

Indian Act

(a) if that person is entitled to be registered under paragraph 6(1)(d) or (e) and ceased to be a member of that band by reason of the circumstances set out in that paragraph; or

(b) if that person is entitled to be registered under paragraph 6(1)(f) or subsection 6(2) and a parent referred to that provision is entitled to have his name entered in the Band List or, if no longer living, was at the time of death entitled to have his name entered in the Band List."

(c) by striking out lines 3 to 6 at page 9 and substituting the following therefor:

"the first day on which he would otherwise be entitled to have his name entered in the Band List of the band of which he ceased to be a member shall be deemed to be entitled to have his name so entered."

● (1140)

Mr. Deputy Speaker: All those motions are grouped for debate.

Hon. David Crombie (Minister of Indian Affairs and Northern Development): Mr. Speaker, the grouping includes Motions Nos. 5A and 18A standing in my own name, motion No. 6 in the name of the Hon. Member for Cowichan-Malahat-The Islands (Mr. Manly) and Motion No. 7 in the name of the Hon. Member for Athabasca (Mr. Shields).

I would like to deal with those four motions in this grouping, but first I want to deal with those standing in my own name and then with the other two motions.

Motion No. 5A will ensure that all those who were enfranchised for whatever reason can regain status under the Indian Act. The related amendment, Motion 18A provides that decisions on band membership for this group will be made according to membership rules adopted by the bands themselves. If bands do not adopt such rules within two years, those enfranchised would also be entitled to band membership under federal law.

Bill C-31 as tabled proposed to restore Indian status and band membership to those who lost them through enfranchisement in circumstances deemed to be unfair. Such circumstances included enlisting in the Armed Forces, receiving a university degree or entering the clergy before 1920 or obtaining or maintaining a job.

It became very evident at the standing committee and elsewhere that more categories of enfranchisement could reasonably be considered as unfair. Several groups argued that all enfranchisements had been unfair.

On the other hand, granting band membership directly to all who had been enfranchised voluntarily under Subsection 109(1) and related sections, as well as their wives and children enfranchised with them, could be unfair to the bands and, indeed, fly in the face of our approved understanding of the importance of Indian control of Indian communities.

The fairest compromise in this matter, in my view, Mr. Speaker, is the following: First, to grant status under the Indian Act to all those enfranchised under Section 109(1) and related sections. Second, to leave band membership to be determined by the bands' own rules, which is Motion No. 18A. Specifically, this motion amends paragraph 6(1) of Bill C-31 to refer to all those enfranchised under Subsection 109(1). As a result, all references to categories of unfair enfranchisement

are deleted. Nor would the Minister be required to exercise discretion in cases not falling into any of the specific categories as had been suggested at the standing committee. Not only do Motions Nos. 5A and 18A offer a balanced approach on restoration of rights to those enfranchised, but this approach will also lead to fairer and easier administration of the law.

The new Section 6(1)(e) refers to two sections of previous versions of the Indian Act that also resulted in enfranchisement. Section 13, before 1951, resulted in removal from band lists if a person were absent from Canada for more than five years. Section 111, before 1920, led to loss of status for persons who gained a university degree or joined the clergy or a profession. These government motions will affect about 8,000 people who were enfranchised under Section 109(1). Previously it was estimated that only about half of these people would have benefited from Bill C-31. Their first generation descendants will also be eligible for status under the Indian Act.

That completes my remarks with respect to Motions Nos. 5A and 18A standing in my name to amend Bill C-31 as it came out of the committee. I would like to have the House support Motions Nos. 5A and 18A.

Let me now turn my attention to Motions Nos. 6 and 7. Motion No. 6 stands in the name of the Hon. Member for Cowichan-Malahat-The Islands which deals with a part of the amendment that I have put forward as a Royal Recommendation. I suggest, as outlined in Motions Nos. 5A and 18A, that the motion standing in the name of the Hon. Member for Cowichan-Malahat-The Islands, if it is not ruled out of order, be not supported given the changes made through Motions Nos. 5A and 18A. In the circumstances I am asking that Motion No. 6 not be supported.

Motion No. 7 moved by the Hon. Member for Athabasca deals with a technical adjustment to one of the categories of unfair enfranchisement which was specified in the Bill as originally tabled. In my view, approval of Motions Nos. 5A and 18A would make Motion No. 7, with great respect meaningless since all reference to such categories would be dropped. I urge the House to reject Motion No. 7 as well as Motion No. 6, and urge the House to support Motions Nos. 5A and 18A as a significant improvement to the Bill flowing from the discussions in the standing committee.

Mr. Keith Penner (Cochrane-Superior): Mr. Speaker, the position of my Party regarding this grouping of amendments will be to support Motions Nos. 5A and 18A. Before I get into the background of why these amendments were required, let me express a word of appreciation for the way in which the Minister of Indian Affairs and Northern Development (Mr. Crombie) has responded in amendments Nos. 5A and 18A to the wishes of the committee. This demonstrates a high degree of co-operation and of working together to achieve what the committee members felt to be a continuing injustice if an amendment were not put forward. The Minister has responded. Members of the committee are grateful for that.