

HOUSE OF COMMONS

Issue No. 40

Wednesday, October 12, 1983
Thursday, October 20, 1983

Chairman: Mr. Keith Penner

CHAMBRE DES COMMUNES

Fascicule n° 40

Le mercredi 12 octobre 1983
Le jeudi 20 octobre 1983

Président: M. Keith Penner

*Minutes of Proceedings
of the Special Committee on*

Indian Self-Government

*Procès-verbaux
du Comité spécial sur*

L'Autonomie politique des Indiens

RESPECTING:

The status, development and responsibilities of band governments on Indian reserves, as well as the financial relationships between the Government of Canada and Indian bands

INCLUDING:

The Second Report to the House.

CONCERNANT:

Le statut, l'évolution et les responsabilités des administrations de bandes dans les réserves indiennes, de même que les rapports financiers qui existent entre le gouvernement du Canada et les bandes indiennes

Y COMPRIS:

Le deuxième rapport à la Chambre.

First Session of the
Thirty-second Parliament, 1980-81-82-83

Première session de la
trente-deuxième législature, 1980-1981-1982-1983

SPECIAL COMMITTEE ON
INDIAN SELF-GOVERNMENT

Chairman: Mr. Keith Penner
Vice-Chairman: Mr. Stan Schellenberger

Messrs

Allmand
Chénier

Manly

COMITÉ SPÉCIAL SUR
L'AUTONOMIE POLITIQUE DES INDIENS

Président: M. Keith Penner
Vice-président: M. Stan Schellenberger

Messieurs

Oberle

Tousignant

(Quorum 4)

Le greffier du Comité spécial

François Prigent

Clerk of the Special Committee

Pursuant to Standing Order 69(4)(b):

On Wednesday, October 12, 1983:

John McDermid replaced Frank Oberle.

On Thursday, October 13, 1983:

Frank Oberle replaced John McDermid.

Conformément à l'article 69(4)(b) du Règlement:

Le mercredi 12 octobre 1983:

John McDermid remplace Frank Oberle.

Le jeudi 13 octobre 1983:

Frank Oberle remplace John McDermid.

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Department of Indian Affairs and Northern Development
Department of National Health and Welfare
Mrs. Eva Manly
Mrs. Ethel Pearson
Mrs. Barbara Reynolds

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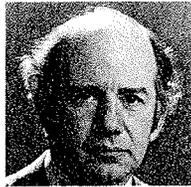
**MEMBERS OF THE SPECIAL COMMITTEE
ON INDIAN SELF-GOVERNMENT**



Mr. Keith Penner, Lib.
Cochrane—Superior (Ontario)
(CHAIRMAN)



Mr. Stan Schellenberger, P.C.
Wetaskiwin (Alberta)
(VICE-CHAIRMAN)



Honourable Warren Allmand, Lib.
Notre-Dame-de-Grâce—Lachine East
(Québec)



Mr. Jim Manly, N.D.P.
Cowichan—Malahat—
The Islands (B.C.)



Mr. Frank Oberle, P.C.
Prince-George—Peace River (B.C.)



Mr. Raymond Chénier, Lib.
Timmins—Chapleau (Ontario)



Mr. Henri Tousignant, Lib.
Témiscamingue (Québec)



