

Indian Act

for debate and voted on separately. Motion No. 37 will be debated and voted on separately. Motions Nos. 38 and 39 which were grouped with Motion No. 28 were dealt with earlier.

Motions Nos. 40 and 41 will be grouped for debate and voted on as follows: (a) an affirmative vote on Motion 40 will dispose of Motion No. 41 and no question will be put to the House on Motion No. 41; (b) a negative vote on Motion No. 40 will necessitate the question being put on Motion No. 41. Motion No. 42 will be debated and voted on separately.

It would be the Chair's intention to give Hon. Members an opportunity to speak to the procedural acceptability of the motions on which I have expressed some concern. Following Routine Proceedings today when the order for resuming debate is read, I will hear Hon. Members on their procedural arguments.

[Translation]

For the benefit of Hon. Members, these motions are numbered 2, 3, 4, 5, 6A, 8, 9, 10, 11, 12, 19, 22, 23, 26, 27, 28A, 30, 31, 33, 33A, 34, 35 and 36.

For the moment, debate will begin on motion No. 1, standing in the name of the Hon. Member for Athabasca (Mr. Shields).

[English]

Mr. Jack Shields (Athabasca) moved:

Motion No. 1

That Bill C-31, be amended in Clause 1

(a) by striking out line 4 at page 1 and substituting the following therefor:

"1.(1) The definition of "elector":"

(b) by striking out lines 9 to 12 at page 1.

He said: Mr. Speaker, I am proposing this amendment to the definition of "elector" to put more control into the hands of the band so that it may define who the elector is and if he or she should reside on the reserve. It does not necessarily imply that others will be eliminated from the electors' list by not living on band property; it will be strictly up to the band. I believe the amendment goes a long way in creating the situation for which we are all aiming—self-government for reserves and bands. I ask Hon. Members to consider Motion No. 1, as it simply extends the definition.

● (1110)

Hon. David Crombie (Minister of Indian Affairs and Northern Development): Mr. Speaker, as the House is discussing Motion No. 1, I thought I might spend a moment on the general sense of the matter which is before the House and the various motions which have been grouped in a fairly extensive fashion.

Three months ago, I asked Hon. Members to consider legislation which would eliminate two very great historical wrongs in Canada's legislation regarding Indian people: discriminatory treatment based on sex, and the practice of dictating to Indian communities who may and who may not be members of each community.

When I tabled the legislation I said that I did not want to proceed in a way which would increase control of all Indian communities and people, men and women alike, in a colonial fashion which is no longer acceptable in 1985. I have attempted to ensure that the legislation is not simply a well-intentioned attempt to redress the injustices of the past. That would inflict even greater injustice and irreparable damage upon the people of the First Nations.

Following the policy of the Government to seek consensus, I encouraged parties to talk to each other in an attempt to reconcile their differences and to accommodate each other's concerns. I spent many thoughtful hours attempting to understand and attempting to respond positively to the various requests. I invited those who sought new avenues to present them to the Standing Committee on Indian Affairs and Northern Development. That committee, under very able chairmanship, has done a heroic and conscientious job in considering all the ramifications of the legislation and in recommending improvement.

While there might be other ways to reach the objectives which I am sure we all agree must be reached, the three pillars of principles which underlie the Bill, are unshakable. The first principle was the removal of discriminatory provisions in the Indian Act. The second principle was the restoration of status and membership to those who lost status and membership as a result of the sex-based discriminatory provisions in the Act. The third principle was to ensure that Indian First Nations, who wished to do so, could control their own membership. Those are the three principles which we needed then and which we need now to allow us to find the balance and to proceed with serenity in passing this legislation in the face of any disappointment which may be expressed by persons or groups who were not able to accomplish 100 per cent of their particular objectives.

As I said, decolonizing is not a painless process. No one comes out being a 100 per cent winner. We can never go back to square one and start over. We have to begin with the reality which confronts us today. The committee—and I refer to its members from all Parties—performed a difficult and lengthy task with diligence, compassion and fairness. I want to take this opportunity to remind Members of the high quality of the discussion which we had three months ago.

I would like to address Motion No. 1 which is before the House. Two purposes of Bill C-31 are involved in the amendment to the definition of a child: first, the equal treatment of children, and second, the right of specific Indian individuals to transmit status to their children.

If an Indian person is capable of transmitting status to his or her natural child, it seems logical to extend that capability to include a child whom the Indian person might adopt, either legally as defined by provincial or territorial law, or by the custom of his or her people. The equal treatment of children in an immediate family is important to the preservation and integrity of the family unit. Band custom adoptions are not uncommon and very frequently involve a relative of the child in question.