

been pointed out, Motion No. 32A, the last in this grouping, is consequent upon Motion No. 14A. I have no further comments.

Mr. Jack Shields (Athabasca): Mr. Speaker, I believe the grouping of amendments which we are now discussing is the very heart of Bill C-31 and is also representative of the disagreement which many bands across the country have with implementing the present Bill.

In bringing forward Motion No. 15, I am attempting to establish band control of band membership. It is as simple as that. There are two issues: band control of band membership and their status. I think we all agree that the Government of Canada can determine status. The Government can name, by legislation, anyone whom it wishes to the status list, making those persons treaty Indians. That is a government prerogative. However, it is the very nature of the bands to determine membership. Nowhere in the present Indian Act has there ever been licence to determine what is band membership. This is a first attempt by the Parliament of Canada to dictate to the bands who should be their members. There is nothing in the Indian Act which indicates who is entitled to be a band member. Therefore, I am suggesting, as a matter of logic, that band members should be determined by the Indian bands.

Bill C-31 is unprecedented in the massive assertions which the Parliament of Canada would have over band membership. Bands have controlled their membership from the time the rivers began to run and the sun began to rise, and before white man came to the country. I think that is the basis of Bill C-31. As I said before, it is quite proper for the Government to determine who is an Indian and to determine the question of Indian status. However, in my view, we must distinguish between Indian status and band membership. We cannot impose band membership on the bands. It has never been done before. The Penner Report indicated what should happen in Indian self-government. One of the key recommendations in the Penner Report was the control of band membership. That parliamentary committee spent a year-and-a-half going across the country, seeking the information from Indians and bands. Yet, we are going against what a parliamentary committee recommended after it had studied the question for more than a year. It does not make sense.

The principle of Bill C-31 is to be lauded. We should all be ashamed that we have allowed the Indian Act to stand for so long, as it discriminated against women. In other words, if an Indian woman married a man who was not a treaty Indian, she lost her status and her band membership. That was wrong. Indian Governments did not impose that on their women; the Parliament of Canada imposed it. That is the tragedy. Now we recognize that it was not just. Clearly, women were discriminated against. In our wisdom, we will now change the law and automatically return the women who were discriminated against to the band lists. They will now be band members. In fact, we are saying that we cannot solve the problem because we made a real mess of it, so we will impose the problem on the bands. In Motion No. 15, I am asking only that control of band membership go to the bands.

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There seems to be the feeling that we cannot trust the bands to make intelligent assessments and judgments in saying whom they will return to their membership. There is nothing in the Constitution Act, 1867, that gives to the Parliament of Canada the right to determine who are members of a particular band. It has always been the band which has decided that. Never before in the history of Parliament has an attempt been made to determine who will be a band member. That is obvious. It is the bands which determined membership.

The Indians did not ask for this. The Indians who appeared before the committee unanimously said that if we were talking about self-government, they wanted control of their band memberships. I will give a list of the groups which appeared before the Standing Committee on Indian Affairs and Northern Development: the Brotherhood of Indian Nations for Manitoba, March 12, 1985; Assembly of First Nations, March 14, 1985; the Coalition of First Nations, March 18, 1985; the Union of New Brunswick Indians, March 13, 1985; Treaty Six Alliance for Alberta, March 18, 1985; Indian Women of Treaties 6, 7 and 8 for Alberta and Saskatchewan, March 20, 1985; Treaty Six Chiefs Alliance and Saddle Lake Indian Nation, March 21, 1985; Sarcee Nation, March 21, 1985; Treaty 7 Blood Tribe, March 21, 1985; Four Nations of Hobbema, March 21, 1985; Yellowhead Tribal Council, March 21, 1985; Six Nations Band Council, March 25, 1985; Treaty 8, March 26, 1985; Muskegog Cree Tribal Council, March 27, 1985; Nishnawbe-Aski Nation, March 27, 1985; Union of Nova Scotia Indians, March 28, 1985; Federation of Saskatchewan Indian Nations, March 28, 1985; Council for Yukon Indians, March 28, 1985; Conne River Band, Newfoundland, April 1, 1985.

● (1600)

There have been additional supporters since then of band control and membership which is fundamental to Indian government. They are the First Nations of Quebec by resolution May 23, 1985; Indian Association of Alberta by way of resolution and a telex, May 3, 1985; The Prairie Treaty Nations Alliance, letter of May 10, 1985 and Chiefs of Ontario Resolution of June 4, 1985.

We have a Prime Minister (Mr. Mulroney) who has the confidence of the Indian people in Canada who are seeking at the First Ministers' Conference aboriginal rights for the First Nations. Now we are bringing in Bill C-31 to this House which imposes membership on the bands, undercutting the very thing we are attempting to do at the First Ministers Conference. It truly does not make sense to me. The Indian people, the bands, as a fundamental right and, as has been proven in the past, an historic right, should control band membership. That is why I put forward Motion No. 15.

Motion No. 16 is a minor amendment. Because of the present Minister of Indian Affairs and Northern Development (Mr. Crombie), I have no problem if Motion No. 16 is not accepted. I know that the Minister of Indian Affairs and Northern Development will be reasonable. He has the knack of sitting down and resolving a problem if it comes before him.