

Indian Act

as based upon faulty premises whereby we proceed to solve problems which belong to us and which have been created by us at the expense of the Indian people.

The community hearings and the debates in this House on Bill C-31 have been spirited, vigorous and often emotional. There is one question that will continue to be in my mind, which is, has any real light been shed on the issue of Indian rights? Do we understand even a little bit better now than we did before? Within my own caucus we have many meetings, and I know that there are now many members of my caucus who had never before acquainted themselves with this issue who now have the beginnings of some comprehension, and for that I am grateful. I am sure that there are other members of the committee who had not been immersed in this problem for a long period of time who also began to understand and to appreciate the significance of Indian rights.

Have we learned enough, as the Hon. Member for Notre-Dame-de-Grâce-Lachine East suggested yesterday, so that we will not be back here again in the near future chasing ourselves down the very same dark and dead-end valley? It is time for a new day. It is time, as the Minister said, to put all this behind us and move into the future when we will recognize the right of Indian self-government and their right to determine their membership. When we recognize those rights, then we can no longer go on interfering, meddling and creating problems, and in trying to solve them, creating more problems.

May I say to you, Your Honour, let there be light.

Mr. Jim Manly (Cowichan-Malahat-The Islands): Mr. Speaker, in addressing the sex discrimination in the Indian Act, Bill C-31 has finally moved to redress a long-standing wrong against Indian women and against the Indian community. Like most of our legislation, it continues to be written in sexually exclusive language. I think we need to remember the words of the philosopher that "the limits of my language are the limits of my world". If we use sexually exclusive language, then we are limiting the world of over one half of the population of Canada. I believe it is time for the Parliament of Canada to clean up all of its Acts, including the Indian Act, to use sexually inclusive language. I am pleased to understand that there is a committee working with the Department of Justice on this issue. I think it is important to flag it right at the beginning.

I first raised this issue on March 5, 1981, when the Sandra Lovelace case was before the United Nations, and other parliamentarians had raised the issue before that. In 1981, the Minister of Indian Affairs and Northern Development, the Hon. John Munro, indicated to the United Nations that Canada would soon be introducing legislation to end the discrimination and that this legislation would give bands the ability to pass by-laws on membership. He promised that this legislation would be introduced by mid-1981. Instead, the Liberal Government waited until June of 1984 before introducing Bill C-47. With only two weeks to go before recess, the Government pushed the Bill through as a final attempt to redress the issue. Indian witnesses had only a few hours to address the Bill. Yet, with a lot of pressure from the Liberal

Government, the Bill did pass through the Standing Committee on Indian Affairs and Northern Development and it passed through this House on the last day of our sitting, with all-Party support. Then it was stopped in the Senate.

Between the Sandra Lovelace case in 1981 and the Liberal Bill C-47 in 1984, we were given a steady diet of leaked government memoranda and secret documents supplemented by regular statements and press releases that promised action. When the Liberal solution, Bill C-47, finally did come, it raised many problems for all concerned. The Bill was so poorly written that the committee had to make some basic changes simply to make it consistent. The Bill ignored the consensus that had been reached earlier that year between the Native Women's Association of Canada and the Assembly of First Nations when they met in Edmonton. The Government said that it had not had time to talk to either group about that proposal. The Minister responsible at that time for the status of women, the Hon. Judy Erola, went even further and described the AFN/Native Women's Association consensus as inadequate.

The Liberal Bill, Mr. Speaker, made absolutely no provision, nor does this Bill, for band control of membership, but instead used blood line provisions to decide band membership. It made no provision for providing the necessary funds to meet the needs of reinstated members. The Liberal Government, in fact, could not even provide Members of the House with realistic figures of the costs. Estimates ranged between \$50 million and \$250 million. Increasing funding to Indian bands to meet the needs was to be at the Government's initiative, and as the Liberals had been in power through the years when Indian conditions deteriorated, it is hard to believe that the Liberals would have provided the necessary funding.

It is interesting, Mr. Speaker, that yesterday the Liberals and Conservatives voted together to defeat my motion that would have recognized the right of Indian band councils to make by-laws controlling the residency on reserves of non-Indians that would not have jeopardized the right of any band member to reside on the reserve. Liberals and Conservatives supported the clause giving band councils the right to control the residency not only of non-Indians but also of band members.

What hypocrisy! A year ago, the Standing Committee on Indian Affairs and Northern Development was dealing with Bill C-47, the Liberal Bill on the same subject, and Clause 8 of Bill C-47 gave residency rights to non-Indian spouses. I moved for its deletion, Mr. Speaker, because I believed then, as I believe now, that Indian bands should have the right to determine the residency of non-Indians on reserves. My motion was defeated by the same group of Liberals and Conservatives who defeated my other motion yesterday. Last year they refused to recognize the right of band councils to determine residency for non-Indians. Yesterday they wanted the band councils to have the right to control residency, even the residency of band members. I find that inconsistency very hard to understand.