

Indian Act

of these problems have not been answered, and they are worrying our people.

The bottom line is that the Indians whom I represent want to preserve their culture. It is a question of survival within the realm of their own decrees and customs. They want self-government within our nation, but they want it to be in the Indian way on each reserve without interference by other governments or organizations that do not like the customs of our native people.

Members of the Blackfoot, Sarcee, and Stony tribes are good Canadian citizens. They have excellent statesmen. When the law is passed, they will endeavour to live by it. We must all co-operate to the highest degree because there is a possibility of tremendous strife developing when we categorize the people who will live on a reserve. It will be a challenge to make this Bill work for those who presently disagree with it.

Mr. John Parry (Kenora-Rainy River): Mr. Speaker, in rising to speak on third reading of Bill C-31, an Act to amend the Indian Act, I would like to reiterate some of the comments that I made at first reading stage and to relate some of the lessons that I have learned and some of the observations that I have gleaned in the committee process of examination and debate of the Bill. As far as possible I would like to avoid repeating those comments that have been made by previous speakers and to try to confine myself to my own assessment of the impact of this legislation and the challenge that it poses for this and future Parliaments. Let there be no doubt that this revision of the Indian Act, by its very nature, is in no way a final solution to the very many difficulties that this institution's habit of legislating for Indian people what they should rightly and legitimately legislate for themselves has caused.

I believe that I will be the only new Member to speak on this Bill. I am fully conscious of the responsibility that rests upon me by virtue of representing more Indian bands than any other Member of the House. As Bill C-31 stands it is, at best, a mechanism for a transition which it starts but is not going to accomplish fully. I believe the Minister himself said that it does not correct all problems, and I certainly support that assessment. However, as he observed, it does represent the first revision of the Indian Act in a generation. It is a sad comment on the process in which we are engaged that it cannot represent the last revision for a generation but does in fact, in itself, contain the seeds of the necessity for future revisions.

● (1650)

A favourable aspect of the Bill is that it requires a report back to Parliament in two years on the impact of the Bill. I am hopeful that in two years time, while some Members may not relish the prospect, some of the imperfections in the Bill will have made themselves manifest by their effects and we will in fact be in a position to correct some of the problems which this Bill will create by its passage. Problems are never stamped out. They may be stamped, but only into many smaller reflections of the major problem which existed in the first place.

I am pleased that the Minister, in the last few days before the Bill came back to the House, introduced a measure to empower bands to pass legislation on the regulation of intoxicants on reserves. I believe that one of the unwelcome consequences of the Charter of Rights was that the bands were essentially stripped of their power to regulate intoxicants. I am glad that this legislation empowers bands afresh with that ability to regulate intoxicants.

At the same time, as the Minister observed, the Bill places band control of membership in the hands of the bands. It certainly does not place in their hands the full control of membership that bands should have. Let me quote from a resolution of the Chiefs of Ontario who state that Bill C-31 should "recognize the exclusive right of First Nations Governments to determine their own citizenship". As we know, that exclusive right is at some variance with the need to put Bill C-31 into a form where it does not discriminate against those females who married outside the band. Nevertheless, we must indeed hope that this is the last time that the House of Commons will see an abrogation, because it is an abrogation, of the rights of First Nations to determine their own citizenship.

I believe that I learned something from my daughter a couple of weeks ago. When discussing matters of citizenship and ethnicity and race, my daughter insisted that she was fully Chinese because her mother is Chinese. Perhaps she has grasped a truth that had escaped the House of Commons for many years—the dominant role of the mother in the transmission of a person's identity. I believe it is justly said that morality can never be fully legislated. Today, we are trying to legislate identity which also cannot be fully controlled or predicted by legislation. Therefore, our effort is doomed to a partial failure at the very least.

The process which we went through in committee examination of Bill C-31 was, in some ways, a tragedy. That is not meant as a criticism of any Member of the House. However, we were negotiating under that deadline set by the Charter of Rights. While we missed that deadline by a couple of weeks, the legitimate objective of the Government was to avoid the court challenges to the Indian Act which would have inevitably resulted had the legislation not been passed.

I agree with my colleagues who have said that there was not enough consultation in the framing of the amendments to Bill C-31 and in the framing of the Bill itself and not enough consultation in the committee process. We were denied the opportunity to seat representatives of the aboriginal organizations as members of the committee for the process of examining Bill C-31. That is an opportunity that I would have liked to have seen taken advantage of. Heaven forbid that we should go again to a major revision of legislation that so dramatically impacts the lives of Indian people without the special seats reserved on the committee for Indian people in order for their leaders to represent the people's views and needs before the committee.

The Hon. Member for Cochrane-Superior (Mr. Penner) spoke of the way in which the Bill will create classes of