

*Indian Act*

1) Would individual Indians then be free to sell portions of Indian land? This could mean destruction of Indian reserves and the end of Indian land-holding.

2) Would communal band ownership of reserve land cease to exist, and be supplanted by individual ownership—subject to seizure? Would that entitle non-Indians, related through marriage to Indians, to inherit portions of Indian lands?

3) Would Indians be subject to some of the provincial laws which do not now apply?

He goes on to say:

Our alarm, which led to our decision to oppose the two women, was based on our belief that if the Bill of Rights knocked out the legal basis for the Indian Act, it would at the same time knock out all legal basis for the special status of Indians.

In committee we will have to examine how far the present Bill deals with these legitimate concerns that were raised by Harold Cardinal and the Indian Association of Alberta. However, whether or not Section 12(1)(b) ever provided any real protection for Indian people, we all know that it exacted a very heavy price from Indian women. By removing status and band memberships from Indian women who married a non-Indian, that section of the Indian Act robbed these women of their birthright. It robbed them of their right to belong to their own people and the right to live in the community where they had grown up, to inherit property left to them by their parents and even to be buried in ancestral graveyards. As has been pointed out by the two previous speakers, all of us know that there is no easy way out of this situation. There is no easy way to decolonize. There is no clean way in which we can get out of this mess. May I call it one o'clock, Mr. Speaker?

[Translation]

**The Acting Speaker (Mr. Paproski):** Order. It being one o'clock, I do now leave the chair until two p.m.

At 1 p.m. the House took recess.

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**AFTER RECESS**

The House resumed at 2 p.m.

[English]

**The Acting Speaker (Mr. Paproski):** When the House rose at one o'clock, the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly) had the floor.

**Mr. Manly:** Mr. Speaker, when we adjourned for lunch I was simply pointing out that there was no clean way for us as parliamentarians to get out of this situation which we have inherited from our fathers and our grandfathers. Our mothers and our grandmothers really had very little chance to be involved.

The Bible refers to an old proverb which says:

The fathers have eaten sour grapes and the children's teeth are set on edge.

This certainly applies to this situation where we are trying to shuck off this tradition of colonialism, sexism and racism. In spite of the fact that there is no perfect solution for the

situation in which we find ourselves, we do have the obligation in our time to try and act in a responsible and just manner. It is in that context that the Minister had to bring forth his Bill and that we as parliamentarians have the obligation to look at it.

How adequate is the present Bill in dealing with the situation in 1985? The Minister has outlined three principles which he says are unshakeable and which he used as the basis for drafting this legislation. First, sections of the Indian Act which discriminate on the base of sex must be removed. Second, Indian bands must have the right to determine their own membership. Incidentally, Mr. Speaker, this is an essential of Indian self-government, one that was underlined in the report of the Task Force on Indian Self-Government and, as the Hon. Member for Cochrane-Superior (Mr. Penner) said, should be entrenched in the Constitution. Third, persons who lose Indian status through sexual discrimination or through unfair disenfranchisement must have the right to be reinstated to band membership.

These three principles do not always sit easily with one another, but I endorse them and so does my Party. But when the New Democratic Party passed a policy resolution on this subject at its 1983 Regina convention, it included not only these three principles but also a fourth. It said that the federal government must provide adequate funding and lands to meet the needs of increased populations. Unfortunately, that fourth principle has no place in this Bill. Perhaps that is why the Minister calls himself a Progressive Conservative. He enunciates some very progressive principles, but when it comes time to put money behind those principles he becomes very conservative.

In his speech the Minister acknowledged the problem but then he sloughed it off by saying there is no provision in the Indian Act for including financial resources. This is not an academic question, Mr. Speaker. The problems Indian people face we all know cannot be solved simply by making money available, but they cannot be solved without money.

There are three situations where the provisions of this Bill require that the Indian people should be given guarantees that money will be available. First, the Bill provides for the reinstatement of band members who once had status and lost it unfairly. A significant number of these people will want to return to their original homes and live once more on the reserve. But the fact is, as the Minister has acknowledged, that many of these reserves are already crowded and are also impoverished. Time after time over the past few years chief councillors have come before the standing committee. They have lobbied individual members of the committee and have told about the desperate state of housing on their reserves. For several years now we have had a backlog of some 10,000 homes that need to be built in Indian communities just to keep up with the present population. Neither the previous Government nor the present Government has made a serious attempt to meet this acknowledged need.

The Government must make a clear commitment to deal with that backlog and to make funding available for the homes