

Indian Act

Mr. Jack Shields (Athabasca): Mr. Speaker, I would just like to make a couple of remarks. I think the motion is socialism in its purest form. Someone could jump in a car and say, "I'm going to move back on to the reserve", if the band has no control over membership. We are only giving them in this Bill the same control that the people in Ottawa or Edmonton have over who lives within the community. They may not control it directly, but they control it by by-law. One cannot, for example, move a house trailer on to a lot, even though one owns it, if it is in the middle of downtown Ottawa or in a suburban development of Mount Royal. One cannot move a mobile home there if that is what one wants to do. We are controlled by by-laws on our residency requirements in these various areas.

All city councils and town councils have the right to make by-laws to determine how and where one is going to live within the community. The Hon. Member's Motion No. 32 would give the absolute right not to the collective membership to control what happens on the reserve but to the individual. To me, this would result in chaos because anyone would have the absolute right to move on to the reserve and pitch a tent, a teepee, live in an abandoned truck or whatever, with no thought to the orderly development of the reserve. That is why I could never support this motion. It borders on the ridiculous.

Mr. Ernie Epp (Thunder Bay-Nipigon): Mr. Speaker, I have sat here in utter astonishment as I listened to what the Hon. Member for Athabasca (Mr. Shields) had to say. The Act already provides the power to band councils to divide the reserve, or a portion thereof, into zones and to prohibit the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any such zone. That is from Section 81(g). The Hon. Member's argument that what my friend, the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly), is proposing is a socialist measure, I find utterly astonishing. I do not know how the Hon. Member for Athabasca, who regards himself as the defender of the right of individuals, can suggest that city Governments are involved in determining who can live within their borders when they decide what sorts of dwellings people are going to have. That is quite incredible.

Surely, in this country we prize our right to move about. We do not, as is true in many European countries, believe that one needs to register with the police when one arrives in a city or town so that the police know that one is there even as a visitor. We prize the right to move about. It is surely a fundamental liberty which Conservatives generally, I believe, defend, and certainly it is important to we New Democrats. That is why my hon. friend, the Hon. Member for Cowichan-Malahat-The Islands, is proposing that the Act specifically provide for the right to be resident on the reserve.

I ask my colleagues on both sides of the House to reject out of hand the argument made by the Hon. Member for Athabasca. It is simply ridiculous.

Mrs. Mary Collins (Capilano): Mr. Speaker, I would like to make a few comments on this particular motion. First, I do not

agree with the motion put forward by the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly) which would restrict the application of band by-laws concerning residence to persons who are not members of the band. I really feel that probably we are not in that much disagreement on this issue. However, in my view, the suggested change would seriously and unnecessarily restrict the powers and responsibilities which should legitimately be vested with band councils. In fact, the Bill, as presently drafted, recognizes the long standing informal power of bands to regulate residence of all people living on the reserve.

As the Hon. Member for Athabasca (Mr. Shields) said, control over residence is essential if bands are to ensure orderly and effective planning and development of their communities and the smooth integration of new and restored band members. Concerns have been expressed that the current provision in the Bill might be used arbitrarily to restrict people, whether existing or restored band members, from living on the reserve. I would like to assure my colleagues that this is indeed not the intention of the provision. Personally, I do not believe it will be used in that way. Rather, it is a simple way of ensuring that communities can control residence in the best interests of the total community.

As we know, the bands must make decisions on community services, infrastructure, housing and education. By-law powers over residence will enable bands to co-ordinate such decisions with the actual flow of people back to the reserve and ensure that existing conditions of over-crowding or over-taxed facilities are not made worse. Recognizing control over residence as a by-law power merely confirms a long-standing and accepted practice. At present, most bands already control residence through their ability to control allocation of land and housing, and through a process of arriving at a group consensus on the pace and direction of development. The adoption of the proposed motion would needlessly restrict such band authority. Formalizing residence control in a by-law should also make the system fairer because it will make the rules more explicit. At present, control is exercised informally and rules are not explicit. With by-laws in place, individuals will have a much clearer picture of what rules are being used to regulate residence. If the rules are unfair, they can also be attacked more easily.

● (1220)

Therefore, I believe this motion is not in the best interests of the Indian bands and I urge my colleagues and all Hon. Members to vote against it.

Mr. Stan Schellenberger (Wetaskiwin): Mr. Speaker, I just want to add a few remarks to those of the Hon. Member for Capilano (Mrs. Collins). I think she outlined the situation very eloquently and properly. I think the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly) will recognize that there is one other difficulty, that is, that on most, if not all, reserves in this country there is a shortage of housing and a shortage of the capital to build that housing. In most of these communities there is a long list of people waiting for a