

The CHAIRMAN: We should hear what has been represented to the minister and what the minister has to say on the subject. We should do that before we hear anybody else, I would say.

Mr. NOSEWORTHY: But that is not my point. My point is: why should we pass a section until we have heard the Indians' side as well as the minister's?

Hon. Mr. HARRIS: May I interrupt at this point to say that, as you will read at the top of page 9, of the Conference Report this section was unanimously agreed to by the Indians. There was discussion about it, but there was no opposition to it after explanation was given.

Mr. FULTON: So far as I am personally concerned, I would be satisfied with what the chairman has just said. But if later on we decided that we should hear Indian representations, I think we should have something to suggest to us with respect to the sections which have been carried. Will the chairman rule that principle is not precluded, and that we can move an amendment to one of these sections in accordance with the statement of Indians who may be heard, if I am correct in my understanding.

The CHAIRMAN: Probably you have not been here as often as some of the others, Mr. Fulton. But you probably know that we have referred to these sections two or three times although they have been passed. So I believe that answer is sufficient.

Mr. FULTON: I understand that seven sections have not been passed yet.

The CHAIRMAN: We can refer to them if anything comes up. We will make our own laws in the committee.

Mr. CHARLTON: What you have just said, Mr. Chairman, would lead us to believe that you do not intend to refer to them.

The CHAIRMAN: No, not at all. We referred to them.

Mr. CHARLTON: Well, that is enough.

The CHAIRMAN: No, it is not enough. Even when we have heard all these, should we then decide to hear other representations with respect to sections we have already passed, we will give affect to it.

Mr. FULTON: That is fine.

The CHAIRMAN: The committee may rule otherwise.

Mr. BLACKMORE: I think your provision is well taken, Mr. Chairman, and I agree with Mr. Fulton. But the question I was wondering about is: when we are considering a particular section or subsection, would it not be appropriate to put in right after it such an expression as "subject to the subsequent consent of the band council"?

The minister replied by saying that, after all, this right would be granted for only a year at a time and if, at the end of a year, it was deemed inadvisable to continue the grant, then it could be discontinued. But I have been wondering about it, and I ask why it would not be good sense to put in the words I have suggested?

Hon. Mr. HARRIS: Well, the decision we are bound to take on it, having in mind the temporary nature of this right or privilege would in most, if not all cases, result in an income, sometimes perhaps a substantial income to the Indian; and that since we are responsible for his welfare, and that of the band, we should have the final say as to whether any remedy or any temporary right is granted.

This is not to say that very many of these rights were granted without the consent of the band council. They are in most cases granted with the consent of the band council. But in connection with another section, I pointed out if you have an over-riding responsibility you must bear in mind that sometimes you must make a decision despite opposition which you know is not justified at the moment.