

Indian Act

Indian Act (minors' funds and surviving spouse's preferential share), as reported (with amendments) from a legislative committee, be concurred in.

The Acting Speaker (Mr. Turner (Ottawa—Carleton)): Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Motion agreed to.

Mr. Valcourt (for the Minister of Indian Affairs and Northern Development and Minister of Western Economic Diversification) moved that the Bill be read the third time and passed.

Mr. Keith Penner (Cochrane—Superior): Mr. Speaker, I will be very brief because we want this legislation to go forward. There are a couple of things that I do want to point out to the House and a few things I want to mention to the Minister because there are still some actions that he can take that would help immensely in what has transpired with respect to Bill C-123.

The first point I want to make is that when Bill C-123 was being contemplated, and here the Government was looking for legislative authority to pass over minors' trust funds to parents or guardians, or to bands, without putting themselves in the position of liability—in other words they do not want at some later time to be brought before the courts—it had been in fact giving these moneys to parents and guardians but there was always the threat, the concern, the danger that there could be some liability against the Minister or the Government. I understand why they wanted to proceed in a proper way. I can only commend them for that.

I can also commend them in the fact that in developing Bill C-123 they established a working group. That is always the right way to go. The Indian Association of Alberta, a number of bands, and the Department of Indian Affairs were involved in this working group. From the Indian point of view there was some really outstanding legal counsel that the Indian Association of Alberta engaged to assist. That was in the person of Mr. Mandamin.

One of the difficulties was that the Department of Indian Affairs encouraged this working group activity. The Indian Association of Alberta co-operated. It got legal counsel and, obviously, the Minister will see in a moment that this was not without costs.

The Indian Association of Alberta which is not flush with revenue and which is not well off incurred extensive costs. It was working to help the Government because Bill C-123 really, if one wants to be very frank about it, does more for the Minister than it does for any minors, guardians, parents, or band councils. It really does more to help the Minister.

In the presentation of the Indian Association of Alberta before the legislative committee, it reminded the committee that no compensation at all had been received as a result of

being involved in this working group. I think the Minister will want to examine that and find out if there is still not some way to help out in allaying those legal costs that were involved.

The other points that I want to make are brief and only three in number. The first is that the Government still resists in allowing Indian bands to establish independent trust funds. In saying why the Government could not accept the amendment that I proposed, the Minister used the word that I think describes exactly why this further bolder step of allowing independent trust funds in the name of first nation Governments cannot be taken. The Minister states that it would not at this time be prudent. Large revenues are involved that come from resources on Indian lands, but we are not yet at the stage where we can say with confidence: "Yes, we can trust these first nation Governments to be responsible for their own revenues". In the Minister's words, it would not be prudent.

• (1250)

I would like to debate that point at some length with the Minister, and perhaps we could find another occasion and another forum in which to do it. However, I am troubled by the charge that it would not be prudent. It leaves the impression in the minds of people who hear it that while we can extend authority to non-Indian business people to establish large independent trusts and it is prudent to do so, when First Nations people are involved there is some imprudence in doing so. In other words, in one case the confidence factor is there and we can have all sorts of trust companies in Canada either under provincial authority, or in some cases under federal authority or charter, but it would not be prudent to allow First Nations to have similar trusts.

I do not think anyone in the House needs to be reminded that some of those non-Indian trusts have hardly shown that they were in a position to look after other people's moneys properly. The evidence given in the hearings regarding the Principal Group is shocking in the extreme. If ever there was an example of imprudent behaviour, to put it mildly, in dealing with other peoples' moneys then there is a good case.

I hope that somehow the Minister will be able to leap this hurdle of saying that it is not prudent at this time and begin to exercise what is a trust responsibility, which means that we establish a climate or atmosphere of trust in which responsibilities that properly belong to First Nations can be removed from the Department of Indian Affairs and Northern Development, in the name of the Minister, and go to the authority where they belong.

My second point is simply to repeat how much I regret the provincial authority could not be excluded from a call upon these trust moneys, but that argument has been exhausted for the moment and the House has made its decision, and so it will be.

My final point is that the Indian Association of Alberta, and many bands in Alberta still regret that there has to be a limit prescribed in the legislation. There is a \$3,000 limit which they