

I do not for one minute agree with the law the way it was. The Indian Act discriminated against women, and I do not for a moment agree with that. But righting the wrong, forcing it on the bands in this cavalier manner, is not the way to do it, in my view. We would have been much wiser if we had said that bands should control their membership. We would have been much wiser if we had said that if in two years there are still injustices and they have not been redressed, this Parliament would then act. On one hand we say we want Indians to have self-government, and we talked about it at the First Ministers Conference. As I said yesterday, the Penner Report published last year clearly indicates that this is the way we should be moving. I understand the push. I understand the abhorrence that we all feel when we look at the Indian Act and see the discrimination that was practised for many years. Indian women who married non-Indians lost their Indian status and were removed from the reserves. The wives of men who married non-Indians became treaty or registered Indians and band members. That was certainly an injustice.

● (1120)

Indian self-government has evolved to a point. The control of band membership has always been their jurisdiction. The federal Government in Canada can determine who is a status or registered Indian, but that does not force band membership. We have done a disservice to the women who wish to regain treaty status. We are doing them a disservice inadvertently as well because we are preventing the children and grandchildren of those women from gaining Indian status and band membership. With the amendments now, some of them will gain Indian status. However, we have done a disservice because the bands that would have been open and accepting, had we allowed them to proceed in their jurisdiction without interference, will now resist.

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

**Some Hon. Members:** Question.

**Mr. Deputy Speaker:** The question is on the amendment of Mr. Epp (Thunder Bay-Nipigon). Is it the pleasure of the House to adopt the amendment?

**Some Hon. Members:** Agreed.

Amendment agreed to.

**Mr. Deputy Speaker:** The question is now on Motion No. 3, as amended. Is it the pleasure of the House to adopt the motion?

**Some Hon. Members:** Agreed.

Motion No. 3, as amended, agreed to.

**Mr. Deputy Speaker:** Motion Nos. 13 and 14 will be grouped for debate.

**Mrs. Sheila Finestone (Mount Royal)** moved:

Motion No. 13

That Bill C-31, be amended in Clause 4

### *Indian Act*

(a) by striking out lines 25 and 26 at page 6 and substituting the following therefor:

"membership", a majority of the members of the band of the full age of eighteen years gives its consent to the band's".

(b) by striking out lines 29 and 30 at page 6 and substituting the following therefor:

"sent of a majority of the members of the band of the full age of eighteen years,"

**Mr. Jim Manly (Cowichan-Malahat-The Islands)** moved:

Motion No. 14

That Bill C-31, be amended in Clause 4 by striking out lines 30 to 35 at page 6 and substituting the following therefor:

"band establish membership rules for itself.

(3) Membership rules established by a band under this section shall provide a mechanism for appealing decisions on membership."

**Mrs. Sheila Finestone (Mount Royal):** Mr. Speaker, I particularly want to thank my colleagues in the House for delaying the debate on my motion. I guess that the airlines are getting to be as reliable as the post office. I am very pleased to speak on Motion No. 13 of Bill C31 at report stage.

When this Bill was first introduced at the end of February, the Minister of Indian Affairs and Northern Development (Mr. Crombie) indicated that this Bill would achieve the elimination of discrimination based on sex in the Indian Act, that status and band membership would be restored to those who lost it as a result of discrimination, and that there would be recognition of the principle of band control of its membership. I agree with the Minister. These are very laudable principles, but they have not been met in this Bill.

● (1125)

In the Standing Committee on Indian Affairs and Northern Development we heard from many Indian and non-status women and men who will be affected by this Bill. I think I am correct in saying that not one witness expressed satisfaction in total with the Government's proposals. Perhaps that would have been too much to expect. I think the Minister has gone a long way to redressing some of the concerns.

I share, however, many of the concerns expressed on this very complex issue relating to the Indian Act and the Bill before us and to self-government. I understand all that. Nonetheless, I moved this motion in response to the many questions raised by reinstated persons with regard to their participation in the decisions to take control of the band lists and the development of band codes. It seems to me that we are now planning a new version of the Boston Tea Party where rules will be drawn up without the input, impact or participation of those members upon whom it will have a true impact.

As the Bill now stands, a majority of the elected, not a majority of the members, must give their consent to the band's control of its own membership and to the establishment of membership rules. Under the Indian Act, in the definition of electors the term "ordinarily resident" is used to determine elector eligibility. Given the difficulty some bands now have in providing housing for all those who wish to reside on the reserve—and the Minister knows well I have addressed that issue—and the need for infrastructure and increased and