

Indian Act

notes. I have now found them and would request unanimous consent to be given three or four minutes to speak.

Mr. Deputy Speaker: Is there unanimous consent for the Hon. Member for Athabasca to complete his speech?

Some Hon. Members: Agreed.

Mr. Deputy Speaker: Very well, the Hon. Member for Athabasca has the floor.

Mr. Shields: Mr. Speaker, the proposed definition in Bill C-31 reads as follows:

"child" includes a child born in or out of wedlock, a legally adopted child and a child adopted in accordance with Indian custom.

A Member who spoke previously talked about how much we should interfere in the running of bands and band government. The present definition of "child" in the Indian Act says that a child includes a legally adopted Indian child.

As the Minister pointed out, the over-all objective of Bill C-31 is the elimination of sexual inequality, the establishment of band control over band membership, and the restoration of lost rights. The insertion of the new definition of "child" in the Bill is not aimed at, nor does it achieve, any of the three objectives outlined previously by the Minister. I contend that the determination of who is a child is not an issue of sexual discrimination. One of the principles of the Bill, in my view, is to eliminate the acquisition or loss of status in band membership through marriage. The objective of my amendment is to eliminate the acquisition of status or band membership through adoption.

● (1125)

Essentially, if this amendment is not allowed to go through, a family or individual will then be able to impose an obligation on either the Government of Canada or on the band concerned as a result of a family decision. I do not think that that is correct. We are unaware of any band which has requested this Government to amend the definition of a child, but we are going ahead and doing this on our own. We are not only giving the power to create Indian status and band membership to a family, which increases the number of persons entitled to treaty benefits, but it also creates a problem on some reserves where a family makes a decision that certain people are going to be recognized as band members and treaty Indians.

Those are the comments that I would like to make. I think this will increase the charge on the taxpayers and it will certainly interfere at a very basic level with band membership and its control.

Mr. Stan Schellenberger (Wetaskiwin): Mr. Speaker, I want to speak on this motion and make some comments, as Chairman of the Standing Committee, on the work done by the committee on this Bill. This is not the first attempt by Parliament to try to deal with a difficulty which has existed for close to 100 years. I have served on the committee for over 13 years now, and I know that over that time Members of Parliament and Ministers have brought this problem to the

committee and the House many times. But as we moved on the constitutional process, Ministers became more serious regarding this matter. The committee was challenged by the Minister in the previous Government to deal with the situation. We had a special committee about two and a half years ago which met during the summer. Let me say, in answer to Members who will wonder why it did so, that it was in an attempt to try to deal with this question. A report was drafted and submitted to the Minister for his guidance.

About a year later, a Bill was presented to the House in the dying days of the session. An experience then took place of which I believe no member of any committee would wish to be a part. There was an attempt to deal with a question which is so serious to the lives of individuals in a matter of only a couple of days. The Bill failed. It failed not in the House of Commons but in the Senate. Of course, the session was over and therefore the issue came to an end. It has now been revived at this time in the House of Commons by the new Minister of Indian Affairs and Northern Development (Mr. Crombie). He outlined to the House on second reading the principles upon which the Government was standing and the Bill was drafted.

● (1130)

The committee took those principles seriously. The rules of the House limit what a committee can and cannot do. We went to work in our limited way and, as Chairman, I want to congratulate Members from all sides of the House who spent many hours not only trying to decipher the Bill but listening patiently to the intensive lobby from people interested in the Bill. These not only included Indians but many others in the country who have been concerned about this issue which involves discrimination, our attitude toward women and of course the very important issue of the treatment of Indian people of this country.

The committee spent 76 hours in public meetings and approximately three times as long preparing for those meetings. The committee heard 52 witnesses, starting at nine in the morning and often working until midnight in order to hear them. There were 10 written submissions from over 200 people, representing groups who did not appear at the hearings.

Members on the committee made 23 direct amendments to the Bill which were passed in the committee stage, 15 of which were a direct result of testimony that was given to the committee. The Minister and his staff were very helpful in assisting the committee draft the amendments properly and guiding us as we put them into the Bill.

As I said, we had some difficulty because we wanted to amend the Bill more fully than we were allowed. As chairman, I had to bring members to order from time to time as they attempted to put forward amendments that were not within the purview of the committee to pass. However, the committee made a recommendation to the Minister that he go to the Cabinet and get a Governor General's recommendation to make certain of those amendments. Some of them now appear