

Mr. BLACKMORE: I am a little bit worried about the actual wording of the subsection. Perhaps it is impossible to define it more accurately, but it seems to me there is a good deal of leeway that might result in abuses in some way or other.

Hon. Mr. HARRIS: It is more restricted here than in the old Act.

Mr. HATFIELD: I do not see anything in this Act whereby the minister cannot do what he likes. He need not consult the band. I do not see anything under this where he need consult the band at all.

Hon. Mr. HARRIS: At the end of the year whoever has been granted permission becomes a trespasser on the reserve, because he no longer has permission to be there. At that point the band would come into it.

Mr. HATFIELD: But it does not say in section 28 that the minister has to consult the band.

Hon. Mr. HARRIS: No, but if the minister grants permission to Mr. Hatfield to run his trucks over a reserve in New Brunswick, in order to take out a potato crop, he would only grant that permit for a particular season, knowing that Mr. Hatfield would be wanting to do that again perhaps the following season. The minister must then get consent of the band.

Mr. HATFIELD: Where does it say that you have to get the consent of the band? What section covers that? It is not covered in this section.

Hon. Mr. HARRIS: If you just go down to section 30 you will see where a person who trespasses is guilty of an offence. You become a trespasser if you have not got a permit from the minister.

Mr. NOSEWORTHY: What is to prevent the minister giving a new permit?

Mr. HATFIELD: Where does it say the minister has to consult the band?

Hon. Mr. HARRIS: For what purpose?

Mr. HATFIELD: For any purpose.

The CHAIRMAN: We are talking about subsection (2) of section 28.

Mr. HATFIELD: He can still give a permit.

Hon. Mr. HARRIS: As I say, if you will wait, sections 55 and 56 have to do with this.

The CHAIRMAN: Mr. Noseworthy?

Mr. NOSEWORTHY: My question is this: the minister is at liberty to grant a new certificate at the end of the first year, is he not, without consulting the band?

Hon. Mr. HARRIS: It is entirely unlikely that would be done. It is conceivable, but the purpose here is a temporary decision to grant uses or privileges on the reserve which cannot normally be granted without the consent of the Indians.

Mr. BLACKMORE: Mr. Chairman, I wonder if the object of the minister would be just as easily obtainable if some words were put into that subsection after the word "may".

The CHAIRMAN: Which subsection?

Mr. BLACKMORE: Subsection 2 of section 28. "The minister may 'with the subsequent consent of the band council' by permit in writing authorize any persons—"

The CHAIRMAN: It cannot be subject to consent, you are giving a permit.

Hon. Mr. HARRIS: We have been given the responsibility for granting the permit when we grant it, and it is not intended that the band council should at a later time have the right to approve or disapprove of the action of the minister, because it has been done for a temporary purpose.