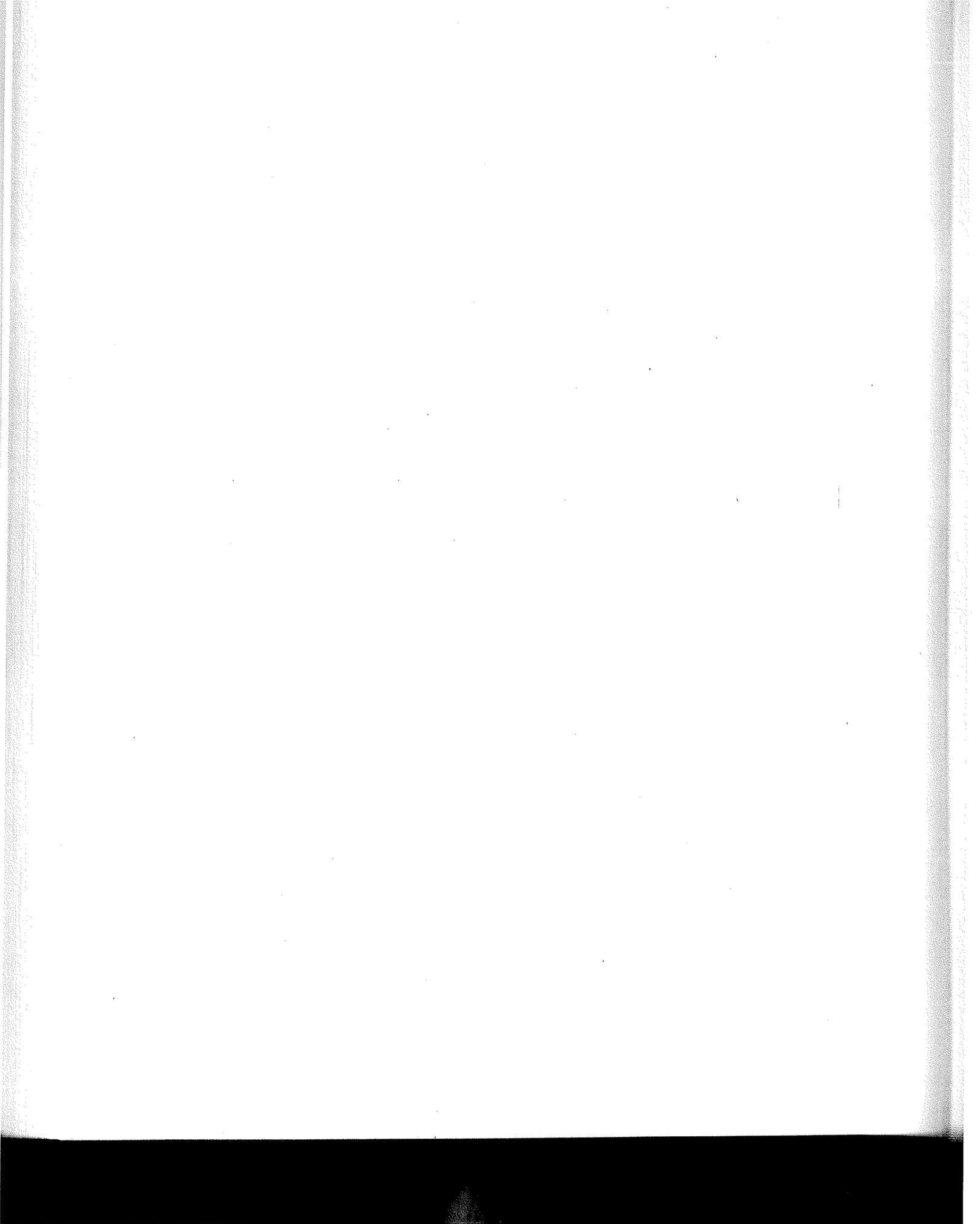
Ms. Roberta Jamieson
Ex officio member
Assembly of First Nations



Ms. Sandra Isaac, Liaison member
Native Women's Association
of Canada



Mr. Bill Wilson, Liaison member
Native Council of Canada



ORDERS OF REFERENCE

Special Committee on Indian
Self-Government (Task Force)

HOUSE OF COMMONS
Wednesday, December 22, 1982

ORDERED,—That a Special Committee of the House of Commons, to be composed of Mr. Penner, Mr. Allmand, Mr. Chénier, Mr. Tousignant, Mr. Oberle, Mr. Schellenberger and Mr. Manly be appointed to act as a Parliamentary Task Force on Indian Self-Government to review all legal and related institutional factors affecting the status, development and responsibilities of Band Governments on Indian reserves, including, without limiting the generality of the foregoing:

- (a) the legal status of Band Governments;
- (b) the accountability of band councils to band members;
- (c) the powers of the Minister of Indian Affairs and Northern Development in relation to reserve land, band monies and the exercise of band powers;
- (d) the financial transfer, control and accounting mechanisms in place between bands and the Government of Canada;
- (e) the legislative powers of bands and their relationship to the powers of other jurisdictions;
- (f) the accountability to Parliament of the Minister of Indian Affairs and Northern Development for the monies expended by or on behalf of Indian bands;
- (g) all items referred to in section "H" of the report of the Sub-committee on Indian Women and the Indian Act;

and make recommendations in relation to the above questions in regard particularly to possible provisions of new legislation and improved administrative arrangements to apply to some or all Band Governments on reserves, taking into account the various social, economic, administrative, political and demographic situations of Indian bands, and the views of Indian bands in regard to administrative or legal change.

