

Indian Act

amounts of money have already been put into that fund in order to ensure that after the first application, there will be money there to give those people the necessary resources. That is another essential guarantee.

● (1510)

Let me say one last thing with regard to the timing of this Bill. There has been some criticism indicating that we could have brought this Bill in earlier. There has been an absolute deluge of legislation coming from my Department in the last three, four or five weeks. We saw a chance to get legislation approved, whether it be legislation on the COPE final agreement and on the Cree-Naskapi Act or whether it be—

Mr. McDermid: And you have had great co-operation from the Opposition.

Mr. Munro (Hamilton East): Yes, we have had great co-operation. We brought in the Bill for Indian self-government. Governments have been confounded when trying to come up with such a Bill over the decades. We finally put one through the House just the other day as a result of almost constant work on the part of the Department. There were many other legislative fronts on which we could not move all at once.

The committee and the Indian people wanted to look at the anti-discrimination clause of the Bill in the context of the Indian self-government Bill that was tabled in this House. They had a right to see that connection, so within a matter of days we brought the discrimination Bill and the Indian self-government Bill out at the same time. I do not think that it would have been right in terms of that undertaking to give serious consideration to the discrimination Bill without having brought out the Indian self-government Bill.

I would like to conclude by saying to all my colleagues here that I realize how troublesome this issue is. However, we have tried to meet some of the basic concerns that have been raised through built-in guarantees for review should blatant injustices or tragic dislocations occur during the next two years. Let us hope that by carrying on in the spirit of that same bipartisan co-operativeness with the Indian people we can prevent the suffering that could otherwise occur. If we carry on the spirit of goodwill, I am sure we can do that.

Mr. Allmand: Mr. Speaker, I rise on a question of privilege. I do not think the Hon. Minister meant to misrepresent my position in his remarks but when I proposed on several occasions that bands have the right to control their own memberships, I always did so within the terms of the Charter of Rights and Freedoms and within the terms of the International Covenant signed by Canada, and that is the same way it is done in Bill C-52.

Mr. Deputy Speaker: I would classify that as being a bona fide point of order, which I will accept.

Mr. Shields: Mr. Speaker, I would like to ask the Minister if he has given any thought to my proposal that the Bill be split

into two parts, allowing for the removal of the discrimination clauses. As the Minister knows, there is not one treaty Indian in the country who does not want the discrimination clauses removed because they are a reflection of something very terrible which happened to Indian women because of the Indian Act.

Coupled with that, does the Minister not believe that we are, in essence, passing over the problem by asking the bands to take on to their general lists and band lists the people who were unfairly treated because of the Indian Act? Does he not feel that it is the responsibility of the House of Commons to right the wrong that was done through the Indian Act and not the responsibility of the Indian people who live by the law that was imposed upon them by this House?

Mr. Munro (Hamilton East): Yes, Mr. Speaker, we took that into consideration, as did all political Parties which were involved in this. We found out that it would not work. For one thing, I believe we all have supporters within our political Parties who would feel that that would simply not do the trick. I have already read a statement made by the Hon. Member from Kingston. I believe that many Hon. Members feel the same way. They feel that we simply had to insist not only on full band membership but on the reinstatement of those people who lost their status.

Mr. Shields: Mr. Speaker, I have another short question for the Minister. The Minister will recognize that in the Act presently proposed, the cut-off date for reinstatement will be back around 1950. What legal advice does the Minister have about how that will be affected when it will be challenged by the Charter of Rights and Freedoms? If someone was enfranchised prior to 1950, is that person not no less Indian than the people enfranchised after 1950? How are we going to cope with that when a case is made under the Charter of Rights and Freedoms?

Mr. Munro (Hamilton East): Mr. Speaker, the cut-off date is not 1950. I think the Hon. Member is quite incorrect to say that. What the Bill does say is that people as well as their children who lost their status would qualify for reinstatement. The legal opinion is that there is nothing offensive in that as far as the Charter of Rights and Freedoms is concerned.

Mr. Manly: Mr. Speaker, I have a very brief comment to make. First, I would like to wish the Minister well in his new career. I have appreciated working with him over the past few years, at times with a bit of conflict, but I do wish him well.

The Minister said that the Bill followed fairly closely the recommendations of the subcommittee on discrimination against Indian women. I would like to point out that at least with regard to the question of residency of non-Indian spouses, the subcommittee recommended that Indian bands be asked to design procedures that would relate to that. This Bill simply gives a blanket right to non-Indian spouses and does not involve the bands in any decision-making process in that respect at all.