

*Indian Act*

current grouping that we have of Nos. 27, 28, 38 and 39, some comments with respect to the latter three.

Motion No. 28 refers to a motion placed in the name of the Hon. Member for Kenora-Rainy River (Mr. Parry). The motion is well intentioned, but I would submit, with respect, inappropriate. The basic idea seems to be to ensure that applications to constitute a new band are dealt with within two years. In my view, this motion is entirely unnecessary. As it now stands, it is the responsibility of the Minister of Indian Affairs and Northern Development to recommend to the Governor in Council on the formation of entirely new bands under the Indian Act. Such decisions are properly dealt with in this way. With the range of issues involved, and I could tell you from some experiences in northern Ontario, dealing with five bands in particular, it is a complex process from the identification of the land base and negotiations with the province on that issue to agreement on financial arrangements. Such investigations and negotiations may take six months or six years, depending on the circumstances. Such cases are always the object of public scrutiny and affected bands have in the past been very effective in convincing the standing committee to champion their cause. There is no reason to think that that informal process cannot continue to serve well the interests of all concerned.

On a technical level, I should point out that the motion is, with respect, flawed. There is no authority under Paragraph 6(1)(d) to declare a body of persons to be a band. That paragraph only sets out the eligibility of such persons to be registered as status Indians under the Indian Act. The mechanism for declaring a new band is provided by a combination of the definition of band in Subsection 2(1) and the power in Subsection 73(3) for the Governor in Council to make orders, and I quote "make orders and regulations to carry out the purposes of the provisions of the act".

In conclusion, with respect to Motion No. 28, in my view we should only make rules where they are needed, and in this case there is no reason to change the existing situation. No arbitrary requirement to report to Parliament will make it easier to resolve the complex issues normally involved. With the technical nature of the motion, along with the substantive comments I have made, I hope the House will not support Motion No. 28.

With respect to Motion No. 38, Mr. Speaker, proposed and standing in the name of the Hon. Member for Cochrane-Superior (Mr. Penner), Motions Nos. 38 and 39 deal with Clause 20 which provides that the Minister will report to Parliament within two years of the Royal Assent to this Bill on the steps he has taken to implement the Bill. Motion No. 38 in particular, as presented by the Hon. Member for Cochrane-Superior would require the Minister to report on the number of people granted membership by the bands that are denied registration as status Indians. The Bill as presently drafted gives bands full control over membership if they wish. There is no obligation to inform the Minister who has applied for, been accepted or denied membership. The Minister would have no accurate way of reporting to Parliament on which, if any, such

band members had been denied status. The proposal, with great respect, is not practical.

The second part of the motion, which would require that the implementation report be made available to every band council, is merely a statement of current practice and would seem hardly necessary to require a statute. All reports to Parliament are, of course, available to all citizens, and copies of the report would be circulated to all band councils as a matter of routine at any rate. That is the practice of the Department in dealing with such important documents.

● (1700)

Very briefly, Motion No. 39, which was also moved by the Hon. Member for Cochrane-Superior, requires the Minister to designate a person to carry out a band impact study if a band so requests. I have already said before the committee and publicly that I have every intention of carrying out such studies on a band-by-band basis as required. Forcing the Minister to designate a specific person to carry out impact studies for individual bands is, I submit, unnecessary. It establishes an unduly rigid model which infringes on what is already a clear Ministerial responsibility. The Government has introduced this legislation and it will take all the steps necessary to ensure that it is properly implemented.

Questions might also be raised about the quality of studies to be done by persons serving without remuneration. If studies are to be done as I believe they should be, is it not necessary to ensure that they be done properly? If it is likely that we may be required to hire or to have volunteers, we should have the option to do both. Finally, the proposal, while well intended by the Hon. Member for Cochrane-Superior, is neither necessary nor practical in my view.

**The Acting Speaker (Mr. Paproski):** Is the House ready for the question?

**Some Hon. Members:** Question.

**The Acting Speaker (Mr. Paproski):** The question is on Motion No. 27. Is it the pleasure of the House to adopt the motion?

**Some Hon. Members:** Agreed.

**Some Hon. Members:** No.

**The Acting Speaker (Mr. Paproski):** All those in favour please say yea.

**Some Hon. Members:** Yea.

**The Acting Speaker (Mr. Paproski):** All those opposed please say nay.

**Some Hon. Members:** Nay.

**The Acting Speaker (Mr. Paproski):** In my opinion the nays have it. Accordingly, I declare the motion lost.

Motion No. 27 (Mr. Penner) negated.