

to suggest to them that they also share in the responsibility of bringing about a true reconciliation. The sensitivity of these people in dealing with the concerns of many band members will accelerate the healing process within Indian communities.

However historic Bill C-31 may be, it is only the first stop on a very long journey. Our goal becomes clear with each passing day: to restore true self-government within the Indian nations of Canada.

Bill C-31 is not self-government. Band control of membership is merely a modest step forward. The main challenge remains. The Constitutional process has not proven to be a shortcut. It is becoming more and more evident that self-government can really be defined only at the band, tribal and community level. That is the next agenda. The two years between now and 1987 will not be lost.

I invite all Hon. Members to join with me in committing to the cause of Indian self-government the same enthusiasm and dedication which has brought Bill C-31 to its final approval in the House today.

**Some Hon. Members:** Hear, hear!

**Mr. Keith Penner (Cochrane-Superior):** Mr. Speaker, perhaps you may recall the song with the words, "No, I never promised you a rose garden". No one ever said that being a legislator was easy. If anyone thinks that being a Member of Parliament is like living in a rose garden, some of us, including the Minister, the Hon. Member for Athabasca (Mr. Shields), the Hon. Member for Wetaskiwin (Mr. Schellenberger) who was our chairman, my colleague, the Hon. Member for Notre-Dame-de-Grâce-Lachine East (Mr. Allmand), the Hon. Member for Mount Royal (Mrs. Finestone) and the Parliamentary Secretary can attest at least to the thorns.

Bill C-31 has been a conundrum to those of us who have been intimately involved with this legislation for a long period of time. It has been a riddle because one must wonder why so many good intentions, honest endeavours and heartfelt efforts to correct wrongs and injustices in our laws—not Indian tradition—can create possible misery, disharmony and problems.

I hope the Minister's appeal for a reconciliation that would avoid much of that disharmony is forthcoming. I share that sentiment with him totally, but I am not sure it will happen.

Who will incur this possible misery and problems? It will be the Indian First Nations, the Indian bands and the Indian communities. The formation of Bill C-31 is somewhat analogous to the manufacture of gunpowder. Gunpowder is made by taking three non-explosive elements and combining them to produce an explosive mixture. With respect to Bill C-31, there were good and well-intentioned elements which, considered separately, are valid. Yet, when placed together they have the possibility of creating difficulty and turmoil.

First, there were the women who, because of our law, lost their status by marrying non-Indians. At the same time, their brothers who married non-Indians retained their status, and in fact their wives acquired Indian status. If one attempted to

explain that legislation to anyone outside of Canada, or to many Canadians for that matter, they would not believe that we would have such provisions within a statute passed by this Parliament. It makes one wonder what takes place in the House of Commons.

It should serve as a warning to what we do in this Parliament, because I am always apprehensive about passing legislation that will be ridiculed and scorned by future generations of Members of Parliament. I hope that will not be the case.

During this debate we have heaped abuse on Section 12(1)(b) of the Indian Act, which is a totally indefensible provision of that federal statute. It is a provision that enshrined sexual discrimination. The women who were affected by it were rightfully incensed. No one can argue with them. They were joined by women right across the country in a *cause célèbre*. There were court cases. The issue was even brought to the attention of the United Nations, much to Canada's shame. Then along came our Charter of Rights and Freedoms within our own Constitution. This added a new powerful incentive to rid our laws of all discriminatory sections. That is the first element, Mr. Speaker.

● (1540)

The second is the attempt by the Minister to deal with this complex issue. It is an issue the Minister inherited when he was appointed to that portfolio. It is a complex issue that was imposed on him. It is not a problem he created. The Minister realized from the outset that he was dealing, as he said at the beginning of his speech, with an important women's issue, but he was also dealing with an Indian issue, the right of Indians to be self-governing and the right of Indians as self-governing entities to determine their own citizenship or membership, if you prefer. There were two aspects. I think the Minister knows that these two aspects were bound to be on a collision course. It was inevitable. Try as you will, there was bound to be a confrontation. The Minister tried to avert the clash. He said the Bill rested on three pillars, that it was constructed on three basic principles: first, to remove the discriminatory provisions of the Act; second, to restore status and band membership to those who had lost it because of the sex discrimination provisions in the Act, namely that infamous Section 12(1)(B)—isn't it going to be marvellous if we never have to hear any more about 12(1)(B) when this Bill is passed—third, to ensure that Indian nations, if they wish to do so, could have control over their own membership. Those were the three pillars or principles.

The Minister made it clear that not everyone would be satisfied. There would not be 100 per cent satisfaction on every principle. That is true. When this Bill is passed, there will still be some discriminatory aspects of the Indian Act.

When this Bill is passed, we will not have ended the practice of deciding who is and who is not an Indian and creating categories of Indians.

Just listen to some of the categories we create because of our legislation and policy, Mr. Speaker. We have registered Indians and status Indians. We have non-status Indians and band