

*Indian Act*

attention to ruling No. 13 by the Speaker this morning, dealing with Motion No. 27. The ruling states that Motion No. 27, which stands in my name, gives the Chair procedural difficulty in that it is attempting to amend the parent Act. Far be it for me to even begin to dispute that ruling of the Speaker, but may I, in keeping with the traditions of the House, ask whether I can have unanimous consent to at least debate Motion No. 27 and then have it disposed of by a vote, after my arguments have been heard?

**Mr. Crombie:** Mr. Speaker, having heard the representations made by the Hon. Member, certainly we on this side of the House have no difficulty with the Chair calling Motion No. 27 and hearing the Hon. Member's arguments.

**The Acting Speaker (Mr. Paproski):** Is there unanimous consent to group Motion No. 27 with Motions Nos. 28, 38 and 39?

**Some Hon. Members:** Agreed.

**Mr. Keith Penner (Cochrane-Superior)** moved:

Motion No. 27

That Bill C-31, be amended in Clause 7 by adding immediately after line 10 at page 14 the following:

"(2) Subsection 17(2) of the said Act is repealed and the following substituted therefor:

"(2) Where pursuant to subsection (1) a new band has been established from an existing band or any part thereof, a portion of the reserve lands and funds of the existing band may be held for the use and benefit of the new band, if the council and a majority of the electors of the existing band consents." "

**Mr. John Parry (Kenora-Rainy River)** moved:

Motion No. 28

That Bill C-31, be amended in Clause 7 by adding immediately after line 10 at page 14 the following:

"(2) The Minister shall, within two years of receiving notice from a representative of a body of persons seeking a declaration pursuant to paragraph 6(1)(b), cause an investigation to be made as to the desirability of such a declaration and report his recommendations to the Governor in Council, which report the Minister shall cause to be laid before Parliament at its next session for consideration through an appropriate committee."

**Mr. Keith Penner (Cochrane-Superior)** moved:

Motion No. 38

That Bill C-31, be amended in Clause 20

(a) by adding immediately after line 21 at page 19 the following:

"(b)(i) the number of people entered on band lists maintained pursuant to section 10 whose applications for registration under section 5.5(5) of this Act have been rejected by the Registrar;

(ii) the total number of applications made under section 5.5(5) of this Act which have been rejected by the Registrar;"

(b) by adding immediately after line 27 at page 19 the following:

"(2) The Minister shall make available to every band council a copy of the report referred to in subsection (1)."

Motion No. 39

That Bill C-31, be amended by adding immediately after line 35 at page 19 the following:

"21. (1) Where a band council requests a study of the impact of the amendments on the band, the Minister shall, in agreement with the band council, designate a person, who shall serve without remuneration, to work with the band council for the purpose of identifying such impacts.

(2) The Minister's designate shall, in agreement with the band council, determine the social, cultural and economic effects of the amendments on the band, including the requirements for additional land, increased program, service and capital costs, and any other matters that may be identified.

(3) The Minister's designate shall report his findings and recommendations to the Minister and the band.

(4) The recommendations of the Minister's designate and the Minister's response to these recommendations shall be included in the report referred to in section 20."

He said: Mr. Speaker, let me begin by speaking to Motion No. 27. I thank the Minister and Hon. Members for giving this motion the benefit of the doubt with respect to its procedural acceptability. However, we can do almost anything here by unanimous consent. I will never forget my first day here when someone moved that we call it six o'clock when it was only 4.30.

Motion No. 27 is not very complicated and simply amends Clause 7 of the Bill, which deals with new bands. Clause 7 amends Section 17(1) of the Indian Act which deals with the Minister's power to create new bands.

The present legislation allows the Minister to amalgamate bands which request that amalgamation. We are not suggesting any change in that respect. The law also allows the Minister to constitute new bands from existing bands and we do not suggest any change there. A new power provided to the Minister is that new bands may be constituted out of the Indian registry. He may do so if requested by the persons proposing to form a new band from the Registrar's list. I point that out by way of background.

However, we are concerned that Section 17(2) of the Indian Act remains in Bill C-31. According to Section 17(2) of the Indian Act, when a new band has been created from an existing band, the Minister can take whatever reserve lands and funds from the existing band he deems necessary for the new band. In other words, if two bands are being created from one, the Minister of Indian Affairs and Northern Development (Mr. Crombie) has the power to select whatever amount of land and whatever amount of funds he deems to be appropriate to give to the new band. As stated by the Hon. Member for Athabasca (Mr. Shields), the problem is that it impinges an external authority on the autonomy of the bands. There is no provision for consent of the existing band to any such action by a Minister.

Let me come directly to Motion No. 27. That motion would simply require the consent of the council and a majority of the existing band electors to any such action by the Minister. The Minister knows, and so do all Members who served on the committee, that one of the basic concerns about Bill C-31 is the necessary resources of land and funds to accommodate the reinstated people. The Minister before the committee has given his assurance that the bands will be no worse off as a result of these amendments. We have taken the Minister at his word because there is nothing in the legislation to guarantee that. I think if we accept my amendment, Motion No. 27, and put in this consent clause, it is one way of assuring the existing bands that if new bands are to be created out of this new