

never band members would make the principle of band control meaningless.

● (2050)

On the question of the scope of those gaining Indian status under the bill, I should point out that up to 70,000 people will be eligible for status and band membership under the provisions of Bill C-31.

To include just one more generation—that is, to go from mother to child to grandchild—would add anywhere from 40,000 to 70,000 more; and from reading the committee proceedings and the debates of the house, one will see that the minister thought that that would mean going further than he was prepared to go at this time with this bill.

Honourable senators, it is impossible to undo all of the residue of past discrimination. Nevertheless, the government is convinced that Bill C-31, as passed by the House of Commons, provides a generous and virtually unprecedented measure of redress for past wrongs under the Indian Act.

There were also a number of technical clarifications and improvements adopted in the bill, which I need not go into.

It would be naive for me to suggest that large increases in the current number of status Indians that would result from this bill would not have significant financial implications for the government. The government is fully aware of the need to ensure that the bill will be implemented in a fair way and that adequate funding is provided. To that end the minister has given an assurance that, in fact, there will be no shortage of funds to provide for full implementation of this bill.

The objective of the government is to ensure that people restored to status can enjoy the full range of programs and services to which they, as status Indians, are entitled. That will be accomplished without altering the current situation in which individual Indians and their communities find themselves.

The minister has pointed out that he is aware of the need to implement this legislation as quickly as possible. Many individuals and communities are anxiously awaiting passage of this bill, and I suggest, honourable senators, that there is some urgency.

The bill came into effect, in essence, on April 17, when section 12(1)(b), even without judgment of a court, would obviously be ineffective. To all intents and purposes the discriminatory section can hardly be said to be in effect, because of the effective date of April 17.

The longer the gap between that date and the date of Royal Assent, the greater the danger of legal complications arising from conflicts between the provisions of this proposed bill, Bill C-31, and those of the Indian Act.

Immediately following Royal Assent being given to the bill, the government is prepared to begin the implementation process. Individuals eligible for restoration will be made aware of how to apply to regain their rights. Bands will be assisted in assuming control over their own membership. Steps will be taken to ensure that bands are able to cope effectively with their new band members.

[Senator Nurgitz.]

The problems dealt with by this bill have created wounds in some Indian communities which will take time to heal. But I believe that, in time, most individual Indians and bands touched by the legislation will agree that it constitutes an important and necessary step forward.

I use the word “step” advisedly, because this legislation is only a beginning. What lies ahead for us is to deal with the other critical issues facing Canada’s Indian people.

Foremost among issues to be resolved is that of Indian self-government. That is the course to which many wish to dedicate themselves following passage of this bill.

I urge all honourable senators to support the bill. I look forward to hearing the comments of honourable senators, and I trust that the bill will be considered further by the Standing Senate Committee on Legal and Constitutional Affairs.

Hon. John M. Godfrey: May I ask the honourable senator a question?

Senator Nurgitz: Certainly.

Senator Godfrey: I gather that this bill was pre-studied by the Standing Senate Committee on Legal and Constitutional Affairs. Did it make any recommendations either officially or unofficially, and, if so, which recommendations were accepted and which were rejected?

Senator Nurgitz: In reply to Senator Godfrey, the committee had six or seven meetings at which it heard representations from a wide range of Indian groups, pressing us, I must confess, on every conceivable issue and on every side of every issue. The committee made no recommendations whatsoever.

Hon. Joyce Fairbairn: Honourable senators, I rise with some considerable reluctance to speak on Bill C-31, which deals with amendments to the Indian Act primarily in the area of discrimination and band citizenship. It is rather like being party to a break and entry. We are intruding ourselves into somebody else’s home. We are meddling with their family life and then leaving them to sort out the pieces.

All of us are caught in a process which would be intolerable should it happen to most of us. The fact that it is happening to one of our colleagues in this chamber, Senator Marchand, adds to my own feeling of inadequacy.

The only justification for our action is that this latest intrusion into the lives of Indian people is necessary to try to end a much greater injustice which Canadian governments introduced many years ago with the passage of the Indian Act.

I should like to say a few words about my colleague, Senator Nurgitz. I wish to thank him, and the committee—and most particularly the chairman, Senator Neiman—for the courtesy and encouragement given me in permitting me to join in the pre-study discussion of this bill. I appreciate the encouragement given to me, as a new senator, in undertaking for the first time the pre-study of an important and controversial bill.

I listened to Senator Nurgitz with interest and great respect. He gave an excellent review of the provisions of the bill and the process of amendment which led to its introduction in this chamber.