

Indian Act

married a non-Indian they would lose that special and very important status. That is regrettable. There is a third group of Indian women who did not wish to give up a relationship or their status and so they entered into a common-law relationship, had children, but they would very likely have wished to have had their marriage regularized in some way. This section has penalized Indian women and their communities in countless ways, and at long last it is being repealed. This is something desired by all parties and the majority of Indian people.

However, we cannot be self-congratulatory because of the way we are dealing with this Bill. This end of discrimination was supposed to have been a major commitment on the part of this Government and the previous Government, yet we had to wait four years until the very last month of this Parliament. The Bill was tabled only two weeks ago and we only had three or four days to deal with it in committee. This, in spite of repeated requests to table the Bill early so that there would be adequate time to study it, hear from Indian people and make sure it was as acceptable as possible to the Indian people. The committee had to deal with it in a very rushed atmosphere, which did not do justice to the Act. I think most members of the committee question whether we are really doing justice to the Indian people.

There was limited time for testimony from Indian people and even less time for dealing with our amendments. In effect, we had time for one shot at acceptable amendments. When they came back and we wanted to make further changes it was too late. It is that kind of rushed atmosphere that we are dealing with here this afternoon. The committee was put in an impossible position by the Government. Either we had to leave Section 12(1)(b) on the books, which would deny justice to Indian women, or we had to accept the implicit assumption of this Bill that Indians somehow could not be trusted to do justice to their own people. We are in a situation where non-Indians, all of us here, are making decisions for Indian people and their communities.

The Trudeau years began with the promise of participatory democracy and are ending with this kind of fiasco. I cannot help but contrast the promise of participatory democracy with last night's committee meeting. After the members of the committee had made what was not an easy decision for anyone, there was a request from some of the Indian leaders to make a final statement. Leaders from the Assembly of First Nations and the Native Women's Association of Canada spoke to the committee and acknowledged our hard work. But they indicated that the Bill itself was completely unsatisfactory. The Hon. Member for Notre-Dame-de-Grâce-Lachine East (Mr. Allmand) indicated some of the ways in which they found this Bill unsatisfactory. I moved an amendment that would have given bands control over residency rights from the reserve for non-Indian spouses, but this was denied.

In 1947, when proposals were made to change the Indian Act, Indian speakers from across Canada representing the Alberta Indian Association, bands from Ontario and the Native Brotherhood of British Columbia all made presenta-

tions suggesting that they were the people who should be looking after their own membership. They knew the needs of their people and they wanted to be able to design membership requirements that would meet the needs of their people. That Government, in its wisdom or lack of it, decided that Indian people should not be trusted with looking after their own membership. It then brought in even more bureaucratic changes to the membership sections, including the notorious double-mother clause. Indian people have continued to suffer because non-Indian people have been making legislation for them. Clause 16(b) of Bill C-52, tabled this past week, recognizes the power of the Indian Government to legislate on applications for membership. Unfortunately, that Bill was tabled too late for any legislative action this year. Again we wonder why it took so long to table it. But the question the Indian people ask is, if they have the power in Bill C-52 to look after their own membership, why is that same power not in Bill C-47? That is a good question and I do not have an answer.

One of the difficulties committee members found in trying to draft amendments was that Department of Justice officials who were there helping us draft the amendments kept saying that whatever we were proposing was contrary to the Canadian Charter of Rights and Freedoms. We had hoped the Charter would have expanded the role of self-determination and autonomy for all people in Canada rather than hemming in the aboriginal peoples as it seems to do. But this kind of attitude on the part of the officials—and perhaps they are accurately reflecting the Charter of Rights and Freedoms—underlines the need for constitutional entrenchment of the aboriginal right to self-government. This was recommended by the Special Committee on Indian Self-Government.

The New Democratic Party gives its consent to the passage of this Bill, but it is a reluctant consent. The elimination of Section 12(1)(b) of the Indian Act should have been a cause for rejoicing, but because of the way this Bill has been handled that rejoicing has been turned to ashes in our mouths. We hope that the review process will take a long and detailed look at some of the provisions of this Bill and that a future government will be able to deal with them in a more sensitive frame of mind and over a more extended period of time.

Mr. Taylor: I rise on a point of order, Mr. Speaker. I wonder if the Hon. Minister would tell us what these amendments are going to do. Those who were on the committee know all that, but the rest of us have had no access to this at all. Surely we should at least be entitled to know what the amendments are going to do as it might make a difference.

The Acting Speaker (Mr. Herbert): It is of course up to the Minister to decide whether he will speak or when he will speak.

For continuing debate, the Hon. Member for Broadview-Greenwood.

Ms. Lynn McDonald (Broadview-Greenwood): Mr. Speaker, I am very pleased to be able to take part in a historic debate in this Parliament. Canadian women, especially native