

Adjournment Debate

There are two constitutional responsibilities at issue: to manage the fisheries as a whole, and to manage Indian lands in the perspective of a long-standing historical relationship with Indian people.

At the federal government level, an interdepartmental committee on Indian hunting and fishing now is tackling some of the underlying issues to which I have referred. It is developing long-term statutory, policy and administrative solutions. Both the Minister of Fisheries and the Environment (Mr. LeBlanc) and the Minister of Indian Affairs and Northern Development (Mr. Faulkner) have found through recent discussions that they are already in broad agreement on certain central principles and objectives. They share a sense of the importance of fishing to the social and economic well-being of Indian people. They recognize, as do the majority of Indian people, the need for wise management and conservation of fishery resources. They share the objective of increased participation by Indian people in the resource management area.

May I turn to the specific issue of the Squamish band bylaw No. 10. This bylaw, entitled: "A By-law for the Preservation, Protection and Management of Fish on the Reserve", draws heavily on fisheries regulations. It was passed by the band pursuant to one of its enumerated powers under

section 81 of the Indian Act which authorizes an Indian band council to pass bylaws on a series of matters applicable within its area of jurisdiction, as the council of a local municipality does.

Although section 82 of the Indian Act empowers the minister to disallow a by-law within 40 days after a copy has been forwarded to his office, he is very reluctant, as is the Minister of Indian Affairs and Northern Development, to interfere with the local government powers of a band council. As a result, he seldom disallows a bylaw unless it can be shown clearly to be patently ultra vires, beyond the band's jurisdiction or discriminatory within the context of human rights legislation. This is the crux of the situation. As Minister of Indian Affairs and Northern Development, he must defend the rights and uphold the legitimate powers of a band council as enumerated within the Indian Act. He cannot co-operate with any attempts by a band council to exercise such rights or powers outside its jurisdiction.

The Acting Speaker (Mr. Ethier): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 11 a.m.

Motion agreed to and the House adjourned at 10.21 p.m., without question put, pursuant to Standing Order.