Motion No. 30A is simply a technical motion. The Standing Committee introduced Subsection 64.1(2) into the Bill which would permit bands to deny programs financed from band funds to persons who received a per capita pay-out from band capital and revenue accounts on loss of status, until the amount of that pay-out, less $1,000, is repaid to the band, plus interest.

Subsection 64.1(1) is similar, in that it denies such persons access to current distributions of band funds to individual band members until the amount previously received is repaid, plus interest. The purpose of the amendment is to introduce into Subsection 64.1(1) the same $1,000 threshold which is included in Subsection 64.1(2). The amendment is required in order to ensure that the two parts of Section 64.1 are consistent in establishing a threshold of $1,000. I would commend the amendment to all Members of the House.

**Mr. Stan Schellenberger (Wetaskiwin):** Mr. Speaker, I want to rise in support of the amendment. However, I would first like to indicate how pleased I was when the committee initially added the original amendment to the Bill, as I believe it deals with fairness.

In cases in which band members have had to leave recently because of sections in the Act which were discriminatory, the law required that the band had to make a per capita pay-out, based on investments in both their capital and revenue accounts. The bands had no choice in the matter. They had to make the pay-out.

When making these changes to the Bill, the committee felt that there ought to be some fairness. Those individuals who withdraw from their reserve in the month or year before the Bill passes ought to return with the amount of money and assets with which they left, in order that it will be fair to the band to which they are returning. That amendment was accepted by the committee. However, during committee debates, the committee moved an amendment which indicated that we should not ask—nor would the band want to ask—the people who left 30 years ago with $10 or $15 to repay that amount, as most of the bands in Canada at that time did not have assets which amounted to a large pay-out. The committee felt that a limit should be placed on it.

The Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly) moved such an amendment, and it was accepted by the committee. However, arguments have been put forward that the amount, which was at $5,000, was too high and would not be sustained in the courts if challenged. Therefore the amendment is now being moved to reduce that amount to $1,000. I hope that all Hon. Members will take this seriously and support this amendment so that there can be some fairness as we impose this Bill on many Indian communities.

• (1210)

**Mr. Deputy Speaker:** Is the House ready for the question?

**Some Hon. Members:** Question.

**Mr. Deputy Speaker:** Is it the pleasure of the House to adopt the motion?

**Some Hon. Members:** Agreed.

Motion No. 30A agreed to.

**Mr. Deputy Speaker:** The next motion to be debated is Motion No. 32 in the name of the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly).

**Mr. Jim Manly (Cowichan-Malahat-The Islands)** moved:

Motion No. 32

That Bill C-31, be amended in Clause 15 by striking out lines 10 and 11 at page 17 and substituting the following therefor:

"(p.1) the residence of persons who are not members of the Band;".

He said: Mr. Speaker, Clause 15 of Bill C-31 recognizes new powers of band councils in Section 81 of the Indian Act, including Subsection (*p*)(1), the right to make by-laws regarding "the residence of band members and other persons on the reserve." I do not believe that any Government should have the right to decide whether or not its citizens can reside within their own territory. Basically, that is what the present legislation does. Section 81(*g*), (*h*) and (*i*) of the Indian Act already recognizes the powers of band councils to make laws respecting zoning, construction and land allotment. This gives band councils the right to make necessary regulations regarding where people are going to live and properly to allocate reserve lands.

However, that is quite different from giving band councils the right to determine basic residency rights for their own members. Last year the Assembly of First Nations and the Native Women's Association of Canada reached a consensus that band councils should have the right to determine the residency of non-Indian spouses and other non-Indian people on reserves, and I support that right. I do not think that band councils should have the right to make basic decisions about whether or not band members should reside on reserves. I think that that is a right of band members which should underlie any rights of band councils.

This becomes particularly important in light of the fact that the House has just finished rejecting Motions Nos. 13 and 17 which would have ensured that even non-residents would be able to participate in developing membership criteria. The House has voted against that. I believe it was a wrong decision on the part of the House, but the House has done so and we must accept it. However, that means that it is up to band councils to determine whether or not some of these people who have been reinstated are going to be able to take part in elections. It is going to be up to band councils to determine basic residency. I do not believe that this is a right which band councils should have because I feel it is a fundamental right of Indian people who belong to a band to be able to reside on the reserve of that band. This amendment would recognize the proper right of a band council to make provision for regulations for the residents of persons who are not members of the band. I urge the adoption of this motion.