

*Indian Act***GOVERNMENT ORDERS**

[English]

INDIAN ACT

MEASURE TO AMEND

The House resumed consideration of Bill C-31, an Act to amend the Indian Act, as reported (with amendments) from the Standing Committee on Indian Affairs and Northern Development; and Motions Nos. 14A (Mr. Crombie), 15 and 16 (Mr. Shields), 17 (Mr. Manly), 18, 20 and 21 (Mr. Shields), 24 (Mr. Manly) and 32A (Mr. Crombie) (p. 5574).

Mr. Speaker: I indicated earlier this day that I would be prepared now to hear procedural arguments, should there be any.

Mr. Hnatyshyn: Mr. Speaker, I have reviewed the motions which the Chair had raised concerning procedural acceptability. I agree with the Chair's concerns and the reasoning cited on all motions.

Consultations have been held with Hon. Members opposite and I believe, notwithstanding procedural issues, there may be unanimous consent to accept Motion Nos. 3, 33 and 33A. Therefore, may I propose that Motions Nos. 33 and 33A be grouped for debate and voted on separately and that Motion No. 3 be debated and voted on separately.

With respect to the grouping of motions for debate and voting, I agree with the Chair's suggestions regarding the grouping.

Mr. Penner: Mr. Speaker, I believe that the procedure involved is that when there is some doubt that the amendment does not deal with the Bill to amend but with the parent Act itself, the only way to proceed is by way of unanimous consent. We certainly would in no way withhold unanimous consent.

I simply ask the Government House Leader that Motion No. 27, which is in my name and falls in the same category, be included for debate for the same purpose.

Mr. Hnatyshyn: Mr. Speaker, I am somewhat at a disadvantage because I have been advised with respect to negotiations. I feel somewhat constrained at this time, without further discussion with all concerned, to accept the proposition. I certainly will pursue that and perhaps we could seek the eye of the Chair again. However, I understand the request made by the Hon. Member.

Mr. Manly: Mr. Speaker, dealing with the groupings mentioned by the Government House Leader, we are certainly prepared to give our consent to move Motions Nos. 33 and 33A forward for debate. We are particularly pleased that the Government is willing to give consent for Motion No. 3 to be debated. There will be a minor amendment which I hope will make that motion acceptable to the Government.

We would certainly be prepared to give our consent to Motion No. 27 being brought forward

I am very concerned about your grouping of Motion No. 14 with Motion No. 13 and the suggestion that the vote on No. 13 cover the vote for No. 14. These two motions deal with two distinct subjects: Motion No. 13 deals with the question of who is entitled to vote in a band referendum on band membership. This is, in fact, the same subject as Motion No. 17, which also stands in my name. However, I have no objection to Motion No. 17 being grouped with Motion No. 13, as the subject matter and indeed the intent are exactly the same with regard to those two motions.

However, Motion No. 14 does not deal with the question of who can participate in determining band membership rules as do Motions No. 13 and 17, but with the rules themselves. Motion No. 14 amends Bill C-31 to make an appeal process mandatory and not permissible under band membership rules.

Therefore, I urge you to re-examine that grouping and make it possible for us to debate and vote on Motion No. 14 separately.

I suggest that Motion No. 36 is a necessary acknowledgement by the Government of its responsibility for the consequences of Bill C-31. You have ruled, among other motions, that Motions Nos. 9 and 10, standing in my name, are out of order because they infringe upon the financial initiative of the Crown. Regrettably, I must accept that ruling, but that ruling itself implies that there is a government responsibility for the reinstated members. That is what Motion No. 36 seeks to recognize.

The Government is reinstating members to bands. Many of these bands are very poor. They require additional lands, additional houses and additional infrastructures such as roads and sewers. The Minister has acknowledged this responsibility. I think it is important to have it stated explicitly in the legislation. I hope you will rule that Motion No. 36 will therefore be in order for debate.

Mr. Speaker: It is somewhat unclear to me. The Member seemed to be debating Motion No. 36. The preliminary ruling concerned the fact that Motion No. 36 does seem to seek to expand the royal prerogative. Is the Hon. Member saying that it does not do that?

Mr. Manly: The burden of my argument was that you had made certain other rulings that infringed upon the royal prerogative because they expanded band membership. Bill C-31 is really about the whole process of expanding band membership and Indian status. Therefore, the kind of obligation that we see in Motion No. 36 is implied. I am simply asking that it be made explicit.

● (1520)

Mr. Speaker: Can I try one more time? Is the Hon. Member saying that Motion 36 does nor does not expand the royal prerogative?

Mr. Manly: I am saying, Mr. Speaker, that it does not expand the royal prerogative because it is implied in what Bill C-31 is trying to do.