

*Indian Act*

chiefs of Ontario, and they have not allowed these discriminatory provisions to keep them from having in their communities those whom they want as their citizens, despite the law that we have passed?

They say in their resolution that what we should be doing here today is, and this was the burden of the speech that I made this morning, first to recognize the exclusive right of Indian First Nations to determine their own citizenship and/or membership, whichever term one prefers to use—exclusive right.

Second, and here we are going to get into some differences of opinion, the Hon. Member for Mount Royal (Mrs. Finestone) says don't look at me, but when she gives her speech, it is going to become evident. I would argue along with the chiefs of Ontario that the existing band list currently in use by Indian First Nations should be the starting point in the definition of membership and citizenship of the First Nations. Then, having established their membership code, if it is not already in place, those members who are currently on the band list will establish the citizenship criteria, if it has not already been done. For us to say, "oh, can we allow them to do that", this is where we come back to the chairman of the standing committee and the trust relationship. Do we have to be so suspicious and so fearful that there is going to be injustice and unfairness and that it is not going to be equitable if we say that that is their exclusive right? Do we really have to, by an Act of this Parliament, make sure that it happens? I do not think so.

That having been done, Mr. Speaker, if you have followed me so far, the people on the existing band lists will draw up the membership code, if it has not already been done, and we trust that it will be done in fairness and equity and with justice. Now we come to deal with those people who are on this expanded band list, all of the persons whom we talked about this morning and whom I argued had lost their status because of various provisions of the Indian Act, either voluntarily or involuntarily. They will be on what we may describe as an expanded band list. The chiefs of Ontario said it was a general band list. I do not think that the particular term matters very much.

When all of those people are added who have been affected by the various provisions of the Indian Act, then these persons shall be eligible, shall have the right to make application for membership to the Indian First Nation Government. Finally, each First Nation Government will have a membership code, which we have already talked about, and it also will have an appeal mechanism. That is the basis upon which I will make my decision on the amendments of this particular grouping.

I would say this with respect to the Minister's Amendment No. 14A simply gives a choice to the bands. It says the bands, in enacting their by-laws, can either include those who are electors or those who are on the band list. That gives them a choice. It is optional. If it allows the First Nations to have a choice, to have an option, and it is not an imposition, I see no way in which I could oppose that. With respect to the others, the same principle will apply.

● (1540)

I have no difficulty with Motions Nos. 15 and 16 in the name of the Hon. Member for Athabasca (Mr. Shields) which both attempt to provide the band with a greater degree of power and with less control and manipulation coming from the Registrar. I have to vote no on Motion No. 17 because it goes contrary to what I already suggested was acceptable, which was that contained in Motion No. 14A, the existence of an option.

Motion No. 18, which stands in the name of the Hon. Member for Athabasca, comes very, very close to what I described as the expanded list, what the chiefs of Ontario called the general list and what the Hon. Member has called a transitional list. What is in a name? From my point of view, speaking as a private Member of Parliament rather than on behalf of all of the Members of my Party who can speak for themselves, I would be inclined to vote yes to that.

Motions Nos. 20 and 21 put some restrictions on the timing. I would vote in favour of those motions. Motion No. 24 is a motion to which the Hon. Member for Cowichan-Malahat-The Islands will wish to speak. It stands in his name and is a very technical motion dealing with what we call the double majority. We will be dealing with that in another context later on. I think it has been shown that what the members of the committee thought would be achieved by that motion will not in fact be achieved. I would be inclined to reject that motion.

Finally we come to Motion No. 32A which is intimately linked to Motion No. 14A. To accept one is to accept the other. However, Motion No. 32A does have one addition which I accept; that is that those who return to a band but have taken a benefit from the band at the time of leaving will now have to return to the band anything in excess of \$1,000, plus interest, before they can become beneficiaries. I think that that is a safety clause and I would be able to accept it.

**The Acting Speaker (Mr. Paproski):** The Hon. Member for Athabasca (Mr. Shields).

**Mr. Shields:** Mr. Speaker, I would like to say a few brief words. I would like to address my remarks to the amendments that I have grouped.

**Mr. Manly:** Mr. Speaker, I rise on a point of order. Is it not usual practice to recognize Members of all three Parties in the initial stages?

**The Acting Speaker (Mr. Paproski):** I thought I would, but after I had recognized the Hon. Member for Athabasca.

**Mr. Shields:** Mr. Speaker, I will relinquish the floor to the Hon. Member in order to keep with tradition, if that is what he wishes.

**The Acting Speaker (Mr. Paproski):** I did not see the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly) rise. When I saw the Hon. Member for Athabasca rise, I thought he deserved the floor. I will bow to whatever the