy Prime Minister Erik Nielsen's task force on cost-cutting, we heard with our own ears from the minister that the government will fulfill its commitment in substance and in spirit to the Indian people. Mr. Crombie felt compelled to put Prime Minister Mulroney's assurance in this regard on the record of the committee, and I can do no less here in this chamber.

● (1520)

I quote the minister:

> He (the Prime Minister) indicated that the government's commitment to Indian programs was, first, related to strengthening the relationship between the federal government and Indian communities; and secondly, that any change in any policy affecting Indian people would only be done on an open public and community level basis; and thirdly—

And I underline the third one.

> —that there would be no cut in Indian programs.

Mr. Crombie then went on to say—and again I quote:

> That, I believe, is quite clear. So the funds about which I am talking, that are related to any impact of Bill C-31, are in addition to existing programs.

● (1520)

I listened to Senator Watt as he noted that these are not legal and binding commitments but paper commitments. Nonetheless, they are solemn commitments to a committee of this chamber and now are on the record of this chamber. The minister said it; we heard it. And we will remember. I personally accept the pledge from this particular minister.

Finally, Mr. Crombie outlined part of his communication and implementation program for this bill. I will not repeat all of the points, because he went on at some length. However, efforts will begin immediately to explain, in layperson's language, the changes contained in the bill: What they mean to each band; how they will apply; and the process to be followed by those who wish to seek restoration of their status and band membership.