

*Indian Act*

improved housing, the reality is that there is much poverty and poor housing that needs to be addressed. The Minister has inherited that problem and he has to address it in another forum at another time. That is not related to the fact that people of Indian persuasion, of Indian belonging, of Indian custom, are now not going to be allowed, because they cannot obtain housing, to have their say. That is why I called it a Boston Tea Party. It is unlikely that many of these reinstated persons will be able to take up any kind of residence with their former bands, even if they would want to do so. As a result, they will be unable to meet the electors' criteria and will therefore be ineligible to participate in the decisions on the band list and, more important, the development and adoption of band membership codes.

I believe all members of an Indian nation should have an opportunity to participate in the band membership process since these rules represent a legitimate move toward native control and self-government over their own affairs. I think it is totally unfair to exclude them. I support this move not only because it affects the decision of the bands, but because they will have no opportunity even for input.

Their absence is not of their doing. I heard the Member talk before about ancient times et cetera. He spoke, and I agree with him, of the river running, the sun shining, and the moon rising. But the bands would have been there if we had not interfered. Why can we not take it that we will start from scratch after we have regulated what we stuck our nose into, something that we should not have done in the first place?

The children of men and women who regain their status as a result of this Bill do not get automatic band membership themselves. This is discriminatory and results from past injustices suffered by their parents. It is regrettable that the Minister did not move an amendment that would have righted this wrong. That aside, their only option for gaining band membership is through application to the band following the adoption of membership rules. Who knows what is going to play at that time? I do not think anyone can claim that a democratic process has been followed if reinstated persons are unable to contribute to the development of the rules that will ultimately affect them and their children. Under this Bill there is no assurance that children under the age of 18 who will be allowed to return to the reserve with their parents will be able to continue to live there when they turn 18.

● (1130)

It is totally unacceptable to me, and to most women, to divide families according to different status of transmittable rights to offspring. I should like to know who gave anyone, including the Minister, the right to play Solomon and to determine whose child shall be allowed to be a member of the Indian nation and whose child shall not. I also reject the notion that somehow we would be infringing upon the principle of band control. With all due regard, I think the principle of democracy and participation in the future of one's life is paramount, not band control.

At any level of Government, be it federal, provincial, municipal or international, citizens are given the opportunity to voice their concerns and views on decisions which affect their daily lives. Through various forums, they are able to affect change if they feel strongly on a particular issue.

I have travelled with the equality rights committee across Canada, listening to discriminatory practices and repeatedly hearing from many women's groups about the discrimination with which they are living. They are looking for equality. It is actually ironic that no one in the House has come out with the best of efforts. There have been many who have tried, and I congratulate everyone in the House who has been involved. However, good intentions are not an acceptable replacement for resolving the first level of discrimination, that is, the right to participate in the development of band codes and in the control over band lists. The bands should have the right to continue to make those decisions after the original inequity has been removed. At that point we start from square one, but not until then. I just find that to be totally unacceptable.

The Minister indicated—and I think it was yesterday—that he would be unable to reject an application for control of band membership rules on the basis of their content, but only on procedural grounds. In committee I wanted to bring forth an amendment that all band membership rules and by-laws would conform to the Charter of Rights and Freedoms. At that time I was informed that this was implicit in all federal legislation. If the Minister finds himself in the position of having to accept rules which do not comply with the Charter at the end of this two-year process, and if the Minister does not have that responsibility, band members will have to go to court to fight for their rights. The Minister has to recognize that not only should the Charter apply, but our signature on international covenants should apply, if we in the halls of Parliament want to be perceived as respectable.

I would like to take this opportunity to ask the Government to give consideration to this amendment which ensures full membership and band participation and the development of band codes, and which avoids the great cost of fighting injustices in the court. If Bill C-31 remains unchanged, we will continue to deny their rights to men and women who have suffered enough as a result of discriminatory factors and sections of the Indian Act. Members of the Indian nations should not confuse nationhood and self-government with their right to have something to say about what is happening to them and their right to be heard on important and fundamental issues which concern both them and their children and will certainly impact forever on their lives.

These rules will affect women, some men and their children. I ask the Minister to let them have a say. If what the Hon. Member opposite keeps saying is so, those women will agree with everything that has been well thought out with respect to the development of band code and the development of membership. It will not create the tremendous problem which he seems to feel is inherent in women's participation in these kinds of developments, those who do not have the right to be ordinarily resident through no fault of their own.