

Indian Act

registered if they have been enfranchised. In Motion No. 18A the Minister has given the bands the right to determine whether or not those people should have band membership. That is a compromise. It might make the legislation marginally more acceptable to some people and marginally less acceptable to others. I believe that it would be unjust not to restore band membership to people who once had it, but who lost it unjustly. It would be unjust to grant band membership to those who never had it. It would be unjust to force those people into band membership.

It has been noted previously that there is no ideal solution to the situation. We are dealing with the whole policy of decolonization. We cannot do that with clean hands. The Minister, and all Members who are involved in decolonizing, have dirty hands. However, I believe that Motions Nos. 5A and 18A are reasonable compromises. We have a responsibility to deal with the situation. I believe the Minister has come up with a compromise which is as reasonable as that which could be suggested by our Party or by the Liberal Party. On that basis, we are prepared to support the amendments.

Mr. Jack Shields (Athabasca): Mr. Speaker, Bill C-31, as it was approached in committee, gives status to some persons who voluntarily enfranchised, either to join the army or to get a job. Other Indians who voluntarily left will not get status. I think Hon. Members are missing the impact which that could have on individual bands.

The way in which the Bill is presently constructed requires that lists be kept by the Department. If a two-year period elapses and the band has not implemented membership rules and regulations, the list which has been kept by the Department is automatically imposed on that band. There are a lot of bands in isolated communities which will not be totally familiar with the amendments which have been brought forward by the Minister within that two-year period. I see that as a danger.

Another very specific danger is what the legislation will do right across the country. Within the grouping I have moved Motion No. 7, which will not be voted on if Motion No. 5A is passed. However, in moving Motion No. 7 I was attempting to limit those who could receive status. A problem which faces Canadians, particularly those in my area, is that status Indians are allowed to hunt and fish out of season. Currently, there are challenges before the courts because status Indians who are working for Syncrude, Suncor and other oil companies in northern Alberta on Crown lands are claiming tax exempt status. I believe there are a lot more implications to this particular amendment than those which have been addressed.

Many bands will assume immediate control of their membership lists. However, my contention is that many bands will not do that.

I know of a number of individuals in Alberta who have left wealthy bands during the last five years. When they voluntarily enfranchised, they took with them a great deal of money from band trust accounts. Some people took upwards of \$300,000 and some took \$150,000 or \$200,000. From the moment

this Bill is passed, once again, those people will automatically become status Indians. I do not believe we are being sufficiently careful. I cannot remember many groups which came before the committee requesting that the legislation be expanded in this way.

• (1220)

I would like to compliment the Hon. Member for Cochrane-Superior (Mr. Penner) for the Penner Report on Indian Self-Government. The Department of Indian Affairs, all of us generally agree, is a monster of inefficiency and waste which we are trying to eliminate within a certain period of time so that the Indian people can become like any other Canadian, not having to answer to a Department of Indian Affairs. This Bill ensures that we are going to have the Department of Indian Affairs, with its bureaucracy, around for a very long time because we are increasing the number of status Indians from its present level. I would suggest we may even double the number of status Indians—not band members—across the country.

In Alberta there are Métis who have been members of the Métis Association of Alberta since they were young men. They have fought for the Métis cause, have lived as Métis, but now will be treaty Indians under this amendment. It has to stop somewhere. I think we should very carefully limit those who are granted reinstatement from the voluntary side. If these people left voluntarily, who are we to say, "The decision you people made years ago is not the right decision and we are going to make you Indians again"? They left voluntarily for a number of reasons. My grandfather voluntarily sold the mineral rights to his homestead. I cannot go back and say that he made a mistake when he voluntarily did it. He is dead now, but if he were alive he could not go back and say, "I made a mistake. Now that oil has been found on my homestead, I really shouldn't have done that". That is what we are talking about. It was not an easy thing to do. If someone wanted voluntarily to enfranchise, it was not just a case of going into the office and saying, "I want to quit" and signing a form. It took a year, and in some cases two years, to do so. We are trying that within a one-year or two-year period, people will have had time to think it over and we should not now say, "No matter how you thought then, we are now going to change things and make you an Indian. You cannot give up your status". I believe we have not given enough thought to that matter and I propose to vote against this amendment.

Mr. Stan Schellenberger (Wetaskiwin): Mr. Speaker, Hon. Members will be happy to know that it is not my intention to rise to speak on every amendment. However, I would like to make just a few comments on this clause because I believe it is important. I am not going to attempt to comment on the excellent speech and history lesson given to us by the Hon. Member for Cochrane-Superior (Mr. Penner) because I think he outlined the basis upon which we now debate this clause.

I would like to remind Hon. Members who served on the special committee of the word "trust". When that committee began its work, we had a very interesting experience in the