

[English]

**Hon. Hazen Argue:** Honourable senators, I have listened to all of the speakers in this debate. I might say that I was greatly impressed with the position taken by Senator Watt. I realize that this bill provides some justice for Indian women, and that there are many elements that spell out progress. I thought Senator Fairbairn made an excellent speech; I thought it was well balanced, and showed an extensive and intimate knowledge of the subject and the problems.

I thought that Senator Fairbairn and the committee did well to elicit from the responsible minister a commitment that the minister would help provide for a constitutional reference and that there would be special funds, additional funds, to help defray some of the costs to the bands and the reserves that will follow the passage of this legislation.

Some of us, yes, many honourable senators, have taken an interest in our native Canadians, in our aboriginal people, in their ambitions, their problems and the principles they have advanced.

I thought that Senator Watt's propositions were very reasonable. I think that we should give support and a boost to the natives of this country who are on the road to self-government. I agree with Senator Watt and I want to support him in saying that this legislation should not be passed at this time and that further consideration should be given to it. He said that with additional time there might be reconciliation of the views of the bands and their leaders and of others in this country. While I recognize the importance of this legislation, I support Senator Watt in the propositions that he has put before the Senate today.

● (1600)

**Hon. Joan Neiman:** Honourable senators, I will not detain you long, but I should like to pay tribute to the hundreds of persons, particularly the Indian women, who fought so long to end that discrimination that has been a blatant part of the Indian Act for almost a century.

A couple of weeks after I was appointed to the Senate, which is almost 13 years ago, I became involved in the struggle with regard to problems arising out of the provisions of section 12(1)(b) of the act.

Mary Two Axe Early was my mentor in those early days, but I also drew inspiration from other people such as Jenny Margetts, Nellie Carlsen of Alberta and Sandra Lovelace of New Brunswick. These women and many others—and men as well—have worked for many years on this question. It has been a long, arduous, and often a very disappointing struggle. I regard Bill C-31 as a victory, not a total one but a partial one, and a very significant one, indeed.

I received a letter today from Jenny Margetts which had been written approximately a week ago. She represents the Indian rights for Indian women in Alberta. She says that they are able to give their undivided support to the legislation in Bill C-31 but she goes on to record the grave importance they attach to the sections which, in effect, deprive their children and grandchildren from being treated in the same manner as

[Senator Corbin.]

the children and grandchildren of Indian men who have married white women. She also says in her letter that the cost of litigation could be astronomical and quite out of the question for many women if they wanted to challenge these sections. Personally, I have reservations about those particular sections. I believe that they can be challenged and done so successfully on a constitutional basis, because I do not think that the children and grandchildren of the women who will have their status restored are being treated equally with other children of other status Indians.

However, the minister has, as Senator Fairbairn said, given an undertaking that, I believe, has reassured many of us. I hope it will also reassure the persons most directly concerned. He has said that funds will be available to help in certain court challenges which will be of general application and importance to all native bands. Therefore, I welcome that assurance. At first I thought that I would abstain when this bill came to a vote simply to record my unhappiness with those particular sections, but on further reflection I feel very strongly that this is an important milestone and I cannot agree that the bill should not be passed. I think we would be doing a great disservice to thousands of Indian women—and, we must not forget that there are some Indian men who are getting their status restored under other clauses of the bill as well—if we did not pass this bill today.

I should like to say a few words to those non-status natives whose rights and claims have not been addressed in Bill C-31, and there appear to be thousands of people in that category who feel that they have very just claims. There are still parts of the Indian Act which are seriously flawed and, certainly, over the years the interpretations that have been put on the act itself by Indian agents and other persons have caused grave injustices to many people.

I was given a copy of a motion which one group would like me to have incorporated somehow into our debate and then into Bill C-31, but I said that it was not possible or appropriate. However, it was to the effect that the Senate should establish a special committee to examine the claims of other persons with respect to recommending for registration as status Indians certain classes of people whose claims and rights have not been addressed here. I would like to put that suggestion forward, and perhaps we can deal with it when we reconvene in the fall.

In the meantime, I am very happy to see the debate on this bill concluded today. I want to congratulate all those people who have worked so hard, and certainly the minister who, I think, has tried very hard to accommodate a number of conflicting claims. Obviously, he has not been able to satisfy everyone, but that is the nature of life. Now we can proceed with the implementation of this bill. As Senator Fairbairn said, it is going to take infinite patience, time and goodwill, but I think it can be accomplished, and then we can go on to rectify some of the other wrongs that have been perpetrated on our native people.

**Hon. Nathan Nurgitz:** Honourable senators, as the sponsor of the bill, I should like to make a couple of comments. First,