

*Oral Questions***INDIAN AFFAIRS**

## STATUS OF INDIAN WOMEN MARRYING NON-NATIVES

**Mr. F. Oberle (Prince George-Peace River):** Madam Speaker, my question is for the Minister of Indian Affairs and Northern Development and it is supplementary to that asked by my colleague from Cariboo-Chilcotin. The minister knows that there is a requirement for the cabinet to approve the disenfranchisement of Indian women, in other words, the removal from the Indian rolls of women who, by reason of marriage, no longer have status in their reserve. The minister also heard his colleague say that there has not been such cabinet approval since she and her colleague have sat in cabinet since 1976. I would simply ask the minister how he can explain that his department has disenfranchised, not including 1980 figures, 1,792 women since 1976 without cabinet approval.

**Hon. John C. Munro (Minister of Indian Affairs and Northern Development):** Madam Speaker, 1976 is going back a few years. Needless to say, the hon. member must have pursued this with the same zeal with my predecessor, the minister in the Conservative government. Having said that, I think the hon. member is well aware of the provisions of that particular act of Parliament called the Indian Act which indicates quite clearly that a status Indian woman who marries a non-Indian male loses her status under the Indian Act. There is in addition another discriminatory provision in the Indian Act with respect to the double motherhood clause, as the hon. member is aware.

• (1450)

There is also provision in the Indian Act that allows the minister to exempt application of this particular section but, according to legal opinions, it is only to be exercised very rarely. That is the law that Parliament has approved. I can only assume that the hon. member wishes any minister to obey the laws of Parliament until such time as they are changed. That is the situation as it stands.

I think the best possible way to correct this is the way that I have gone about it. I have sent a notice to every Indian chief and band council in the country saying that if they will give me a band council resolution asking me to use my powers of exemption under the Indian Act not to apply the provision of the Indian Act that results in an Indian woman losing her status, I will obey that direction, so that I could not be accused of arbitrarily flouting the law.

Of course the bottom line solution to the whole question, as the hon. member is well aware, is to amend the Indian Act so that this discriminatory feature can be done away with once and for all.

## REQUEST THAT MINISTER TAKE LEGISLATIVE ACTION TO PROTECT INDIAN WOMEN

**Mr. F. Oberle (Prince George-Peace River):** Madam Speaker, the minister knows full well that I do not need a

lecture on what the Indian Act says about this particular problem. The lecture is required by his colleague in cabinet who said that there has not been any disenfranchisement since 1976. In 1980, 1979, 1978, 1977 and 1976 there have been over 2,000.

May I ask the minister how it is possible for his department to proceed with removing Indian women from the rolls without cabinet approval? His colleague said that she is sitting in cabinet and that there has not been any disenfranchisement throughout the country.

What is the minister going to do about this? The time to do something was when the Constitution was passed. What is he going to do now in terms of legislative action, instead of writing to Indian chiefs? How much response has he had from the Indian chiefs? What is he doing in terms of legislative action to remove and redress this incredible disgrace that our country has placed on his shoulders?

**Hon. John C. Munro (Minister of Indian Affairs and Northern Development):** Madam Speaker, this contrived outrage by the hon. member—

**Some hon. Members:** Oh, oh!

**Mr. Lewis:** She made the speech.

**Mr. Munro (Hamilton East):** —is really something to behold. There was and is a section in the constitutional provisions which are on the verge of being patriated, that does away with this discrimination once and for all.

**Mr. Oberle:** Nonsense; it does not. You have sold them out. That is what you have done.

**Mr. Munro (Hamilton East):** As I recall, it was that very Constitution containing that provision that every member of the opposition—

**Mr. Oberle:** You sold them out.

**Mr. Munro (Hamilton East):** —opposed, week after week. Perhaps the hon. member would like to face every Indian woman who is going to lose her status and explain why he sat there and opposed the Constitution for so many months.

**Some hon. Members:** Hear, hear!

## RESPONSE MADE BY MINISTER OF NATIONAL HEALTH AND WELFARE

**Right Hon. Joe Clark (Leader of the Opposition):** Madam Speaker, I have a supplementary question for the Minister of Indian Affairs and Northern Development. Was the Minister of National Health and Welfare speaking for the government when she responded to my colleague, the hon. member for Cariboo-Chilcotin?

**Miss Bégin:** He doesn't know.