

Hon. Mr. HARRIS: I received this recommendation just as I came in and I have not had much time to look at it. It seems to me it is precisely what we have done. We agreed on subsection (1), I take it.

The CHAIRMAN: Subsection (1)?

Carried.

Now subsection (2)?

Hon. Mr. HARRIS: The only thing I see here is that it provides for transfer, and that the lands can revert to his heirs; and under our section he can transfer to his heirs if he wants to.

Mr. NOSEWORTHY: What section provides that?

Hon. Mr. HARRIS: He can dispose of it to his heirs under subsection (1) by sale.

Mr. APPLEWHAITE: But if he dies intestate, it reverts to the band, does it not?

Hon. Mr. HARRIS: No, no. We are coming to that later on.

Mr. APPLEWHAITE: If he does not dispose of it, it goes to his heirs?

Hon. Mr. HARRIS: You are thinking of it at his death?

Mr. APPLEWHAITE: Yes.

Hon. Mr. HARRIS: It is related to his death. That is provided for later on, in the intestacy section.

Mr. APPLEWHAITE: Would you bring that up again?

Hon. Mr. HARRIS: Yes, I will.

Mr. NOSEWORTHY: In this particular section where the phrase occurs "as the minister may determine", I suppose in actual practice it would be the Indian agent who would determine it?

Hon. Mr. HARRIS: I wish it were so. The present practice under the Indian Act is much the same as we have provided for here in subsection (3). And by that provision the director is responsible for the action of the department. I have no doubt whatever that he reads all the documents before the minister's authority is exercised, and sometimes the minister reads them too.

Mr. NOSEWORTHY: This compensation could be agreed upon by the Indian and the agent.

Mr. MACKEY: Yes, and if it is not agreed upon, we call in a third or fourth party, frequently a real estate agent who is in the vicinity and who can value the property. Sometimes we call in a provincial government agent or one of his employees, or someone who is in a position to give an independent valuation. That information is then submitted through the regional supervisor in the province.

Mr. NOSEWORTHY: What happens in the case of those reserves which are particularly remote—the ones you referred to yesterday—where it would be impossible to get independent people without bringing them for long distances?

Mr. MACKEY: The regional supervisor with the Indian agent endeavours to secure an agreement with the Indians. And if he cannot reach an agreement, then the whole matter is referred to the department and we direct the regional supervisor to do what he can to secure an outside valuation.

Mr. BRYCE: The agent would not by-pass the supervisor in the province, would he?

Mr. MACKEY: We have had cases where they have by-passed them.

Mr. BRYCE: Is not that practice frowned upon in the department?

Mr. MACKEY: Yes, it is.

Carried.