

Point of Order—Mr. Penner

could be filed with the Table and that has been done in correct order.

I regret, however, that the Minister did not make a brief statement in conjunction with his tabling because the Standing Orders permit no oral questions when a report is tabled only. However, that is beside the point. My point of order will be brief and succinct. It has two parts to it. Both are related to the statutory obligations of the 1985 Act to which I referred earlier, commonly known as Bill C-31. The statutory requirements of what the report must contain is the first point I want to make. My second point is what further action is required now that the report has been tabled, that is the adequate and appropriate Parliamentary response to the report.

First, the statute in Section 22.1(c) states the report shall include detailed information on "the impact of the amendments on the lands and resources of Indian bands". There are two other requirements just ahead of that, (a) and (b), and they require certain statistical information. So far as I know, those two sections are complete and in accord with statutory requirements. It is Section 22.1(c) which gives me concern, the impact of these amendments on the land and resources of Indian bands. I say to you, Mr. Speaker, there is a deficiency here and this deficiency represents a statutory avoidance. The obligations of the statute have not been fulfilled.

To support my allegation, I turn to the report itself which confesses this inadequacy. It says it is still too early for the full impact of the 1985 amendments on reserve lands and band resources to be felt. In view of the changes that may take place over the next few years, Indian Affairs will undertake an evaluation of the impact of the 1985 amendments and present a report in June 1990. I argue that that simply will not do. The statute never said at any time that the report must indicate the full impact. It said it must report the impact after two years. Those, Sir, are already significant because 25,000 native people have now been registered as Indians and 9,000 had their band status restored immediately. The impact, therefore, exists and this report does not adequately report on that impact.

The Minister and his department have made no real effort to provide this information to the House. So the first part of my point of order is what recourse does the House then have if a statutory requirement imposed on the Minister is incompletely or inadequately fulfilled? I allege this report is deficient and incomplete. Second, Standing Order 67(4), states:

Reports, returns or other papers laid before the House in accordance with an Act of Parliament shall thereupon be deemed to have been permanently referred to the appropriate standing committee.

However, the statute differs from that standing order and when there is a dispute between a statute and a Standing Order, you will know, Sir, that the statute must take precedent. I quote from Erskine May, 19th Edition, page 212:

A statute overrides, and cannot be superseded by, an order or regulation of one House or of both jointly.

• (1410)

There is a difference, Sir, in simply referring the report pursuant to Standing Order 67(4) or doing what the statute requires. Section 22(2) of the statute states that such committee of Parliament as may be designated or established for the purposes of this subsection shall forthwith, after the report of the Minister is tabled under Subsection (1), review that report and may in the course of that review undertake a review of any provisions of the Indian Act enacted by this Act.

That refers to a committee of Parliament. It does not state a standing committee of the House of Commons. Someone advised me earlier that that may be no more than sloppy drafting. Be that as it may, it states a committee of Parliament—and the definition of Parliament is the House of Commons, the Senate and the Governor General. Of course the Governor General does not participate in committees.

So it would seem to me that a case can be made that what is called for by the statute is a special joint committee. This special joint committee shall be given more than the usual powers of a standing committee. It should be able to travel from place to place, and it should have the assistance of experts. It is vital that such a committee assess fully the impact of this law, Bill C-31, upon Indian people, Indian bands and Indian nations.

The simple fact is that the opposition Members, that is, myself and the Hon. Member for Kenora—Rainy River (Mr. Parry), have lost confidence and faith in the work of the Standing Committee on Aboriginal Affairs and Northern Development. It rarely meets. When it is convened it barely functions. This law, Bill C-31, is too important to be treated in such a cursory fashion.

Therefore, Sir, the second part of my point of order is that the statute calls for the designation or establishment of a parliamentary committee to deal particularly and exclusively with the report. A perfunctory reference to the standing committee will just not do. I ask Your Honour to rule that such a reference to the standing committee ought to be set aside. There is a statutory obligation on the House to strike a special committee, most likely a special joint committee, to undertake fully and completely the assessment of Bill C-31 upon the Indian people of Canada.

Thank you, Sir, for listening to my point of order.

Hon. Bill McKnight (Minister of Indian Affairs and Northern Development): Mr. Speaker, first, I want to thank the Hon. Member for Cochrane—Superior (Mr. Penner) for giving me notice that he would be presenting this point of order. I would like to address the point the Hon. Member made with respect to the adequacy of the response in the report under the statute that we are discussing, which is ordinarily known as Bill C-31. I suggest that there is a response. The response as to the impact was that the impact could not be measured, enunciated or substantiated with