

matters which have been raised, I am going to ask the House to reject the amendments to Motion No. 33A, as they are matters which relate to the powers which exist between the federal Government and the provinces. Clearly it would be inappropriate for me, in the context of this Bill, and without consultation, to make any changes in that connection. All I am seeking to do in the motion is to fill the gap which was created by the court.

With respect to the powers that exist between the two levels of Government, I would be happy to look at any further changes with the Hon. Member to determine if there is an appropriate way in which to proceed. However, I think it would be inappropriate for me to proceed without first holding appropriate consultations with the provinces which are involved.

These are no small matters. Anyone familiar with the constitutional history of Canada will recognize that many powers, in terms of the interpretation by the courts of the legislative powers which exist between two levels of Government, were determined by matters which arose from the power to make rules, regulations, laws and by-laws with respect to the production and distribution of liquor. I do not want to get into all of that, as it is a much more complicated matter. However, as the matters which have been raised by the Hon. Member are important, I think we should look for another form. Certainly I do not want Motion No. 33A to be lost, as we still need to have the power delivered to the Indian communities to make rules and regulations with respect to the distribution of liquor, according to the powers which exist in the Indian Act.

Mr. Deputy Speaker: Is the House ready for the question?

Some Hon. Members: Question.

Mr. Deputy Speaker: The first question will be on the amendment to Motion No. 33. The next question will be on Motion No. 33. Then the question will be put on the amendment to Motion No. 33A. The final question will be on Motion No. 33A.

The first question is on the amendment to Motion No. 33 standing in the name of the Hon. Member for Timiskaming (Mr. MacDougall).

Is it the pleasure of the House to adopt the amendment?

Some Hon. Members: Agreed.

Amendment (Mr. MacDougall) agreed to.

Mr. Deputy Speaker: The next question is on Motion No. 33 standing in the name of the Hon. Member for Athabasca (Mr. Shields). Is it the pleasure of the House to adopt the motion, as amended?

Some Hon. Members: Agreed.

Motion No. 33 (as amended) agreed to.

Mr. Deputy Speaker: The next question is on the amendment to Motion No. 33A standing in the name of the Hon.

Indian Act

Member for Cowichan-Malahat-The Islands (Mr. Manly). Is it the pleasure of the House to adopt the amendment?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Mr. Deputy Speaker: All those in favour will please say yea.

Some Hon. Members: Yea.

Mr. Deputy Speaker: All those opposed will please say nay.

Some Hon. Members: Nay.

Mr. Deputy Speaker: In my opinion, the nays have it. Amendment (Mr. Manly) negatived.

Mr. Deputy Speaker: The next question is on Motion No. 33A standing in the name of the Minister of Indian Affairs and Northern Development (Mr. Crombie). Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Motion No. 33A agreed to.

Mr. Deputy Speaker: The House will now proceed to Motion No. 35A.

Hon. David Crombie (Minister of Indian Affairs and Northern Development) moved:

Motion No. 35A

That Bill C-31, be amended

(a) by adding immediately after line 30 at page 18 the following:

"19. (1) Where the total number of persons whose names have been entered on a band list under paragraph 11(1)(c) of the *Indian Act* and who have attained the age of eighteen years equals or exceeds one third of the total number of members of the band who have attained the age of eighteen years and the council of the band makes a by-law bringing this section into effect in respect of the band,

(a) a surrender to Her Majesty of any right or interest of the band and its members in a reserve is void,

(b) no expenditure of Indian moneys under paragraph 64(1)(a), subsection 66(1) or subsection 69(1) of the *Indian Act* may be made, and

(c) no amendment may be made to any agreement or arrangement in order to effect a payment or distribution of property held for the use and benefit of the band to any member of the band

unless it is assented to by a majority of the electors of the band and a majority of the electors of the band who were members of the band immediately prior to April 17, 1985.

(2) The council of a band may make a by-law to bring this section into effect in respect of the band.

(3) A by-law made under this section may not be amended or revoked unless its amendment or revocation is assented to by a majority of the electors of the band and a majority of the electors of the band who were members of the band immediately prior to April 17, 1985.

(4) Any by-law made under this section shall cease to have effect on April 17, 1992 or on such earlier date as may be specified in the by-law.

(5) This section shall cease to have effect on April 17, 1992."

(b) and by renumbering the subsequent Clauses accordingly.

He said: Mr. Speaker, I have had some discussion with those who have been concerned with this matter. These two motions deal with what is known as the "high impact" bands question.