

Indian Act

It would seem imperative that the federal Government be prepared to accept other than official documents in order to ensure that every individual is entitled to be registered as an Indian can in fact be registered. It is simply a matter of fairness.

Some individuals have already indicated that they have tried to find official records and cannot do so, sometimes because fire has destroyed the vital statistics of their community or files have been lost or displaced. While the onus is on the individual to prove his or her claim, it would seem that the federal Government should be prepared to accept proof in whatever form it is available. Accepting sworn hearsay evidence will not add one person to those eligible to gain Indian status or band membership. It might permit some people to prove their entitlement who would otherwise have no way to do so. That is why I suggest, on behalf of the Government, that the House not support Motion No. 21.

In the grouping there is as well Motion No. 32A. I would like to respond briefly with respect to Motion No. 32A only because it is a motion standing in my name. It is a motion necessary to ensure that bands have the power to pass by-laws with regard to certain matters covered by this Bill, the first of which was added by the standing committee and the second moved by the Government in this debate.

The two provisions affected are, first, Subsection 64(1)(2) whereby band councils can decide to make persons who receive pay-outs over \$1,000 on loss of status ineligible for programs funded by the band until such time as the amount over \$1,000 paid to that person, plus interest, has been repaid to the band. Second, Subsection 10(3), Motion 14A, is another government report stage amendment. This is a provision whereby band councils can decide to permit all band members over 18 to vote on membership rules and not just those ordinarily resident on reserve, as is the normal requirement for electors. I think that covers all of the comments I would like to make with respect to the motion in this grouping.

● (1530)

Mr. Keith Penner (Cochrane-Superior): Thank you, Mr. Speaker. Dealing as the Minister just has with the same grouping, that is to say, motions Nos. 14A through to 32A, and Motion No. 7 as per the Speaker's ruling of this morning, before indicating my own view on each of these amendments, some of which I can support and some of which I will have to vote against, I want to say that the Minister is correct in pointing out that on this group of amendments, we come to a very central aspect of the Bill. There are bound to be some differences of opinion within political Parties on matters of this kind. That has been demonstrated this morning and it will be demonstrated again this afternoon, regardless of which Party of the House we are talking about.

Let me begin by putting my view on these amendments in some kind of context. The Member for Cowichan-Malahat-The Islands (Mr. Manly) this morning quite correctly indicated to the House that a long time ago, and the precise date and year is not important, we got off the track when we began as a

Parliament and as a Government thinking in terms of individual Indian persons. We got off the track because that was not the pattern that had been established for us by the Royal Proclamation of 1763 when the Crown, according to that Royal Proclamation, confronted various tribes and nations and established a pattern for negotiation and agreement which was, in effect, nation to nation. It is true that the colonial power was a nation that dominated the world and it was dealing with small nations here in continental North America, but nevertheless that was the pattern or the *modus operandi* for proceeding nation to nation or, if you like, nation to tribe.

When we came to the time of our Constitution and we began to assume unto ourselves the responsibility for Indians, we no longer dealt with nations or tribes, we began to deal with individuals. It is at that point that we talked about integration and assimilation, or putting people into the mainstream. Even if we do not use those terms, that in fact is the thrust of what the Indian Act tries to do in so many cases.

We are left now, in this last period of this century, with the problem of having categorized Indian people into all of these strange categories, status and non-status, on-reserve and off-reserve, and who knows what other kinds of designations, either because of the legislation or for some kind of bureaucratic convenience in the delivery of programs. That is one difficulty.

The second aspect I want to refer to is that which was raised so eloquently by the chairman of the Standing Committee on Indian Affairs when he pleaded with the House that what we really need is to restore the trust relationship as it ought to be properly understood, not in some kind of legal, carefully defined terms but as a trust relationship; that is where we stop doing things to other people and have a relationship where we assist one another, and we reach agreements by way of negotiation. The Indian nations of this country have to learn to trust this Parliament and they have to learn to trust the Government. I think we have started down that road, but we have only just begun.

If you put those two together, that is the context I am trying to establish in getting to the amendments. Thank you for your patience. The context is that we ought to be dealing nation to nation; The Crown ought to be dealing with Indian First Nations on the basis of trust and confidence.

With respect to Bill C-31, the kind of proposal that has been suggested by the chiefs of Ontario is a very reasonable and adequate approach. What they say, and here there can be no argument in the House, is first, they support the removal of sexual and other forms of discrimination from the Indian Act. We support the removal of those odious and unacceptable sections of the Indian Act based on discrimination, sexual and otherwise.

Second, the chiefs of Ontario have reminded Members who have received their resolution that they have taken a lead role in accommodating all of their citizens into their communities and they have done so, Mr. Speaker, despite the restrictions of the Indian Act. Is it not interesting that here is a group of First Nations coming together in the Province of Ontario, the