That the Committee, in carrying out its review, take into account:

- (a) the jurisdiction of the Federal Government under section 91(24) of the *Constitution Act, 1867*;
- (b) the recognition and affirmation of existing aboriginal and treaty rights of the aboriginal peoples in section 35 of the *Constitution Act, 1982*;
- (c) the current economic restraint program of the Government;
- (d) the fact that a First Ministers' Conference will be held for the purpose of identifying rights of the aboriginal peoples.

That the Committee have all of the powers given to Standing Committees by section (8) of Standing Order 65;

That the Committee have the power to retain the services of expert, professional, technical and clerical staff as may be deemed necessary;

That the Committee have the power to adjourn or travel from place to place in Canada and the United States;

That, notwithstanding the usual practices of this House, if the House is not sitting when an interim or final report of the Committee is completed, the Committee may make the said report public before it is laid before the House, but that, in any case the Committee shall report to the House finally no later than the first Monday following Labour Day;

That all the evidence adduced by both the Sub-committee on Indian Women and the Indian Act, and the Sub-committee on Indian Self-Government during the first Session of this Parliament, be referred to the Committee;

Provided that alternates appointed pursuant to temporary Standing Orders be named later.

ATTEST

C.B. KOESTER
The Clerk of the House of Commons

Monday, September 12, 1983

ORDERED,—That the present mandate of the Special Committee on Indian Self-Government be extended to the end of the current session.

ATTEST

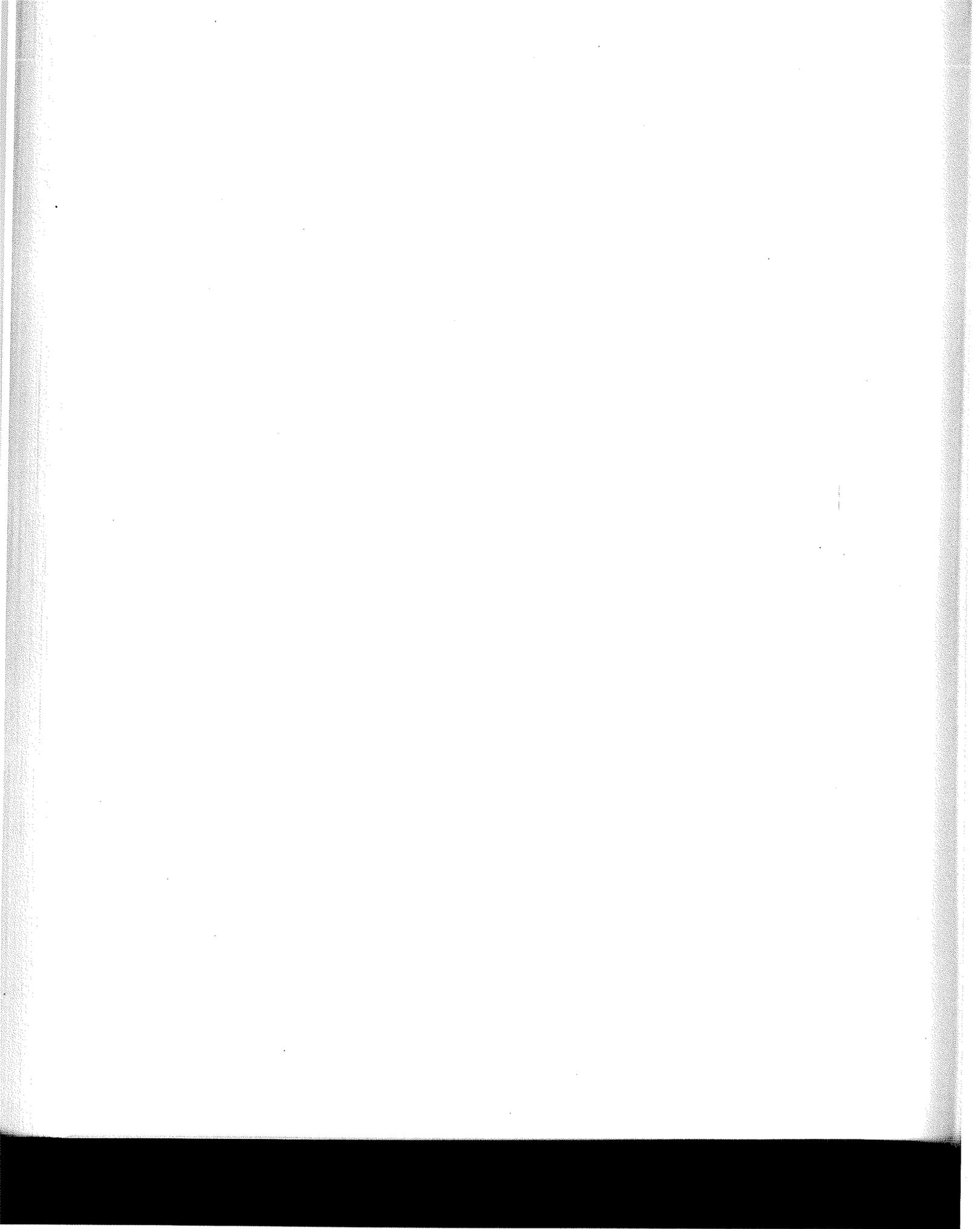
C.B. KOESTER
The Clerk of the House of Commons

