

Indian Act

bands to have flexibility in deciding on the voting regime most suitable for their particular circumstances. I think that this approach is preferable to the restrictive approach advocated by the Hon. Member for Mount Royal.

With respect to Motion No. 14, I have the following comments to make: the provisions of Bill C-31 dealing with band control of membership were only intended to be enabling provisions. There should be a minimum of statutory restrictions on how bands organize their membership activities. Motion No. 14 would make it mandatory for bands to have rules concerning a band level mechanism for appealing decisions on membership.

● (1200)

There is little debate on the desirability of appeal systems. However, bands should be able to determine whether such mechanisms are required or appropriate for their particular situation. A mandatory requirement to have appeal rules will be viewed as an encouragement of an area of decision-making which should and can be exercised by the bands.

During the hearings, many bands expressed the view that the Bill was overly restrictive and that the ability to make membership decisions was too confined. We trust the bands. In our view, bands will act fairly in exercising their membership function. Bands will establish formal or informal mechanisms, which will be appropriate to their particular circumstances, to ensure that membership decisions will be fair and equitable. With few exceptions, fairness has always been a part of Indian self-government. We have confidence in their ability in the very sensitive area of membership rules.

If there are isolated cases in which disputes cannot be resolved at the local level, it will still be possible to seek redress through the court system. Of course, that is an option which is available to all Canadians. Members of Indian bands can certainly use that mechanism if it is required.

Motion No. 14 is also flawed in that it would strike out an important amendment which was made during committee stage. In the amended version of the Bill, the committee agreed to include a provision that membership rules could be approved only after appropriate notice had been given of the band's intention to adopt such rules. The provision is important as it ensures that all members will have an opportunity to participate in the decision-making process. The proposed amendment would delete that provision.

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

Some Hon. Members: Question.

Mr. Deputy Speaker: The question is on Motion No. 13 standing in the name of the Hon. Member for Mount Royal (Mrs. Finestone). I would remind the House that an affirmative vote on Motion No. 13 would dispose of Motion No. 14.

Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Mr. Deputy Speaker: All those in favour please say yea.

Some Hon. Members: Yea.

Mr. Deputy Speaker: All those opposed please say nay.

Some Hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the nays have it. Motion No. 13 negated.

Mr. Deputy Speaker: The next question is on Motion No. 14 standing in the name of the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly).

Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Mr. Deputy Speaker: All those in favour please say yea.

Some Hon. Members: Yea.

Mr. Deputy Speaker: All those opposed please say nay.

Some Hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the nays have it. *And more than five Members having risen:*

Mr. Deputy Speaker: Pursuant to Standing Order 79(11), the recorded division on the proposed motion stand deferred.

The next grouping includes Motions Nos. 29 and 30A.

Mr. Jack Shields (Athabasca): Mr. Speaker, I rise on a point of order. I would like to withdraw Motion No. 29.

Mr. Deputy Speaker: Is there unanimous consent to allow the Hon. Member for Athabasca to withdraw the motion?

Some Hon. Members: Agreed.

Motion No. 29 withdrawn.

Mr. Deputy Speaker: The House will proceed to the consideration of Motion No. 30A.

Hon. David Crombie (Minister of Indian Affairs and Northern Development) moved:

Motion No. 30A

That Bill C-31, be amended in Clause 11

(a) by striking out line 13 at page 15 and substituting the following therefor:

"amount that exceeds one thousand dollars under paragraph 15(1)(a), as it".

(b) by striking out line 25 at page 15 and substituting the following therefor:

"amount by which the amount that he received under paragraph".

(c) by striking out line 29 at page 15 and substituting the following therefor:

"subject-matter as that paragraph, exceeds one thousand dollars, together".

He said: Mr. Speaker, first I would like to thank the Hon. Member for Athabasca (Mr. Shields) for withdrawing his motion.