

*Indian Act*

I can remember after the war, when I was a young person in school, the British Parliament was debating ending its colonial regimes in Africa and Asia. I listened to the argument that, well, we cannot let these people be independent just now and do their own thing because they may do the wrong thing. They may violate human rights or hurt certain people and so on. Unfortunately, that attitude is still present in this Parliament. We do not trust the Indian people to do what is right by themselves, despite the fact that we, the Governments of Canada, made up of almost entirely non-Indians, have a horrible record with respect to the Indian people over the last 100 years.

We have over 100 years of Canadian Governments of all political stripes, Conservative and Liberal, dealing with Indian affairs, and Indian communities are still in abject poverty and still suffer social conditions which are way out of line with what is seen in the rest of the country, but here we are still legislating and imposing upon them our views and our way of doing things. That is very distasteful and so when I rise on an amendment, I do not do so with great relish.

In committee I finally got so frustrated with the process I refused to participate any further because this is a colonialist, patronizing and manipulative process we are going through. However, and unfortunately, the Bill is going through and some of us have tried to improve it to the best of our ability. It was in that spirit that I put forward an amendment which would have guaranteed land, resources and funding to those bands impacted by these measures. However, it was ruled out of order.

A few years ago the Government of the day agreed to a bilateral process whereby no laws impacting on Indian people would be passed unless they were developed in a bilateral way between the Indian nations and the Government of Canada. I have great respect for the Minister, I think he attempted to do that in developing this Bill, but in committee amendments were thrown on the table helter-skelter and we were obliged to deal with them, vote for or against, without any further consultation with those groups and individuals whose lives will be touched by this Bill. I think all Members agree 100 per cent that we should remove the discriminatory provisions from the Indian Act immediately. Where the problem arises is with respect to those measures in the Bill which attempt to restore status—

**Mr. Shields:** I rise on a point of order, Mr. Speaker. With great respect, I think the Hon. Member is involved in third reading debate. We are dealing with one clause of the Bill under amendment and I think we have been very good in keeping our remarks to the amendment rather than having full debate on the Bill.

**Mr. Deputy Speaker:** I am sure, given the experience of the Hon. Member, that he will keep his remarks to the amendment.

**Mr. Allmand:** Mr. Speaker, I appreciate the comments by my hon. friend. This amendment relates to the Charter of

Rights which deals with some broad principles and I will get to the point I want to make in a second.

I was saying that none of us are in disagreement with the principle of removing discrimination from the Act. It is all these other provisions which are causing a lot of difficulty. Since the Bill was reported to the House several weeks ago, I have not found anyone who really likes the whole thing. Some people like this section or that section, but I have not found anyone who thinks the entire Bill is a good one. It is my honest conviction that the Bill should be sent back to committee for further consultation with all those groups who are touched by it.

With respect to the amendment now before us, the Hon. Member suggested we put a provision in the Bill to state that the membership lists will be bound by the provisions of the Charter of Rights. Well, again it seems to me that is a very serious statement of mistrust with respect to our Indian people. It seems that we just do not trust them to do the proper thing, yet we have had a terrible record in attempting to do the right thing ourselves. The Hon. Minister said it: Why do we put it in the Bill when we do not put it in all the other Bills we have passed since the Charter has gone into effect? Are the Indians any worse than any other people in Canada? Why should we bind them in a special way to the Charter? On the other hand, thank God for the Charter and the Constitution because they contain two provisions which, if tested, I think will overturn many of the provisions we are attempting to pass today. Section 35 of the Constitution Act, 1982 says:

(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

According to my interpretation of "aboriginal and treaty rights", they include the right to determine your own band membership, and the right to self-government. If we pass some of the provisions of this Bill and they are tested in the courts, they will, in my opinion, be overturned. However, only time will tell. Section 25 of that same Act says that:

The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada—

It goes on to state in detail some of those rights and freedoms. I rise in this debate out of a sense of frustration with the fact that we have been dealing with things like this for over 100 years and it is regrettable that we, as a Parliament of people of European descent, pass laws like this to govern lives of the Indian people of this country. It makes me feel uneasy, and we are rightly criticized by countries around the world when we continue to do it. I feel that this amendment, like many of the others, is out of place and I will oppose it.

**Mr. David Orlikow (Winnipeg North):** Mr. Speaker, I am puzzled by the remarks of the Hon. Member for Notre-Dame-de-Grâce-Lachine East (Mr. Allmand). He is right in saying what many Members have said, that we are dealing with a problem which has developed in this country over a period of more than 100 years. We are dealing with the descendants of the original inhabitants of this country who, for a host of reasons, have the poorest health record, the poorest education