Section H of the report of the Sub-committee on Indian Women and the Indian Act (as referred to in section (g) of the Special Committee's Order of Reference):

H. AREAS FOR FURTHER STUDY

Your sub-committee has made note of several areas which require further study and which should be considered by the second sub-committee or otherwise given attention:

- 1) that the elimination of the entire concept of enfranchisement be studied further;
- 2) that an Office of the Aboriginal Rights Commissioner to protect the recognition of special rights of aboriginal peoples in Canada be considered for a function analogous to the Commissioner of Official Languages;
- 3) that the *Indian Act* be reviewed so as to reinforce group rights and to bring the Act in line with international covenants;
- 4) that traditional practices such as marriages, adoptions, etc., not be restricted or discriminated against by the *Indian Act*;
- 5) that discrimination in the Act against men, and against children be examined;
- 6) that a formula and process be devised for provision to Indian communities of land and resources for persons added to band lists as the result of the removal of discrimination clauses from the *Indian Act*;
- 7) that a means for band control of membership criteria, process, decisions and appeals in accord with international covenants be instituted;
- 8) that the subject of the rights of non-Indians such as residency, political and legal rights, retention of rights on death or divorce, be studied.



The Special Committee on Indian Self-Government has the honour to present its

SECOND REPORT

In accordance with its Orders of Reference of Wednesday, December 22, 1982 and Monday, September 12, 1983, your Committee submits the following report:

ACKNOWLEDGEMENTS

Since the Special Committee on Indian Self-Government began its work over a year ago, many people have been called upon to assist the Committee in its work. The Committee would at this time like to thank all those who participated in its deliberations and contributed to this report.

First, the Members wish to express their gratitude to all the witnesses who appeared before the Committee (*see Appendix A*). Others did not appear but submitted written briefs. The contribution of all those who took the time to share their views was invaluable to the Committee.

The Committee is also grateful to the Clerk of the Committee, Mr. François Prigent, to his colleague, Mr. Eugene Morawski, and to the other staff from the Committees Branch for their administrative support.

The drafting of this report was the result of many hours of work on the part of the writing team set up by the Committee to analyse and summarize the mass of evidence it received. The Committee thanks the four members of this writing team, Mrs. Barbara Reynolds and Mrs. Katharine Dunkley from the Research Branch, Library of Parliament, Mr. Peter Dobell from the Parliamentary Centre, and Rarihokwats, researcher for the Assembly of First Nations. Their efforts were greatly appreciated.

The Committee also expresses its appreciation to the other Members of Parliament and representatives from native peoples' organizations who devoted time to its work (*see Appendix B*).

Finally, the Committee wishes to thank the assistants and researchers in the Members' offices, who made an important contribution to the work of the Committee (*see Appendix H*).

**REPORT OF THE SPECIAL COMMITTEE
ON INDIAN SELF-GOVERNMENT**

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